

**AGENDA  
BOARD OF SUPERVISORS  
SONOMA COUNTY  
575 ADMINISTRATION DRIVE, ROOM 102A  
SANTA ROSA, CA 95403**

**TUESDAY**

**MARCH 20, 2012**

**8:30 A.M.**

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(The regular afternoon session commences at 2:00 p.m.)

Valerie Brown	First District	Veronica A. Ferguson	County Administrator
David Rabbitt	Second District	Bruce Goldstein	County Counsel
Shirlee Zane	Third District		
Mike McGuire	Fourth District		
Efren Carrillo	Fifth District		

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Board of Directors of the Northern Sonoma County Air Pollution Control District, the Sonoma County Public Finance Authority, and as the governing board of all special districts having business on the agenda to be heard this date. Each of the foregoing entities is a separate and distinct legal entity.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

**AGENDAS AND MATERIALS:** Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

**SUPPLEMENTAL MATERIALS:** Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

**DISABLED ACCOMMODATION:** If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241, as soon as possible to ensure arrangements for accommodation.

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Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

For transit information call (707) 576-RIDE or 1-800-345-RIDE or visit or <http://www.sctransit.com/>

**APPROVAL OF THE CONSENT CALENDAR**

The Consent Calendar includes routine financial and administrative actions, are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members or the public request specific items be discussed and/or removed from the Consent Calendar.

**PUBLIC COMMENT**

Any member of the audience desiring to address the Board on a matter on the agenda: Please walk to the podium and after receiving recognition from the Chair, please state your name and make your comments. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the subject under discussion. Each person is usually granted 3 minutes to speak; time limitations are at the discretion of the Chair.

**8:30 A.M. CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**I. APPROVAL OF THE AGENDA**

(Items may be added or withdrawn from the agenda consistent with State law)

**II. BOARD MEMBER ANNOUNCEMENTS**

**III. CONSENT CALENDAR**

(Items 1 through 19)

**PRESENTATIONS/GOLD RESOLUTIONS**

(Items 1 through 3)

**PRESENTATIONS AT BOARD MEETING**

1. Adopt a Gold Resolution honoring and celebrating Bob Cabral, Director of Winemaking for Williams Selyem, for being named Winemaker of the Year for 2011 by Wine Enthusiast Magazine. (Fourth District)
2. Adopt a Gold Resolution honoring and celebrating Mark West Youth Club for 50 successful years of serving the youth of Sonoma County. (Fourth District).
3. Adopt a Gold Resolution declaring April 2-8, 2012 as Public Health Week in Sonoma County. (Health Services)

**SONOMA COUNTY WATER AGENCY**

(Directors: Brown, Rabbitt, Zane, McGuire, Carrillo)

4. Authorize Chair to execute the agreement for funding of Marcy House Low Impact Development Demonstration Project between the Sonoma County Water Agency and the City of Sonoma (\$115,000; agreement is anticipated to be complete on December 31, 2012). (First District)

**BOARD OF SUPERVISORS**

5. Adopt a Resolution supporting Senate Joint Resolution 33 which proposes a Constitutional Amendment to end corporate personhood and reverse the recent Supreme Court decision *Citizens United vs. Federal Election Commission*.

**COUNTY ADMINISTRATOR**

6. Appoint Assistant Public Defender, Kathleen Pozzi, as Interim Public Defender, effective March 21, 2012.

CONSENT CALENDAR (Continued)

**GENERAL SERVICES**

7. Approve the County of Sonoma Relocation Appeals Process, which designates the County Administrator or his/her delegate as the County Hearing Officer for administration of relocation assistance appeals.
8. Adopt a Resolution approving the execution of two Possession and Use Agreements with the State of California in connection with the Highway 101 freeway at Airport Boulevard interchange and overcrossing improvements project (APNs 059-230-081 and 059-350-080) (Fourth District).

**HUMAN RESOURCES**

9. Authorize the Chair of the Board to execute amendments to the contract with CVS/Caremark for Prescription Benefit Management services for the County Health Plans extending the contract for the period of April 1, 2012 - June 30, 2015.

**PERMIT AND RESOURCE MANAGEMENT**

10. Adopt a Resolution approving and accepting the Final Map for "Graywood Ranch Subdivision, Tract No. 1070" and making findings all in accordance with the Subdivision Map Act. (First District)

**SHERIFF'S OFFICE**

11. Ratify the agreement for processing credit or debit card for cash bail payments with Government Payment Service, Inc., and authorize the Sheriff to sign any amendments and modifications to the agreement that do not substantially change the content thereof, upon approval of County Counsel.

**TRANSPORTATION AND PUBLIC WORKS**

12. Authorize the Chair of the Board to sign amended list of County projects to be funded in part or in total by Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.
13. Adopt a Resolution authorizing budgetary adjustments to the 2011-12 final budget for the CSA #41 - Freestone Water District in the amount of \$35,258 for the repayment/defeasement of the loan between the County and the State of California, Department of Water Resources. (Third District)
14. Adopt a Resolution approving a Possession and Use Agreement with the State of California in connection with the Highway 101 freeway at North B/Airport Boulevard interchange and overcrossing improvements project (APN 059-230-082 and adjoining right-of-way). (Fourth District)

CONSENT CALENDAR (Continued)

**APPOINTMENTS/REAPPOINTMENTS**

(Items 15 through 19)

15. Appoint Chiara Bacigalupa, Ph.D., to the First 5 Sonoma County Commission for a term expiring November 30, 2015. (Health Services)
16. Appoint Christopher Woodcock to the Bicycle and Pedestrian Advisory Committee for a term of two years, to expire March 19, 2014. (First District)
17. Appoint Michael Eunice to the Bicycle and Pedestrian Advisory Committee for a term of two years, to expire March 19, 2014. (First District)
18. Reappoint Karen Collins to the Parks and Recreation Advisory Commission for a term of two years, to expire March 19, 2014. (First District)
19. Reappoint Bill Trowbridge to the Sonoma Parks and Recreation Advisory Commission for a two year term, effective February 28, 2012 through February 27, 2014. (Fourth District)

#### **IV. REGULAR CALENDAR**

(Items 20 through 23)

#### **COUNTY ADMINISTRATOR / UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION**

20. Receive report and update on the status of County efforts related to Regional and Local Foods.

#### **INFORMATION SYSTEMS**

21. Web Content Management System Implementation Contract –
- 1) Receive an informational presentation regarding updates planned for the County's public websites to establish a consistent unified web presence with improved content management capabilities.
  - 2) Authorize the Information Systems Director to execute a Professional Services Agreement with Ektron, Inc. for the procurement, installation, training, and support services for the web content management system for a total amount not to exceed \$200,000, for the term of March 13, 2012, through February 28, 2014.
  - 3) Authorize the Information Systems Director to execute a Professional Services Agreement with White Horse, Inc., for the discovery, planning and design services to assist in the design and navigation configuration of the Web Content Management System for a total amount not to exceed \$750,000, for the term of March 13, 2012 through March 31, 2015.

#### **PROBATION**

22. **10:30 A.M.** – Receive a presentation on Sierra Youth Center and Adopt a Resolution authorizing:
- 1) Closure of Sierra Youth Center effective April 17, 2012;
  - 2) Authorize the Probation Department to work with the Human Resources Department to administer layoff proceedings where necessary and to mitigate layoffs to the full extent possible;
  - 3) Authorize the transfer of two (2) FTE Juvenile Correctional Counselor III positions to the Juvenile Hall and a 0.5 FTE Secretary position to Juvenile Probation
  - 4) Adopt a Resolution amending the Fiscal Year 2011-12 Probation Department Position Allocation List, effective April 17, 2012.

#### **COUNTY COUNSEL**

23. Authorize the Chair to sign comment letter on the Federal Housing Finance Agency's Advanced Notice of Proposed Rulemaking regarding Property Assessed Clean Energy ("PACE") programs as drafted by County Counsel.

**V. CLOSED SESSION CALENDAR**

(Items 24 through 25)

24. The Board Directors of the Sonoma Valley County Sanitation District will consider the following in closed session:  
Conference with Legal Counsel – Existing Litigation – Name of Case: Under Seal v. Under Seal. Alameda County Superior Court Case No. RG11610059 (Govt. Code Section 54956.9(a)).
25. The Board Directors of the Sonoma County Water Agency will consider the following in closed session:  
Conference with Real Property Negotiator – Properties: Assessor Parcel Numbers 059-240-054 and 059-240-038. Negotiators: For Seller – Sonoma County Water Agency – Grant Davis, General Manager; For Buyer – Sonoma-Marín Area Rail Transit – Farhad Mansourian, General Manager. Under Negotiation: Terms and conditions of potential lease or acquisition of property. (Govt. Code Section 54956.8)

## **VI. REGULAR AFTERNOON CALENDAR**

(Items 26 through 31)

### **26. 2:00 P.M. - RECONVENE FROM CLOSED SESSION**

27. Report on Closed Session

### **28. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA**

(Comments are restricted to matters within the Board jurisdiction. The Board will hear public comments at this time for up to thirty minutes. Please be brief and limit your comments to three minutes. Any additional public comments will be heard at the conclusion of the meeting.)

29. Permit and Resource Management Department: Review and possible action on the following:

- a) Acts and Determinations of Planning Commission/Board of Zoning Adjustments
- b) Acts and Determinations of Project Review and Advisory Committee
- c) Acts and Determinations of Design Review Committee
- d) Administrative Determinations of the Director of Permit and Resource Management

### **PERMIT AND RESOURCE MANAGEMENT**

30. **2:10 P.M.** – **PLP11-0025** – (FIFTH DISTRICT)

- a) APPLICANT: Sally Glendening and Merrill Mazza
- b) LOCATION: 16351 1st Street, Guerneville
- c) ASSESSOR'S PARCEL NO.: 070-040-027
- d) ENVIRONMENTAL DOCUMENT: Negative Declaration
- e) REQUEST: Conduct a public hearing and Adopt an Ordinance and Resolution approving adoption of the Negative Declaration and approval of the General Plan Amendment, Zone Change, Zoning Text Amendment, and Use Permit as recommended by staff and the Planning Commission. (REGULAR HEARING)

### **COUNTY COUNSEL/SONOMA COUNTY TRANSPORTATION AUTHORITY**

31. **2:10 P.M.** – Resolution of Necessity, Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows – Conduct a public hearing and Adopt Resolutions authorizing acquisition and condemnation of real property necessary for public purposes for the property identified as:

- A) Lands of the Boyajian Trust (APN 019-310-012) for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089. (Second District) (4/5 vote required)
- B) Lands of Alexander Valley Ventures, LLC (APN 019-320-005; 019-320-330; and 019-320-007) for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089. (Second District) (4/5 vote required)
- C) Lands of Dorothy Everett (APN 019-320-003) for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089. (Second District) (4/5 vote required)
- D) Lands of the Saberi Trust (APN 019-330-006) for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089. (Second District) (4/5 vote required)
- E) Lands of Nerviani, Dolcini and Petersen (APN 019-220-037) for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089. (Second District) (4/5 vote required)

**NOTE:**

**The next meeting will be held on March 27, 2012 at 8:30 a.m.**

**Upcoming Hearings** (All dates tentative until each agenda is finalized)

1. March 27<sup>th</sup> (AM) – Housing Authorities 2012/2013 Plan
2. March 27<sup>th</sup> (AM) – Sutter Hospital
3. March 27<sup>th</sup> (AM) – Lighting District Consolidation Plan
4. April 10<sup>th</sup> (PM) – Hwy101 Resolution of Necessity/Eminent Domain Acquisitions
5. April 17<sup>th</sup> (AM) – Frost Protection Ordinance Revisions
6. April 17<sup>th</sup> (PM) – DRH06-0005; 3200 N. Laughlin Road, Santa Rosa
7. April 24<sup>th</sup> (PM) – Fee Hearings
8. April 24<sup>th</sup> (PM) – Revisions to Chapter 11 (Grading Drainage and Vineyard and Orchard Site Development)



<b>County Of Sonoma Agenda Item Summary Report</b>		<b>Clerk of the Board Use Only</b> <b>Meeting Date</b> / / <b>Agenda Item No:</b> <u>1</u>
<b>Department:</b> Board of Supervisors		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Mike McGuire - (707) 565-3758	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b> 3/20/2012
<b>AGENDA SHORT TITLE:</b> Gold resolution.		
<b>REQUESTED BOARD ACTION:</b> Adopt a resolution honoring and celebrating Bob Cabral, Director of Winemaking for Williams Selyem, for being named Winemaker of the Year for 2011 by Wine Enthusiast Magazine. (Fourth District).		
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b>		
<b>Explanation (if required):</b> None.		
<b>Prior Board Action:</b> None.		
<b>Alternatives – Results of Non-Approval:</b> None.		

**Background:** None.

**Attachments:** None.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopt A Resolution honoring and celebrating North Sonoma County's very own Bob Cabral, Director of Winemaking for Williams Selyem, for being named Winemaker of the Year for 2011 by Wine Enthusiast Magazine.**

**Whereas**, Bob Cabral is a fourth generation farmer and grape grower from the San Joaquin Valley, where he grew up pruning grapes, irrigating vineyards and harvest became routine on his family's ranch near Escalon, CA; and

**Whereas**, Bob Cabral has been involved in growing and making wine professionally since 1980, starting at a large winery south of Fresno knowing that Sonoma County was where he could best hone his skills and learn to make wines that could rival the best made anywhere in the world; and

**Whereas**, one of the first North Coast wineries Bob Cabral became passionate about was Williams Selyem, joining their consumer list during graduate school in 1985, soon after experiencing the Williams Selyem 1983 vintage wines; and

**Whereas**, Bob Cabral worked the next 18 vintages in various winemaking positions until 1998, when Bob met with John Dyson, then the new owner of Williams Selyem, and discovered that they shared a similar philosophy about winemaking and viticulture, and that the most important aspect of winemaking is in the vineyard, becoming the winemaker at Williams Selyem in July, 1998; and

**Whereas**, heading into his 15th vintage at Williams Selyem and 33rd at a commercial winery, Bob Cabral's winemaking philosophy has not changed: "The key is to respect the vineyard and value the fruit. Working with some of the best growers and vineyards in the world allows us to farm to the highest possible standards and provides us with the finest fruit available. My job is to just guide it along and allow the individual vineyard to be expressed in every bottle."

**Whereas**, Bob Cabral made the 2007 Williams Selyem Litton Estate Pinot Noir, which was the first domestic Pinot Noir to ever receive a perfect 100 points from any major wine publication (Wine Enthusiast Magazine); and

**Whereas**, with over 25 vintages in Sonoma County, Bob has crafted wines from world-class vineyards like Rochioli Vineyard, Hirsch Vineyard, Allen Ranch, Olivet Lane and Precious Mountain; and

**Whereas**, Bob is an experienced winemaker whose meticulousness and patience yield

Resolution #  
Date: 3/20/2012  
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wines that are authentic expressions of each vineyard site.

**Now, Therefore, Be It Resolved The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopt A Resolution honoring and celebrating Bob Cabral, for being named Winemaker of the Year for 2011 by Wine Enthusiast Magazine.**

**Supervisors:**

Brown:                Rabbitt:                McGuire:                Carrillo:                Zane:

Ayes:                Noes:                Absent:                Abstain:

**So Ordered.**

# County Of Sonoma Agenda Item Summary Report

Clerk of the Board Use Only

Meeting Date

/ /

Agenda Item No:

2

**Department:** Board of Supervisors

**4/5 Vote Not Required**

**Name and Phone Number:**

Mike McGuire - (707) 565-3758

**Board Date:**

3/20/2012

**Deadline for Board Action:**

3/20/2012

**AGENDA SHORT TITLE:** Gold Resolution.

**REQUESTED BOARD ACTION:** Adopt a resolution Honoring and Celebrating Mark West Youth Club for 50 successful years of serving the youth of Sonoma County. (Fourth District).

**CURRENT FISCAL YEAR FINANCIAL IMPACT - None.**

**Explanation (if required):** None.

**Prior Board Action:** None.

**Alternatives – Results of Non-Approval:** None.

**Background:** None.

**Attachments:** None.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Adopt A Resolution Honoring And Celebrating Mark West Youth Club for 50 successful years of serving the youth of northern Sonoma County.**

**Whereas**, in 1962 a group of dedicated volunteers formed the Mark West Youth Club to organize and sponsor youth baseball in the Mark West and Larkfield areas of Sonoma County; and

**Whereas**, the Mark West Youth Club has been in continuous operation as a non-profit, community-based volunteer organization since its founding; and

**Whereas**, since 1962, thousands of Sonoma County youth have enjoyed learning and playing the game of baseball in a safe, wholesome environment under the auspices of the Mark West Youth Club; and

**Whereas**, to this day, the Mark West Youth Club continues to enjoy tremendous community support with over 500 Sonoma County youth participating in the Club's Little League and Fall Ball youth baseball programs; and

**Whereas**, the adult volunteers of the Mark West Youth Club, from Directors of the Club's Board, to Team Managers and Coaches, to Volunteer Umpires, to League Parents working to improve the physical facilities used in the Club's baseball operations, to League Parents who have worked in support of the Club's fundraising initiatives, to Local Merchants and Sponsors who have supported the Club's mission with their monetary donations, have all generously given their time, effort and dedication to the success of the Mark West Youth Club's mission; and

**Whereas**, the Mark West Youth Club continues to carry on the traditions of building a stronger community through teaching young, local athletes the essential elements of good citizenship, including character, courage and loyalty.

**Now, Therefore, Be It Resolved that the Board of Supervisors commemorates the 50th anniversary of the Mark West Youth Club of Santa Rosa, California and congratulates the many volunteers who, since 1962, have been dedicated to the growth and success of the Club's mission of sponsoring youth baseball in Sonoma County.**

**Supervisors:**

Resolution #

Date: 3/27/2012

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Brown:

Rabbitt:

McGuire:

Carrillo:

Zane:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**



<h1>County Of Sonoma</h1> <h2>Agenda Item</h2> <h3>Summary Report</h3>		<p>Clerk of the Board Use Only  Meeting Date  / /</p> <p>Agenda Item No:  <u>3</u></p>
<b>Department:</b> Health Services		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Rita Scardaci - (707) 565-4700	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b> 3/20/2012
<p><b>AGENDA SHORT TITLE:</b> National Public Health Week 2012</p>  <p><b>REQUESTED BOARD ACTION:</b> Approve Gold Resolution declaring April 2-8, 2012 as Public Health Week in Sonoma County</p>		
<p style="text-align: center;"><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b></p>          <p><b>Explanation (if required):</b> None.</p>		
<p><b>Prior Board Action:</b></p>		
<p><b>Alternatives – Results of Non-Approval:</b> Lost opportunity to recognize Public Health-related County services and to coordinate local recognition events with nationwide activities.</p>		

**Background:** By Presidential Proclamation, Public Health week is celebrated nationally in the first week of April every year. The theme for 2012 is “A Healthier America Begins Today.” With nearly 1 million Americans dying every year from preventable diseases, even small changes and community initiatives can make a big difference in helping people to live healthier lives.

Each year, chronic diseases such as cancer, diabetes, and heart disease are responsible for millions of premature deaths and cause Americans to miss 2.5 billion days of work, resulting in lost productivity totaling more than \$1 trillion. In the United States, over two-thirds of the adult population is overweight or obese. Approximately one in five children are overweight or obese by the time they reach their sixth birthday, and more than half of obese children become overweight at or before age two. In Sonoma County, approximately 60% of adults and 29% of teens are overweight or obese. According to the 2011 Community Health Needs Assessment, a collaborative effort between the Department of Health Services, Sutter Medical Center of Santa Rosa, St. Joseph Health System and Kaiser Permanente Medical Center, low-income children in Sonoma County are at the highest risk with approximately 38% either overweight and obese.

The good news is that even small preventive measures can make a big difference in the health of our community. Health Action Sonoma County has set a goal of making Sonoma County the healthiest county in California by the year 2020. In order to achieve this goal, individuals are being encouraged to adopt simple steps which can improve their health and the health of the community. This year’s theme for Public Health week focuses on five key areas:

- **Active Living and Healthy Eating:** Promoting healthy choices, such as walking, bike lanes and farmer’s markets.
- **Alcohol, Tobacco and Other Drugs:** Identifying and reducing tobacco consumption, and alcohol and drug abuse.
- **Communicable Diseases:** Reducing the spreading of diseases by making immunizing, proper hand-washing and safe food preparation routine practices.
- **Reproductive and Sexual Health:** Practicing safe sex and promoting access to preventive health services.
- **Mental and Emotional Well-Being:** Recognizing the signs of depression and suicidal thinking and referring people to appropriate resources and support centers.

The Department is active in all five of these key areas. Initiatives such as Healthy Eating Active Living (HEAL) – in partnership with Kaiser and Safe Routes to Schools; the new tobacco / second hand smoke ordinance; and the innovative Crisis Assessment Prevention and Education (CAPE) team in partnership with Sonoma County schools, are just a few examples of how the Department is working across the County to improve community health.

Through actions such as these, we all contribute to making Sonoma County the healthiest county in California by 2020.

The Department of Health Services requests the Board of Supervisors proclaim April 2-8, 2012 as Public Health Week in Sonoma County.

**Attachments:** Gold Resolution declaring April 2-8, 2012 as Public Health Week.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Declaring April 2-8, 2012 As Public Health Week.**

**Whereas**, National Public Health Week 2012 with the theme of “**A Healthier America Begins Today**” acknowledges the critical role that public health programs and services play in promoting healthy behaviors locally and throughout our nation; and

**Whereas**, simple steps, such as eating less, eating healthier and exercising regularly can go a long way toward helping Americans lessen their personal risk from illness and deaths from heart disease, diabetes, cancer and stroke, and

**Whereas**, activities such as proper handwashing, getting immunized and reducing smoking and excessive drinking not only benefit the individual but reduce the risks of injury and illness to the community, and

**Whereas**, Health Action Sonoma County has set a goal of making Sonoma County the healthiest county in California by the year 2020, and is striving to reach that goal by promoting local programs such as iWALK to encourage physical activity, iGROW to improve understanding of and access to healthy foods, and iWORK to support employers who take steps to promote wellness at the worksite; and

**Whereas**, Public Health Week provides a timely opportunity to encourage all residents to take these and other preventative steps, and to work together to make their neighborhoods safer and healthier, and offers an opportunity to spotlight the many local programs and services which work to prevent chronic disease, promote healthy behaviors and protect the people and communities of Sonoma County.

**Now, Therefore, Be It Resolved**, that the Board of Supervisors of the County of Sonoma proclaims April 2-8, 2012, to be Public Health Week throughout Sonoma County, and call upon all County Departments to join with private organizations and community members to celebrate with activities that promote safety and injury prevention.

**Supervisors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**



**Background:**

A Low Impact Development (LID) is a term used to describe a land planning and engineering design approach to managing storm water runoff. LID emphasizes conservation and use of on-site natural features to protect water quality. This approach implements engineered small-scale hydrologic controls to replicate the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source. The Water Agency is developing a WaterSmart Guidebook to be used as a reference document for developing WaterSmart Low Impact Development (LID) demonstration projects. The City of Sonoma (City) desires to design and construct a WaterSmart demonstration project to encourage erosion and sediment control, storm water pollution prevention, water conservation, and low impact development practices.

**Flood Protection Zones**

In 1958, under the authority of the Water Agency's enabling legislation, the formation of nine geographical zones, each encompassing a major watershed, was proposed as a means of financing the construction and maintenance of flood protection works within Sonoma County. The Zones 1A, 2A, and 3A have Zone Advisory Committees that annually recommend capital improvement projects for their respective zones. These zones have financed the construction of flood protection and drainage facilities, the maintenance of natural waterways, the preparation of master drainage plans for areas subject to flooding, and erosion and sediment control activities. The zones have also financed the flood protection operation and maintenance activities of the Water Agency.

**Zone 3A – Valley of the Moon (Upper Sonoma Creek)**

Zone 3A encompasses the Valley of the Moon (Upper Sonoma Creek) watershed. The City has requested that the Water Agency provide Zone 3A funds so that the City may construct a WaterSmart/Low Impact Development Demonstration Project on City-owned property. At its November 18, 2010 meeting, the Zone 3A Advisory Committee recommended including funds for the Project in the Fiscal Year 2011/2012 budget. The Water Agency's 2011/2012 budget, approved by this Board in June 2011, included funding for this project in the Zone 3A fund. The proposed project is consistent with the flood protection objectives of Zone 3A, and the Water Agency's General Manager is recommending the Board enter into a funding agreement with the City to implement the project.

**Project Description**

The Marcy House Low Impact Development Demonstration Project (Project) consists of designing and installing storm water runoff reduction and storm water quality treatment measures that utilize LID design features at the Marcy House. Marcy House is a City-owned single-family home located at 205 First Street West, Sonoma, CA. LID design features will include vegetated swales, low-water use plantings, rainwater harvesting, permeable paving and rain gardens. The Project will also include development of public flyers/brochures describing the various LID design features.

**Cost of Project:**

If costs exceed \$115,000, the Water Agency is not obligated to pay the additional amount. The City has the option to: a. Not award Project, b. Fund excess costs, or c. Request additional funding from the Water Agency, but the Water Agency is under no obligation to agree to providing additional funds.

**Design Process**

The City will prepare a Request for Proposals (RFP) for design and construction and invite up to three design firms with direct experience and expertise in LID design and construction. The City will select the most qualified designer to prepare a concept layout, plans and specifications for the Project. The Water Agency will review and comment on the draft Project plans, specifications, and hydrology and hydraulic calculations. Design references will include the Water Agency's Draft Water Smart Development Guidebook and the City of Santa Rosa's Storm Water Low Impact Development Technical Design Manual.

**On File With Clerk:** Agreement (4 Copies)

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

JB\\FILESERVER\\DATA\\CL\\AGENDA\\AGREES\\03-20-12 SCWA AND CITY OF SONOMA  
MARCY HOUSE\_TRANS.DOC

CF/40-3-21 SONOMA, CITY OF (AGREE FOR FUNDING MARCY HOUSE LID  
DEMONSTRATION PROJECT) TW 11/12-076

<b>County Of Sonoma Agenda Item Summary Report</b>		<b>Clerk of the Board Use Only</b> <b>Meeting Date</b> / / <b>Agenda Item No:</b> 5
<b>Department:</b> Board of Supervisors		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Susan Upchurch - (707) 565-2241	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b>
<p><b>AGENDA SHORT TITLE:</b> Resolution in support for Senate Joint Resolution 33 which proposes a Constitutional Amendment to repeal <i>Citizens United vs. Federal Election Commission</i> Supreme Court decision and end corporate personhood.</p> <p><b>REQUESTED BOARD ACTION:</b> Support the draft Resolution to support Senate Joint Resolution 33 which proposes a Constitutional Amendment to end corporate personhood and reverse the recent Supreme Court decision <i>Citizens United vs. Federal Election Commission</i>.</p>		
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b>		
<b>Explanation (if required):</b> None.		
<b>Prior Board Action:</b> There is no prior action on this matter.		
<b>Alternatives – Results of Non-Approval:</b> The Board's position would not be expressed to members of Congress on the issue.		



**Background:** Corporate personhood has historically and recently conferred upon corporations by Supreme Court decisions. First, in 1886 in *Santa Clara County vs. Southern Pacific Railroad* which established a corporation was entitled to all of the rights of a human being and in 2010 in *Citizens United vs. Federal Elections Commission* when the Supreme Court ruled that corporations could participate in elections specifically through spending money on behalf of political candidates.

There is a national movement known as “Move To Amend” which has proposed a constitutional amendment to overturn the 2010 decision and eliminate the Constitutional Rights granted to corporations. Local representatives of the Move to Amend have contacted Supervisor Carrillo’s office and requested that the Board pass a resolution supporting the passage of a constitutional amendment to accomplish this goal. The cities of Los Angeles, Portland, Oregon and locally the cities of Sebastopol and Petaluma have passed resolutions calling on Congress to support the Amendment and a draft resolution has been attached (Attachment A) for Board review.

United States Senator Bernie Sanders of Vermont has introduced Senate Joint Resolution 33 (Attachment B) in December 2011 which proposes an Amendment to the federal Constitution to expressly exclude for-profit corporations from receiving the rights of natural person by the Constitution of the United States and reverse the 2010 *Citizens United vs. Federal Elections Commission* decision.

As a matter of prior Board action, federal and state issues addressed by the Board occur through the annual adoption of the County’s State and Federal Legislative Platform. The County’s Legislative Platform traditionally only addresses those legislative matters which directly impact the provision of county services to the community.

**Requested Action:** The Board is requested to support the draft Resolution of support Senate Joint Resolution 33 which proposes a Constitutional Amendment to end corporate personhood and reverse the recent Supreme Court decision *Citizens United vs. Federal Election Commission*. Should the Board vote to endorse the Resolution, a copy will be transmitted to the Sonoma County’s federal legislators.

**Attachments:** Attachment A - Draft resolution in support of SJR 33  
Attachment B – Copy of Text of SJR 33

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than “Requested”)**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Urging the Congress of the United States to Support Senate Joint resolution 33 to Amend the United States Constitution and end corporate personhood.**

**Whereas**, free and fair elections are essential to democracy and effective self-governance, and;

**Whereas**, persons are rightfully recognized as human beings, and;

**Whereas**, corporations are entirely human-made legal fictions created by express permission of the people of the United States through the laws established by their elected government, and;

**Whereas**, corporations can exist in perpetuity, need only profit for survival, and exist only through the legal charter imposed by the government of the People of the United States of America, and;

**Whereas**, corporations are not mentioned in the Constitution, and the people through their elected representatives have never granted constitutional rights to corporations, nor have they decreed corporations have authority that exceeds the authority of the People of the United States, and;

**Whereas**, interpretation of the United States Constitution by the Supreme Court to include corporations in the term ‘persons’ has infringed on the peoples’ exercise of self- governance by endowing corporations with Constitutional protections intended for the people, and;

**Whereas**, the judicial bestowal of civil and political rights upon corporations usurps Constitutional rights guaranteed to human persons, and also empowers corporations to sue municipal and state governments for adopting laws that violate ‘corporate rights’ even when those laws serve to protect and defend the rights of human persons and communities.

**Therefore be it resolved**, Sonoma County Board of Supervisors hereby calls on the Congress of the United States to support Senate Joint Resolution 33 which proposes an Amendment o the Constitution to abolish Corporate Personhood.

**Supervisors:**

Brown:                      Rabbitt:                      McGuire:                      Carrillo:                      Zane:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**

112TH CONGRESS  
1ST SESSION

# S. J. RES. 33

Proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2011

Mr. SANDERS (for himself and Mr. BEGICH) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

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# JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled (two-*  
3       *thirds of each House concurring therein), That the fol-*  
4       *lowing article is proposed as an amendment to the Con-*

1 stitution of the United States, which shall be valid to all  
2 intents and purposes as part of the Constitution when  
3 ratified by the legislatures of three-fourths of the several  
4 States within seven years after the date of its submission  
5 for ratification:

6 "ARTICLE —

7 "SECTION 1. The rights protected by the Constitution  
8 of the United States are the rights of natural persons and  
9 do not extend to for-profit corporations, limited liability  
10 companies, or other private entities established for busi-  
11 ness purposes or to promote business interests under the  
12 laws of any state, the United States, or any foreign state.

13 "SECTION 2. Such corporate and other private enti-  
14 ties established under law are subject to regulation by the  
15 people through the legislative process so long as such regu-  
16 lations are consistent with the powers of Congress and the  
17 States and do not limit the freedom of the press.

18 "SECTION 3. Such corporate and other private enti-  
19 ties shall be prohibited from making contributions or ex-  
20 penditures in any election of any candidate for public of-  
21 fice or the vote upon any ballot measure submitted to the  
22 people.

23 "SECTION 4. Congress and the States shall have the  
24 power to regulate and set limits on all election contribu-  
25 tions and expenditures, including a candidate's own spend-

1 ing, and to authorize the establishment of political com-  
2 mittees to receive, spend, and publicly disclose the sources  
3 of those contributions and expenditures.”.

○

<h1>County Of Sonoma</h1> <h2>Agenda Item</h2> <h3>Summary Report</h3>		<p>Clerk of the Board Use Only  Meeting Date  / /</p> <p>Agenda Item No:  <u>6</u></p>
<b>Department:</b> County Administrator		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Veronica Ferguson - (707) 565-2588	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b> 3/20/2012
<p><b>AGENDA SHORT TITLE:</b> Interim Appointment of Public Defender.</p>  <p><b>REQUESTED BOARD ACTION:</b> Appoint Assistant Public Defender, Kathleen Pozzi, as Interim Public Defender, effective March 21, 2012.</p>		
<p style="text-align: center;"><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b></p>          <p><b>Explanation (if required):</b> This action does not have any fiscal impact since the Public Defender is an allocated and budgeted position.</p>		
<p><b>Prior Board Action:</b> None.</p>		
<p><b>Alternatives – Results of Non-Approval:</b> The County will not have a Public Defender.</p>		

**Background:**

The Public Defender retired effective today, March 20, 2012. The Public Defender has the mandated responsibility (Government Code 27706) of defending any person who is not financially able to employ counsel and who is charged with the commission of any crime, contempt or offense subject to trial in the superior courts. The Public Defender also represents qualified individuals in probate and welfare proceedings, and may represent any person who is not financially able to employ counsel in proceedings relating to the nature or conditions of detention prior to adjudication. Therefore, it is critical that the County have a Public Defender.

Government Code 27703 requires the Public Defender be appointed by the Board. Ms. Kathleen Pozzi has been the Assistant Public Defender since 2006 and has been with the Office since 1988. Staff recommends Ms. Pozzi's interim appointment to the position until such time that the Board directs staff to proceed with the recruitment process and a future, regular appointment is made. Ms. Pozzi will be appointed pursuant to Salary Resolution 95-0926 Section 7.11 in which she will receive an increase of 5% from her current salary as the Assistant Public Defender. The Salary Range for the Public Defender is \$159,185-\$193,455 annually.

**Attachments:** N/A.

**On File With Clerk:** N/A.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

<b>County Of Sonoma Agenda Item Summary Report</b>		<b>Clerk of the Board Use Only</b> <b>Meeting Date</b> / / <b>Agenda Item No:</b> <u>7</u>
<b>Department:</b> General Services		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Mike Wagner, Real Estate Manager (707) 565-2463	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b>
<b>AGENDA SHORT TITLE:</b> Relocation Appeals Procedure  <b>REQUESTED BOARD ACTION:</b> Approve the County of Sonoma Relocation Appeals Process, which designates the County Administrator or his/her delegate as the County Hearing Officer for administration of relocation assistance appeals.		
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b>		
<b>Explanation (if required):</b> None.		
<b>Prior Board Action:</b> none.		
<b>Alternatives – Results of Non-Approval:</b> Federal and State relocation assistance program regulations require that jurisdictions establish an appeals procedure.		



**Background:****Relocation Assistance Regulations**

From time to time, the County acquires land, buildings, or rights-of-way in connection with its capital improvement projects. These acquisitions can, on rare occasion, result in the need to relocate existing business or residential occupants.

The County provides relocation assistance to residents, businesses, farms or nonprofit organizations that have been displaced in two ways: 1) advisory assistance to aid in locating a suitable replacement property; and 2) payments to reimburse displaced persons for certain costs associated with relocation, such as moving and reestablishment expenses. Provision of these services and payments is required and governed by State laws and regulations, as well as Federal laws and regulations for any project receiving Federal funding. The purpose of these laws and regulations is to provide uniform and equitable treatment of persons displaced by public projects and to minimize the hardship of displacement on such persons. (See the California Relocation Assistance Act, codified in Government Code § 7260 *et seq.* and implemented by the California Code of Regulations, Title 25 §6000 *et seq.*, and the Uniform Relocation Assistance and Real Property Acquisition Act, codified in 42 USC Chapter 61 and implemented by 49 Code of Federal Regulations, Part 24, hereinafter referred to collectively as “State and Federal Relocation Regulations.”)

**Relocation Appeals Process**

While the County provides for relocation assistance and processing of relocation claims, an administrative review process has not yet been established for consideration of appeals following staff determinations regarding claims requests.

State and Federal Relocation Regulations require that when a public agency denies or refuses to consider a claim, the agency’s notification to the claimant shall inform the claimant of the agency’s reasons and the applicable procedures for obtaining review of the decision (25 CCR §6154 and 49 CFR §24.10.). The County has not encountered any relocation claims appeals to date; however, adoption of an appeals process is recommended to establish compliance with these regulatory provisions.

To facilitate expeditious processing of appeals requests, staff recommends the Board delegate authority for hearing of relocation appeals to the County Administrator, who may in turn delegate such authority to a staff person who has not been directly involved in the action appealed. A procedure has been prepared in consultation with County Counsel which closely follows the requirements of State and Federal Relocation Regulations. The procedure would permit the efficiencies of an administrative hearing utilizing existing CAO staff to consider the requests of aggrieved persons, avoiding the additional time delay involved in calendaring these matters for Board action. The decision of the County Administrator would constitute the County’s final action on the administrative appeal. Upon exhausting the County’s appeal procedure, the appellant may seek judicial review of the County’s decision at their own expense.

**Recommendation**

Staff recommends that the Board approve the attached relocation appeals procedure, which designates the County Administrator or his/her delegate as the County Hearing Officer for administration of relocation assistance appeals.

**Attachments:** Proposed County of Sonoma Relocation Claims Appeals Process.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**



## County of Sonoma RELOCATION CLAIMS APPEALS PROCESS

### 1. General.

The County Administrator or his/her delegate shall promptly review relocation assistance appeals in accordance with these procedures and pursuant to applicable laws and regulations. All terms used in this procedure shall have the meanings provided in the Uniform Relocation Assistance Act<sup>1</sup> and the California Relocation Assistance Law<sup>2</sup>, as such laws may be applicable to the particular relocation process at issue.

### 2. Right to Appeal.

Any aggrieved person may file a written appeal with the County in any case in which the person believes that the County has failed to properly consider the person's application for relocation assistance. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a payment required. Additionally, persons determined to be ineligible for relocation benefits because of their U.S. residency status or because the relocation is temporary may file an appeal.

When addressing requests for appeals information, the County's Relocation Assistance Agent shall provide the following information to an aggrieved person:

- The appellant has the right to appear personally at all hearings.
- The right to appeal relates only to County relocation assistance determinations and not to the market value of the property.
- An appeal decision will be issued in writing within 60 days of reviewing all material necessary to render an opinion.
- The County Relocation Assistance Appeal Form will be provided to an aggrieved person upon request.
- The appellant has the right to pursue legal action after completing the appeal process.

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<sup>1</sup> 42 USC Chapter 61, as implemented by 49 Code of Federal Regulations, Part 24.

<sup>2</sup> California Government Code §7260 *et seq.*

The Relocation Assistance Appeal Form shall be made available to the appellant via the County's Relocation Assistance Agent.

**3. Time Limit.**

A displacee must file an appeal within six months of the last day of the deadline for submitting a claim for moving or replacement housing payment. When the displacee vacates the acquired property, the Relocation Assistance Agent will notify the displacee in writing advising of the time periods to occupy replacement property, file claims for reimbursement and to file an appeal. If a person was not required to relocate, or was determined not to be eligible for relocation benefits, the appeal must be filed within six months of the County's initial determination of eligibility status. The County can extend the period to file an appeal if good cause is shown by the aggrieved person.

**4. Filing of Appeal.**

A person who is dissatisfied with any aspect of their relocation assistance may request a Relocation Appeal in writing or by filing the Relocation Assistance Appeal Form with the Relocation Assistance Agent or with the County Administrator's Office. The request will be reviewed by the County's Relocation Assistance Agent to confirm relevance to relocation assistance, eligibility or entitlement. If the appeal is not related to relocation assistance matters, the Relocation Assistance Agent will notify the person in writing as to the non-applicability of these procedures.

If the matter is clearly related to relocation, the County's Relocation Assistance Agent will initiate the process for consideration of the appeal by the County, and notify the appellant in writing of the appeal process and time frame.

**5. County Administrator Initial Review.**

The County Administrator or his/her designee will conduct an internal review with staff and agents familiar with relocation assistance regulations, in consultation with the Relocation Assistance Agent assigned to the relocation matter under appeal.

The County Administrator or his/her designee (hereinafter the "Hearing Officer") will review the issues presented in the appeal request and either concur or not concur with the appellant's complaints. If the Hearing Officer concurs with the complaint, a written notice describing actions that will be taken to remedy the matter will be sent to the appellant.

If the Hearing Officer does not concur with all of the complaints raised by the appeal, the appellant will be notified in writing that such complaints are proposed to be rejected, subject to a formal hearing on the matter. The Hearing Officer's notice will include a brief description of the basis for the proposed decision, citing applicable rules and regulations, and shall inform the appellant of the hearing date and time set for the

matter, which shall be no more than 30 days after the date of the notice of the Hearing Officer's proposed decision.

**6. Right to Representation and Review of Files.**

The appellant has the right to be represented by legal counsel or another representative in connection with the relocation appeal, but solely at their own expense. The appellant also has the right to present oral and written evidence to the Hearing Officer in accordance with these procedures.

The County will allow the appellant the opportunity to inspect and request copies of all materials pertinent to the appeal in accordance with the Public Records Act, except those materials which are classified as confidential.

The County may impose reasonable conditions on the appellant's right to inspect such materials (such as the time and place for inspection). Prior to the inspection, all materials must first be reviewed by County Counsel for a determination regarding the confidential status of any requested document. Communications between staff and the County Counsel's Office are confidential and appellants shall not be permitted to inspect or copy them.

The County may charge reasonable fees for photocopies in accordance with applicable policy. Appellants are advised to make any request to inspect records sufficiently in advance of the hearing date to ensure a full and adequate response can be provided by the County. Requests to inspect records made less than 10 days before the hearing date may result in a lack of access to such records before the hearing.

**7. Scope of Review by the Hearing Officer; Hearing Procedure.**

In deciding an appeal, the Hearing Officer will consider all pertinent evidence submitted by the appellant and County staff to ensure a fair and full review of the appeal.

The appellant may appear personally at the hearing and may elect to be represented by legal counsel or another representative at their own expense. The County's Relocation Assistance Agent will be present at the hearing to explain relocation procedures and replacement valuation processes. County staff will also be present at the hearing to present staff's analysis of the matters being reviewed.

The appellant may take an audio recording of the proceeding on their own equipment and at their own expense. A transcript or recording will not be provided by the County.

If the hearing results in the need for additional valuation analysis or other relocation assistance appeal investigations, the parties must respond to the Hearing Officer's request with due diligence.

Unless the Hearing Officer requests additional information or analysis, no additional information shall be considered after the hearing concludes.

**8. Determination and Notification after Appeal; Final Review by County Administrator.**

A written decision by the Hearing Officer will be provided to the appellant within 30 days of the close of the hearing or, if additional information was requested by the Hearing Officer, within 30 days of the Hearing Officer's receipt of all material necessary to render an opinion. If the County Administrator did not act as the Hearing Officer, and the full relief requested by the appellant has not been granted, the appellant may request a final review of the decision by the County Administrator. In submitting a request for final review, the applicant must identify which aspects of the Hearing Officer's decision are challenged as lacking a reasonable basis in fact or in law, and what specific rules, regulations, cases, or facts support a different outcome. The County Administrator will not consider any evidence not presented at the hearing, except for such evidence that may have been produced after the hearing pursuant to the Hearing Officer's request. The County Administrator will complete his/her review of the decision by the Hearing Officer and will issue a final decision within 12 days of the appellant's request for such review. The County Administrator's decision will be final. The appellant may seek judicial review of the County Administrator's decision at their own cost and expense.

**9. Resubmission of Appeals.**

If the appellant has not performed those acts necessary to establish eligibility pursuant to prescribed procedures and the appeal has been heard and denied, no additional appeals are permitted until appellant has established such eligibility. After appellant has established eligibility, appellant shall be allowed one additional appeal.

**10. Payment of Approved Claims.**

Copies of the decision and recommendations of the Hearing Officer or County Administrator, as applicable, shall be attached to any claim for payment submitted pursuant to an appeal decision.

<h1>County Of Sonoma</h1> <h2>Agenda Item</h2> <h3>Summary Report</h3>		Clerk of the Board Use Only Meeting Date / / Agenda Item No: 8
<b>Department:</b> General Services		<b>4/5 Vote Required</b>
<b>Name and Phone Number:</b> Mike Wagner - (707) 565-3468	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b>
<p><b>AGENDA SHORT TITLE:</b> North B/Airport Blvd. Interchange Project .</p> <p><b>REQUESTED BOARD ACTION:</b> Resolution approving the execution of two Possession and Use Agreements with the State of California in connection with the Highway 101 freeway at Airport Boulevard interchange and overcrossing improvements project (APNs 059-230-081 and 059-350-080) (Fourth District).</p>		
<p><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b></p>		
<p><b>Explanation (if required):</b> None.</p>		
<p><b>Prior Board Action:</b> 2/15/89: Board of Supervisors approved Resolution 89-0310 accepting a scenic easement in conjunction with the Sonoma Land Trust over APN 059-350-080; 12/17/96: Board of Supervisors approved Resolution 96-1669 accepting an open space easement in conjunction with the Sonoma Land Trust over APN 059-230-081.</p>		
<p><b>Alternatives – Results of Non-Approval:</b> Caltrans will initiate eminent domain proceedings against the County since the project cannot be completed as planned without their legal possession of this right-of-way.</p>		

**Background:**

The California Department of Transportation (Caltrans) requires several fee and easement interests in two parcels subject to conservation easements owned by the Sonoma Land Trust and the County of Sonoma. Caltrans needs these interests in order to construct the Airport Boulevard Interchange Project, consisting of a freeway interchange modification on U.S. Highway 101 in the vicinity of Airport Blvd. between Santa Rosa and Windsor. The Sonoma Land Trust is agreeable to this transaction. However, the County is still negotiating compensation related to the interests Caltrans seeks to acquire.

This is a joint project between the Sonoma County Transportation Authority (SCTA) and Caltrans. The two agencies entered into a Cooperative Funding Agreement in 2010 for right-of-way support activities and right-of-way capital for this project. Caltrans is responsible for the design, right-of-way, and construction components of the project. This project includes Measure M and Prop 1B funds. The project construction is scheduled to begin in 2012 and it is anticipated the construction will be completed in 2013.

Caltrans must secure right-of-way from several private and public property owners in order to construct the project. Some of the public property is owned by the County and some is owned by the Sonoma County Agricultural Preservation and Open Space District. All of the properties are being acquired by Caltrans under the threat of eminent domain. Caltrans must initiate the Interchange Project construction as soon as possible, and if possession and use agreements cannot be obtained from the County, Caltrans will immediately initiate eminent domain proceedings to secure title to the subject property.

Caltrans seeks to acquire a 45,151 square foot (1.04 acres) portion of the conservation easement held by the County and Sonoma Land Trust on property identified as APN 059-230-081, located along the Highway 101 frontage portion of the Vineyard Creek Subdivision. This interest is required for construction of a new southbound onramp. The State has valued the conservation easement interest at \$50,500. If the proposed Possession and Use agreement for this interest is approved, the County and the Sonoma Land Trust will retain a remaining conservation easement area of approximately 4.09 acres.

Caltrans also seeks to acquire various interests affecting a total of 24,840 square feet (.57 acres) of the conservation easement held by the County and Sonoma Land Trust on property identified as APN 059-350-080. Caltrans seeks a fee interest in a 8,092 square foot portion of the servient parcel along the Highway 101 frontage portion of the Airport Business Center for construction of a new southbound offramp. Caltrans also seeks a 682 square foot portion for a drainage easement, a 736 square foot portion for a sewer easement, a 10,232 square foot portion for a sign, ingress, egress, well, and water easement, a 956 square foot portion and a 2,519 square foot portion for temporary construction easements, and a 1,623 square foot portion for a utility easement. The State has valued the foregoing interests at \$1,200. If the proposed Possession and Use agreement for these interests is approved, the County and the Sonoma Land Trust will retain a remaining conservation easement area of approximately 12.749 acres.

**Impact on Open Space:**

Caltrans must initiate the Interchange Project construction as soon as possible. If Possession and Use Agreements cannot be obtained, Caltrans will pursue acquisition of the above-described interests by condemnation. Condemnation is governed by state law. The State's authority to condemn open space property for State highway purposes is well settled as to those cases in which the highway route predates the land's appropriation for open space purposes. (Code of Civil Procedure §§1240.640-1240.690 and 1245.250(a); Streets and Highways Code §102) Thus, it is unlikely that the County would prevail in litigation challenging the State's right to acquire the County's land in this case. Because the proposed transaction is in lieu of a credible threat of immediate condemnation, it is involuntary in nature.



**Effect of Possession and Use Agreements:**

The Possession and Use Agreements would grant the State the irrevocable right to occupy and use the easement areas while negotiations continue between the parties regarding these acquisitions. Once negotiations for the purchase prices have concluded, the staff will return to the Board for approval of the final sale agreements. If a voluntary settlement cannot be reached within a 1-year period, Caltrans will seek to acquire the permanent property rights by condemnation.

**Attachments:** Resolution.

**On File With Clerk:** Possession and Use Agreements.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving And Authorizing the Chair to Execute Two Possession and Use Agreements With The State Of California In Connection With The North B/Airport Boulevard Interchange Project (APNs 059-230-081 and 059-350-080).**

**Whereas**, the County of Sonoma (“County”), jointly with the Sonoma Land Trust, owns certain conservation easement interests burdening real property identified as Assessor’s Parcel Numbers 059-230-081 and 059-350-080, which easements were conveyed to the County of Sonoma in that certain “Grant Deed of an Open Space Easement,” recorded April 11, 1989, as Document No. 89-031597, Official Records of Sonoma County, and in that certain “Grant Deed of Open Space Easements and Abandonment of Open Space Easements,” recorded October 17, 1997, as Document No. 97-0096276, Official Records of Sonoma County;

**Whereas**, the above-described easement interests shall be jointly referred to as “County’s Easements;” and

**Whereas**, the State of California (“State”) and the Sonoma County Transportation Authority are preparing to reconstruct the Airport Boulevard freeway interchange and overpass at State Highway 101 (“Freeway Improvement Project”); and

**Whereas**, in connection with the Freeway Improvement Project, the State requires various fee and easement interests in lands currently encumbered by County’s Easements, as more particularly described in the proposed Possession and Use Agreements on file with the Clerk (“Needed Interests”);

**Whereas**, on November 14, 2011, the State conveyed an offer to purchase the Needed Interests from the Sonoma Land Trust and the County for \$50,500 and \$1,200, the appraised values according to the State; and

**Whereas**, the State has the power of eminent domain and could acquire the Needed Interests by exercising that power; and

**Whereas**, the State’s offer to purchase the Needed Interests was made pursuant to Government Code section 7267.2, which preserves the State’s right to pursue the acquisitions in a condemnation action; and

**Whereas**, negotiations between the State and County have not yet been settled; and

**Whereas**, time is of the essence for the State to obtain possession of all required right-of-way in order to move forward with construction activities for the Freeway Improvement Project;

**Whereas**, in lieu of an immediate condemnation proceeding, the State has offered Possession and Use Agreements to the County, which would grant the State the right to irrevocable possession and use of the Needed Interests so that the State may commence construction activities for its Freeway Improvement Project; and

**Whereas**, the proposed use of the lands subject to the County's Easements for freeway purposes is inconsistent with the conservation purposes of the easements; and

**Whereas**, Code of Civil Procedure Sections 1240.640-1240.690, 1245.250(a) and Streets and Highways Code Section 102, establish the superiority of the State's right to use land for State highway purposes, except in instances where land was reserved for open space purposes prior to the initiation of the highway route; and

**Whereas**, the Freeway Improvement Project does not entail the initiation of a new highway route within the meaning of Code of Civil Procedure Section 1240.690 because the additional right of way required by the State is substantially contiguous with the existing highway right of way; and

**Whereas**, this Board concludes that the evidentiary presumptions and procedures set forth in Code of Civil Procedure Sections 1240.640 and 1245.250(a) make it unlikely that the County would prevail in litigation challenging the State's right to acquire the Needed Interests by eminent domain; and

**Whereas**, but for the credible and imminent threat of condemnation, the County would not transfer possession of the Needed Interests to the State; and

**Whereas**, this Board concludes that the conveyance of the Needed Interests is not voluntary, as it is in lieu of certain condemnation by the State; and

**Whereas**, this Board further concludes that the proposed transaction is not discretionary and is therefore exempt from the California Environmental Quality Act (California Public Resources Code § 21000 *et seq*); and

**Whereas**, the proposed Possession and Use Agreements are in the public interest because they preserve the County's right to negotiate the compensation it deserves for the Needed Interests and they successfully defer, if not completely avoid, the needless public expense that would otherwise be incurred in an eminent domain proceeding brought by the State against the County.

**Now, Therefore, Be It Resolved** that:

1. The foregoing recitals are true and correct.
2. This Board approves the two Possession and Use Agreements on file with the Clerk granting the State possession of certain portions of County's Easements, as more particularly described therein, for use by the State for the Freeway Improvement Project.

Resolution #  
Date: 3/20/2012  
Page 3

3. The Chair of the Board is hereby authorized and directed to execute the Possession and Use Agreements on file with the Clerk.

**Supervisors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**



**Background:** The County Health Plan (CHP) is a self funded medical plan. A Prescription Benefit Manager (PBM) in a self funded medical plan provides the access to prescriptions written for a member within that plan. The County has used CVS/Caremark (Caremark) as the PBM for over 20 years and they have been a good partner. Over the years, the County has benchmarked our prescription costs with the overall market and conducted Requests for Proposals (RFPs) to determine if the overall service and pricing is the best available.

The current agreement with Caremark runs through May 31, 2013. An RFP was planned to be conducted prior to the renewal, but due to concerns expressed by local pharmacies regarding the competitive process, an RFP was issued in December 2011. The County's benefits consultants, The Segal Company (Segal), conducted the RFP on behalf of the County. Segal identified seven potential vendors that could provide the required services to the CHP. There were no local vendors identified, however AmerisourceBergen was added to the RFP at the request of some local pharmacies. All of the potential vendors except for AmerisourceBergen responded to the RFP.

The scoring criteria were determined by Segal and the Employee Benefits Manager for the County, prior to sending out the RFP. The scoring was completed by a department within Segal that is dedicated to evaluating PBM proposals. The responses were scored with initial plans to then invite the top vendors to finalist presentations. Caremark scored first in both the non-financial and financial sections of the RFP. They were also the only vendor to propose overall pricing that is less than our current pricing at just over one million dollars over the proposed three year contract period. The overall second place vendor, Optum, would cost \$1.3 million more than our current pricing, and the second place vendor based on just cost, Medco, would be \$800,000 more. Segal's recommendation is to accept the bid from Caremark and not conduct finalist interviews.

In addition to the proposed price decrease, Caremark also proposed a revised formulary that would save the County Health Plan an additional \$281,700 over the 3 year period. This change would require that for 38 medications that are currently covered, the participants would have to get prior authorization to use them. In all cases these are name brand medications where a lower cost name brand or generic is available. Caremark also proposed that if the County accepted their bid and accepted the revised formulary, the new provisions would be effective two months early, April 1, 2012, saving an additional \$63,000. Accepting the bid pricing from Caremark along with the revised formulary and the early implementation are projected to result in overall savings of \$1,350,800 over the life of the contract from the current contract.

As part of the review of the PBM, Segal evaluated the mandatory mail component that became effective on June 1, 2010. With Caremark, mandatory mail order for prescriptions is part of their Maintenance Choice program that gives members the option to fill maintenance medications by mail order or at a CVS/Caremark pharmacy. The member gets a three month supply of medication for one month's copayment. Of members in the CHP, 56% use Maintenance Choice and of those, 69% fill their prescriptions at a CVS/Caremark pharmacy. For the period of June 2010 to August 2011, this resulted in savings of \$248,900, of which \$246,800 went directly to the members in lower copayment costs.

The results of the RFP along with Caremark's additional proposals and the analysis were reviewed with the Joint labor Management Benefits Committee (JLMBC) on February 18, 2012, and are contained in Attachment A. The Committee agreed that accepting the Caremark bid along with the change to the formulary with the early implementation is the best route for our participants. They also agreed that keeping Maintenance Choice is in the best interest of our participants. Based on Caremark's bid scoring significantly higher than any other vendor, it is recommended to continue to use Caremark as the PBM for the CHP.

**Attachments:** Attachment A: Results and Analysis of Pharmacy Benefit Manager Services Request for Proposal.

**On File With Clerk:** Listing of prior Board actions.  
Amendment to Contract with CVS/Caremark for Prescription Benefit Management Services  
County of Sonoma Formulary Prior Authorization Letter of Acceptance

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

Attachment A

# County of Sonoma

## Pharmacy Benefit Management (PBM) Services Request for Proposal

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# The Proposal Process

- The County issued the PBM RFP assisted by The Segal Company in December of 2011
  - 3-Year Proposals were requested with a June 1, 2012 effective date
- The Evaluation Criteria listed as the basis for selection and award:
  - Agreement to the minimum contractual requirements of the County
  - Net cost of benefits including all contingencies
  - Performance guarantees
  - Stability and experience of the bidder as demonstrated by existing clients, rating agencies and references
  - Ability to provide customer service to participants and the County
  - Retail and Mail Network
  - Reporting capabilities



# Proposal Process

## ➤ These companies received the RFP:

- AmerisourceBergen
- Catalyst Rx
- CVS Caremark (incumbent)
- Envision
- Express Scripts
- Medco
- Optum (Prescription Solutions/United Healthcare)
- Script Care



- Proposals were received from all of these companies, except AmerisourceBergen
- AmerisourceBergen never responded to additional inquiries

# Evaluation and Scoring

	Points	Caremark	Catalyst	Envision	Express Scripts	Medco	Optum	Script Care
<u>PBM Questions</u>								
Contract Terms	15	12.8	13.0	11.7	9.9	10.1	11.5	14.5
Ability to Perform Customer Service	5	5.0	2.5	5.0	5.0	5.0	5.0	4.0
Contract Termination Provisions	5	5.0	4.2	5.0	5.0	5.0	4.2	5.0
Audit Rights	5	4.8	4.8	4.5	4.8	3.0	4.0	3.8
Performance Guarantees	15	14.6	10.1	7.3	13.3	10.5	13.4	10.7
<b>Non-Financial Rating Total</b>	<b>45</b>	<b>42.2</b>	<b>34.6</b>	<b>33.5</b>	<b>38.0</b>	<b>33.6</b>	<b>38.1</b>	<b>38.0</b>
<u>Financials</u>								
3-year Projection		\$ 25,594,700	\$ 27,530,500	\$ 28,271,300	\$ 27,779,000	\$ 27,363,000	\$ 27,898,300	\$ 27,422,400
Dollar (Savings) / Cost vs. Current		(1,006,100)	929,700	1,670,500	1,178,200	762,200	1,297,500	821,600
Percent (Savings) / Cost vs. Current		-3.8%	3.5%	6.3%	4.4%	2.9%	4.9%	3.1%
Financial scoring	50	50.0	46.5	45.3	46.1	46.8	45.9	46.7
Responses to Financial Questions	5	4.4	4.9	4.1	4.2	3.3	5.0	1.6
<b>Financial Rating Total</b>	<b>55</b>	<b>54.4</b>	<b>51.4</b>	<b>49.4</b>	<b>50.3</b>	<b>50.1</b>	<b>50.9</b>	<b>48.3</b>
<b>GRAND TOTAL RATING</b>	<b>100</b>	<b>96.6</b>	<b>86.0</b>	<b>82.9</b>	<b>88.3</b>	<b>83.7</b>	<b>89.0</b>	<b>86.3</b>
<b>RANKING</b>		<b>1</b>	<b>5</b>	<b>7</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>4</b>

## Evaluation and Scoring

- Express Scripts Network excludes Walgreens
- Express Scripts is seeking approval to acquire Medco
- CVS/Caremark was the only bidder to offer 90-day retail fulfillment at the same discounts as mail-order, “Maintenance Choice”
- CVS/Caremark received the highest financial and overall score
- CVS/Caremark’s proposed terms are \$1.768 million lower over the 3-year term than the next lowest proposer (Medco) and lower than its current contract pricing by \$1.006 million over the 3-year term
- Segal recommends accepting the CVS/Caremark proposal

# Formulary Considerations

- The Current Plan design is an “open” formulary
- Participants may use a non-formulary drug, but at a higher copayment
- Each bidder will impose its own formulary
- CVS/Caremark Alternative “Enhanced” Formulary Pricing
  - CVS/Caremark will increase the guaranteed rebates under this alternative approach by an additional \$281,700 over the 3 years, provided
    - » Certain non-formulary medications are subjected to prior authorization
    - » If approved, medications would be paid at the non-formulary copayment
    - » If not approved, no reimbursement would be made for these medications. Participant would be required to switch to the approved medication (or pay the full cost of the medication)
    - » 34 medications are on this enhanced formulary listing
  - This enhanced formulary program is not a requirement, but an alternative
  - The County currently has a Prior Authorization program, therefore this is not a new process for the County’s membership (it would result in an expanded list)

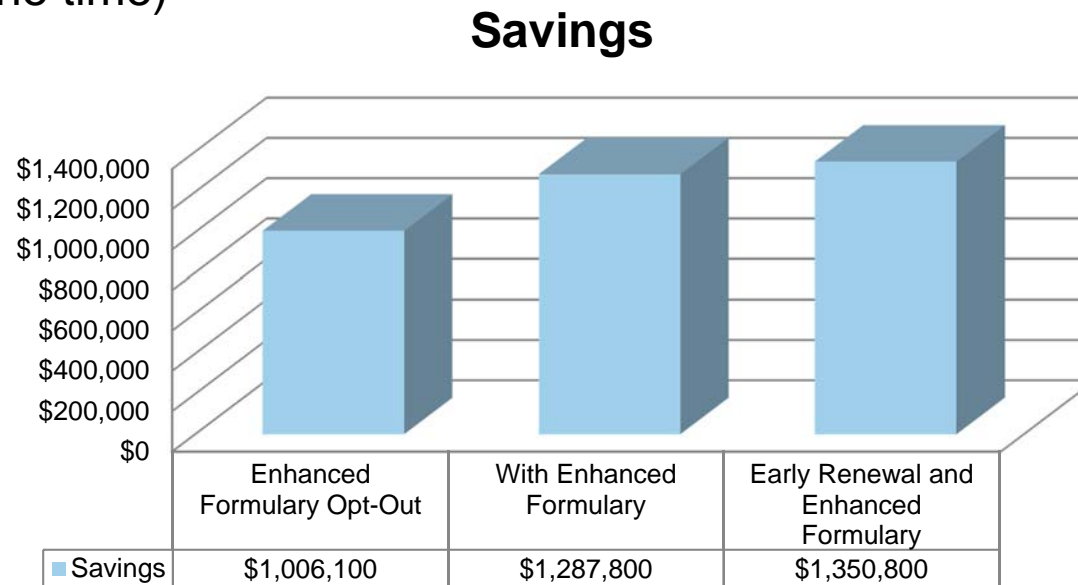
## Additional Considerations – Early Renewal

- CVS/Caremark proposed implementing the enhanced, lower pricing two months earlier than its current contract expiration, that is on April 1, 2012
- The current contract expires on May 31, 2012
- Early Renewal Offer is contingent upon acceptance of the Enhanced Formulary program described on the previous slide
- The additional savings to the County Health Plans (CHP) would be \$63,000 in this Plan year

# Potential Plan Savings

## ➤ Savings compared to current contract terms

- Renewing with Caremark and opting out of the enhanced formulary (PDL)
  - \$1,006,100 over 3 years
- Additional savings for accepting the enhanced formulary (PDL) on June 1, 2012
  - \$281,700 over 3 years
- Additional savings if the County accepts the early renewal offer on April 1, 2012 (enhanced formulary w/prior authorization would also go into effect on April 1)
  - \$63,000 (one time)

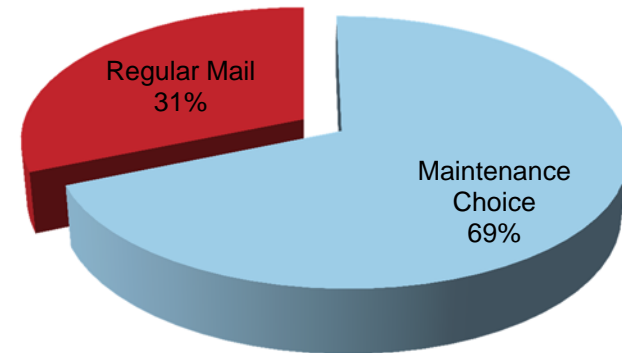


# Mandatory Mail Evaluation

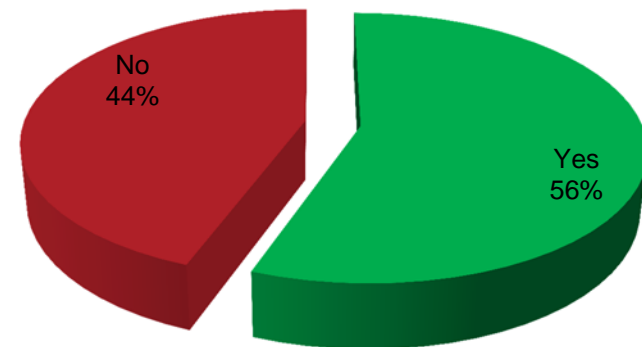
## ➤ Mandatory Mail / Maintenance Choice

- There have been numerous complaints about requiring the use of mail order for maintenance medications
- Review of current utilization:
  - Maintenance Choice Utilization
    - » Elimination of the Mandatory Mail Program would require the elimination of Maintenance Choice (the ability to fill maintenance drugs at a CVS store)
    - » In 2011, 1,622 unique CHP members used the Maintenance Choice program through a local CVS Pharmacy instead of using regular mail. This represents:
      - › 69% of the total (2,361) unique CHP members filling maintenance medication prescriptions
      - › 56% of the total (2,911) CHP membership

## Mail Order Program Usage



## Maintenance Choice Usage – Total CHP Membership





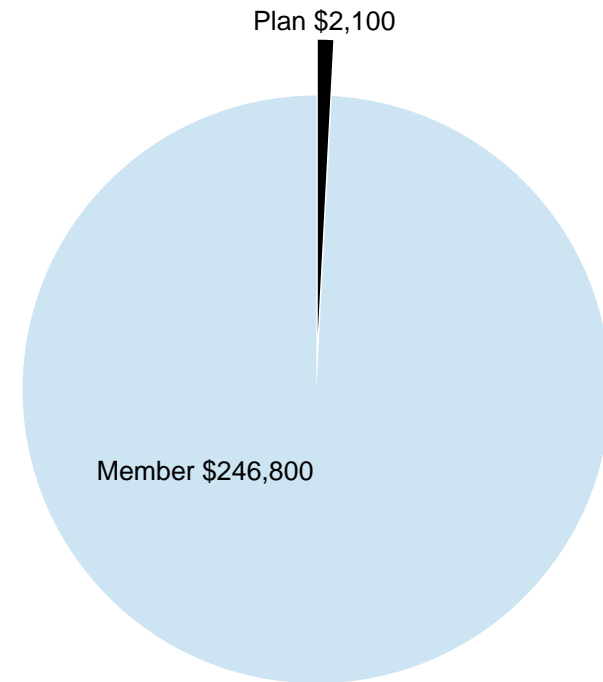
# Mandatory Mail Evaluation (continued)

## ➤ Mandatory Mail / Maintenance Choice

### – Savings

- » The majority of the savings go to the members due to the mail order 90-day supply copay being the same as the retail 30-day supply copay
- » Between June 2010 and August 2011
  - › Total Savings : \$248,900
  - › Plan Savings : \$2,100
  - › Member Savings : \$246,800

## Mandatory Mail / Maintenance Choice Savings

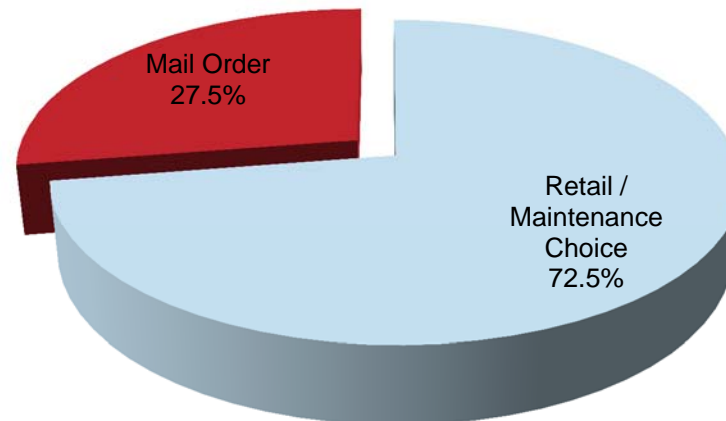


# Mandatory Mail Evaluation

## ➤ Mandatory Mail / Maintenance Choice

- Local Pharmacy Usage (Tax Revenue & Jobs)
  - » In 2011, 72.5% of all prescriptions were filled at retail (or Maintenance Choice), which means mostly in local pharmacies (including CVS)
  - » If the mandatory mail program is eliminated, to receive the lower copayment for a 90-day supply,
    - › Prescriptions for maintenance medications would have to be filled at the mail order facility, resulting in over 33% of the total prescriptions being moved
    - › This migration would impact tax revenue, and potentially, local jobs

**Prescriptions Filled at Retail / Maintenance Choice**



# Decisions

- Decisions to be made by the County if the contract is awarded to CVS/Caremark
  - Does the County want to ...
    - Accept the enhanced formulary pricing
      - » Over the 3-year contract, a “Yes” decision would result in additional rebates of approximately \$281,700
    - Accept Caremark’s early renewal offer to implement the improved RFP pricing (and enhanced formulary) on April 1, 2012
      - » \$63,000 savings in current plan year (ending May 31, 2012)
    - Continue the Mandatory Mail / Maintenance Choice Program
      - » A “No” decision would forfeit over \$200K of member savings annually, and the convenience of Maintenance Choice (which 56% of the total CHP membership utilizes)
      - » Eliminating the mandatory mail program may also increase Plan costs due to lower rebate guarantees for prescriptions filled at retail pharmacies versus mail-order fulfillment (or CVS Pharmacies under the Maintenance Choice Program)

<h1>County Of Sonoma</h1> <h2>Agenda Item</h2> <h3>Summary Report</h3>		<p>Clerk of the Board Use Only  Meeting Date  / /</p> <p>Agenda Item No:  <u>10</u></p>
<b>Department:</b> Permit & Resource Management		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Laurel Putnam - (707) 565-3714	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b> 3/20/2012
<p><b>AGENDA SHORT TITLE:</b> Final Map for Graywood Ranch Subdivision, Tract No. 1070.</p> <p><b>REQUESTED BOARD ACTION:</b> Adopt a Resolution approving and accepting the Final Map for "Graywood Ranch Subdivision, Tract No. 1070" and making findings all in accordance with the Subdivision Map Act.</p>		
<p style="text-align: center;"><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b></p> <p><b>Explanation (if required):</b> None.</p>		
<p><b>Prior Board Action:</b> December 13, 2011: Approval of Resolution No. 11-0663 which approved the Grant of Access, Parking and Trail Easements and Covenants. Said easement for the Graywood Ranch Subdivision filed with the Final Map for "Sonoma Country Inn Subdivision, Tract No. 1047" as Document Number 2011113023 Official Records of Sonoma County on December 20, 2011.</p>		
<p><b>Alternatives – Results of Non-Approval:</b> Non-approval could cause the subdivider a substantial financial loss.</p>		

**Background:** On December 10, 2009 the Planning Commission approved the six lot, Graywood Ranch Subdivision tentative map dividing the 278.3 +/- acre property located at 7935, 7945, 7955 7965 and 7977 Highway 12, Kenwood, APNs 051-020-006, -010, -032, -059 and 051-010-095, Supervisorial District Number 1 (MJS 01-0002) with Resolution Number 09-039. This property is immediately adjacent to and shares a common access with the recently approved Sonoma Country Inn Subdivision, Tract No. 1047.

The matter before the Board today is approval of the Final Map for the subdivision. This is a ministerial action by the Board, subject only to compliance with the applicable conditions of approval, the requirements of the State Subdivision Map Act and the County's Subdivision Ordinance.

Water will be served by individual wells on each lot.

Sanitary Sewer service will be provided by individual septic systems on each lot.

The owners/subdividers, Thomas R. Passalacqua, as Successor Trustee of the Lendal Gray Living Trust Dated July 15, 2009, have provided for access to each lot by configuring the subdivision so that each lot fronts on an existing private roadway and entering into easement agreements with the property to the southeast, Sonoma Country Inn. Access roadways have been completed under permit and warranty security was provided by the Sonoma Country Inn owners/subdividers.

The owners/subdividers have prepared the following documents in order to meet their obligations under the Conditions of Approval: a Declaration of Restrictions (regarding septic issues), a Declaration of Restrictions (regarding planning as well as grading and storm water issues), a Declaration Acknowledging Right to Farm, and a Grant of Access, Parking and Trail Easements and Covenants offered to County Regional Parks filed as Document Number 2011113023 Official Records of Sonoma County on December 20, 2011.

The owners/subdividers have satisfied the required conditions for the filing of the Final Map. Therefore staff recommends approval of the resolution approving the Final Map for the Graywood Ranch Subdivision, Tract No. 1070.

**Attachments:** Resolution.  
A) Location map.  
B) Portion of subdivision map.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/2012  
MJS01-0002**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving And Accepting The Final Map For Graywood Ranch Subdivision, Tract No. 1070, Supervisorial District Number 1.**

**Whereas**, a Final Map of that certain subdivision entitled "Graywood Ranch Subdivision, Tract No. 1070" located in Kenwood has been presented to this Board of Supervisors for approval and acceptance; and

**Whereas**, said map conforms to the requirements of the State Subdivision Map Act and the Sonoma County Subdivision Ordinance; and

**Whereas**, the installation of the required monumentation has been completed to the satisfaction of the County Surveyor; and

**Whereas**, the installation of the private improvements for access have been installed under the adjoining subdivision, Sonoma Country Inn, Tract No. 1047 to the satisfaction of the County Surveyor; and

**Whereas**, the estimated taxes for the 2012 & 2013 fiscal year have been paid or financial arrangements made to the County Tax Collector; and

**Whereas**, said map has been duly acknowledged and executed, and is ready for approval and recordation; and

**Whereas**, the owners/subdividers have offered a Grant of Access, Parking and Trail Easements and Covenants that is satisfactory to the Department of Regional Parks which has already been accepted and filed.

**Now, Therefore, Be It Resolved** that said map of "Graywood Ranch Subdivision, Tract No. 1070" be and is hereby approved and accepted.

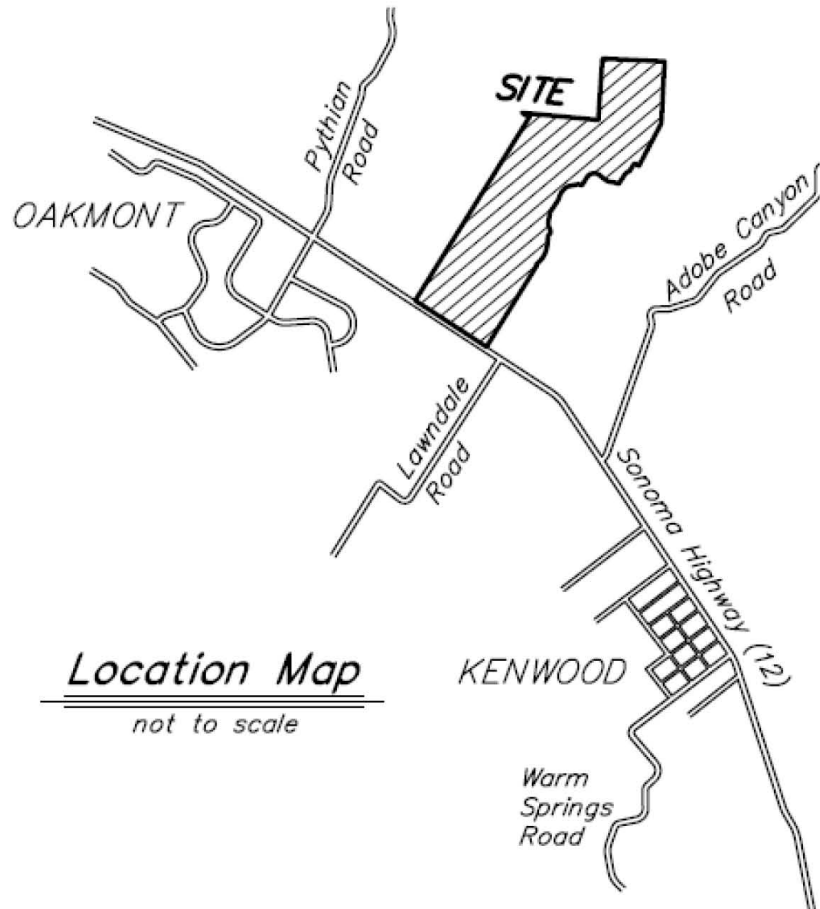
Resolution #  
Date: 3/20/2012  
Page 2

**Be It Further Resolved** that the Board directs the Clerk of the Board to take the necessary steps to assure that said map is filed with the County Recorder.

**Supervisors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**



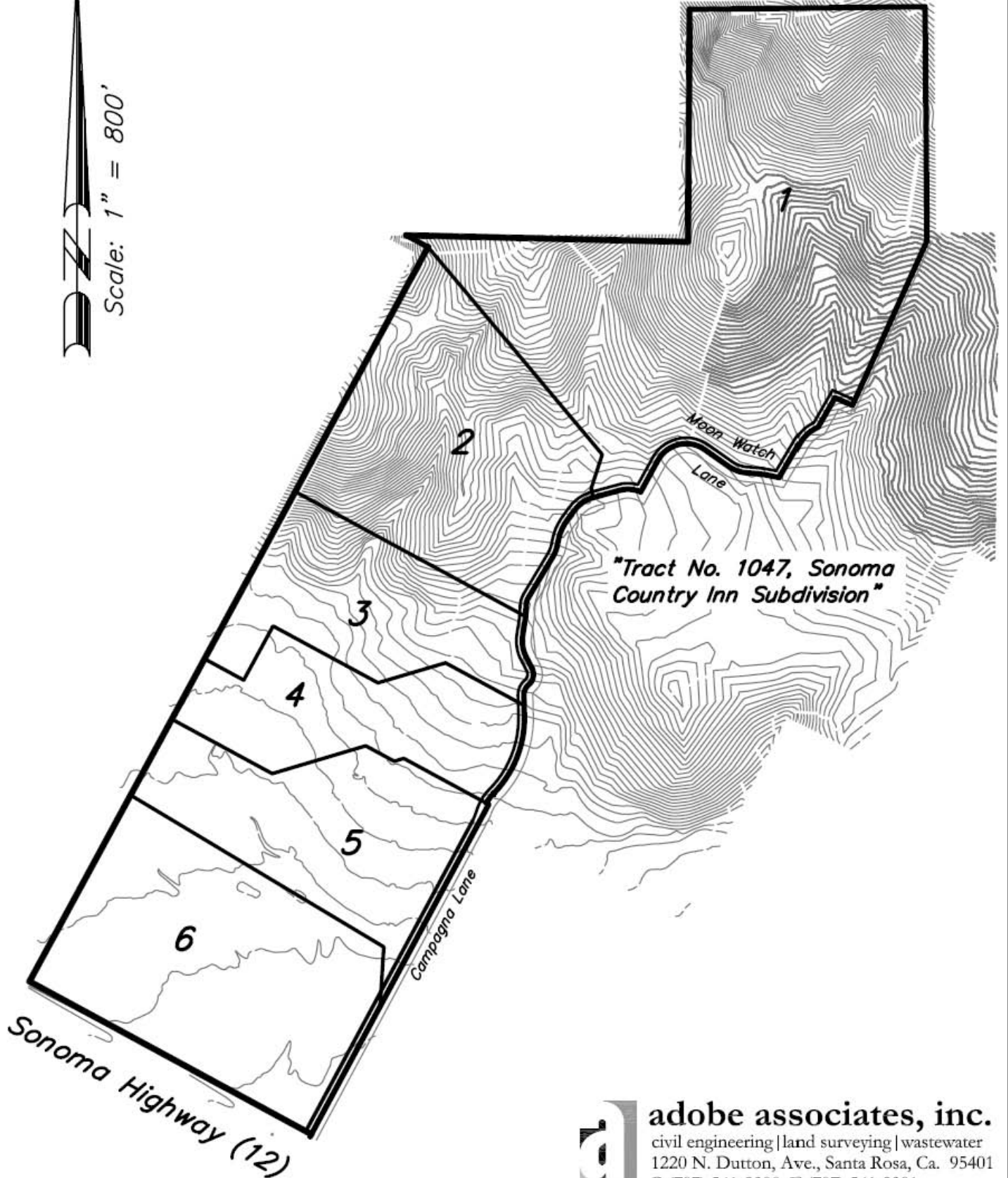
*Location Map*

*not to scale*





Scale: 1" = 800'



**adobe associates, inc.**

civil engineering | land surveying | wastewater  
1220 N. Dutton, Ave., Santa Rosa, Ca. 95401  
P (707) 541-2300; F (707) 541-2301

<h1>County Of Sonoma</h1> <h2>Agenda Item</h2> <h3>Summary Report</h3>		Clerk of the Board Use Only Meeting Date / /	
		Agenda Item No: 11	
<b>Department:</b> Sheriff's Office		<b>4/5 Vote Not Required</b>	
<b>Name and Phone Number:</b> Dennis Jaques / ASO I - (707) 565-2881	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b> 3/20/2012	
<b>AGENDA SHORT TITLE:</b> Agreement for Processing Credit or Debit Card for Cash Bail Payments.			
<b>REQUESTED BOARD ACTION:</b> Ratify the Agreement for Processing Credit or Debit Card for Cash Bail Payments with Government Payment Service, Inc., executed by the Sheriff on June 18, 2009, and authorize the Sheriff to sign any amendments and modifications to the Agreement that do not substantially change the content thereof, upon approval of County Counsel.			
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b>			
<b>Explanation (if required):</b> None.			
<b>Prior Board Action:</b> None.			
<b>Alternatives – Results of Non-Approval:</b> If the Agreement is not approved, the option to post cash bail by credit card or debit card payment will not be available to misdemeanor arrestees/inmates of the County jails.			

**Background:** The Sheriff's Office requests this Board to ratify the execution of an Agreement with Government Payment Service, Inc., doing business as "GovPayNet" (previously GovPayExp), for processing credit or debit card transactions to post cash bail. Former Sheriff-Coroner Bill Cogbill executed the Agreement with GovPayNet on June 18, 2009. Through this Agreement, GovPayNet has and continues to provide a method for misdemeanor arrestees/inmates to post cash bail to the Sonoma County Superior Court by using a credit or debit card, to secure their release from jail pending their criminal proceedings.

By statute, this method of posting bail is available only to persons arrested and held on misdemeanor charges (not felonies). Informational notices which list all of the options for posting bail are secured to the walls of the Sonoma County jail booking areas, the inmate modules, and the detention facility lobbies. The other methods to post bail are: paying the entire bail in cash, or posting bail through a bail bond agent (10% nonrefundable fee).

Pursuant to the Agreement, GovPayNet provides toll-free telephone numbers to the credit/debit cardholder and the County jail staff to conduct and complete the requested cash bail transactions. GovPayNet makes remote cash bail transactions available to arrestees/inmates 24 hours a day, 7 days a week, 365 days a year. The term of the Agreement is ongoing, and provides that GovPayNet will provide such services until the Agreement is terminated by either party upon giving a five day written notice.

For each electronic cash bail transaction, GovPayNet charges the cardholder a service fee of 7% of the total bail payment. In addition, if a caller requires assistance of a GovPayNet operator to complete the transaction, it will charge an additional fee of \$5.00 (regardless of the payment amount). GovPayNet remits 15% of the 7% charge to the Sheriff's Office for the administrative and related costs. These funds are deposited into the Inmate Welfare Trust Fund -- designated to be used primarily for the benefit of inmates, per Penal Code Section 4025. During the course of performing the contract, GovPayNet has remitted to the Inmate Welfare Trust a total of \$10,460 through February 2012. None of the funds received from GovPayNet are deposited in the County General Fund. The Sheriff's Office believes that the service fee GovPayNet charges for its services is reasonable, and that the administrative fee deposited into the Inmate Welfare Trust is a reasonable and appropriate reimbursement for the resources required to provide this service.

While the Sheriff's Office did not seek Board approval of the 2009 GovPayNet Agreement at the time it was executed, a further review of the issues demonstrates that such approval is, at the very least, prudent under the requirements of Government Code Section 6159. That code section authorizes this Board to approve the use of a credit card, debit card, or electronic funds transfer for the payment and deposit of bail for any offense not declared to be a felony, and to approve a reasonable administrative fee for such transactions.

The Sheriff's Office believes that the Agreement with GovPayNet provides a public benefit to misdemeanor arrestees/inmates and their families, as it offers a third option to post bail for inmates that may not otherwise be able to post bail using other methods. Accordingly, the Sheriff's Office requests this Board to ratify former Sheriff Bill Cogbill's execution of the Agreement with GovPayNet on June 18, 2009, and authorize the current Sheriff to execute any amendments or modifications to that Agreement that do not substantially change the content thereof, upon approval of County Counsel.

**Attachments:** None.

**On File With Clerk:** Agreement for Processing Credit or Debit Card for Cash Bail Payments.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

<b>County Of Sonoma</b> <b>Agenda Item</b> <b>Summary Report</b>		<b>Clerk of the Board Use Only</b> <b>Meeting Date</b> / / <b>Agenda Item No:</b> <u>12</u>
<b>Department:</b> Transportation and Public Works		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Tom O'Kane - (707) 565-2231	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b> 3/20/2012
<b>AGENDA SHORT TITLE:</b> Sonoma County Proposition 1B Funding Allocation List  <b>REQUESTED BOARD ACTION:</b> Approve and authorize Chair of the Board to sign amended list of County projects to be funded in part or in total by Proposition 1B.		
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b>		
<b>Explanation (if required):</b> The changes to the list will allow usage of funds previously budgeted; no additional appropriations are anticipated.		
<b>Prior Board Action:</b> 3/23/2010: Board approved list of projects for 2009-10 Appropriation and revisions to prior project lists. 4/7/2009: Board approved list of projects for 2008-09 and 2008-09 Supplemental Appropriations and revisions to 2007-08 Appropriation list; 5/6/2008: Board approved initial list of Proposition 1B projects funded by 2007-08 Appropriation.		
<b>Alternatives – Results of Non-Approval:</b> The County would not be authorized to submit revised project list to State and could risk losing expiring funds.		

**Background:** Since the November 2006 voter approval of Proposition 1B the County has been allocated a total of \$16,697, 959 within four separate appropriations. With these funds the following projects have been completed or are currently under construction: Old Redwood Highway Bike Lanes, Sonoma Mountain Road Slide Repair, Moorland Avenue Improvements, Korbel Summer Crossing Extension, Fulton Sidewalks, Penngrove Sidewalks, River Road at Hilton Slide Repair, Arnold Drive Shoulder Widening, Alexander Valley Box Culvert, Watertrough Safe Routes to School Improvements, Western Avenue Widening, and Mecham Road Drainage Improvements. The Department of Transportation and Public Works (Department) has also used a portion for in-house road maintenance including pavement repairs and striping work as the match to federally funded pavement preservation allocations.

Each of the Proposition 1B appropriations has a four year “use-it-or-lose-it” deadline for expenditure of funds. Currently we are approaching the June 30, 2012, deadline for the 2007-08 Appropriation and to maximize the available funds the Department is seeking approval for revisions made to previously submitted project list. Additionally, a few revisions are also being made to existing projects ‘allocations to more accurately reflect our planned expenditures. Including an increase of \$952,000 to existing Road Maintenance projects for pavement repairs and stripping/markings.

Summary of changes to the project lists are as follows:

2007-08 Appropriation - The department proposes using residual funds from completed projects for additional striping and pavement markings and for general road maintenance throughout the system. East Shiloh at Pruitt Creek Bridge project is being removed due to difficulty obtaining needed permits. Permitting agencies have been considering several approaches for the repair to the scour under the bridge. Thus, staff estimates permits will not be available before the funds expire. The project will be reconsidered the next time the project list is reviewed.

2008-09 Supplemental Appropriation – Replacement of Adobe at East Washington Signal with Fulton Road at Airport Boulevard Signal and Overlay due to anticipated environmental permitting delays in completing the Adobe project by the June 30, 2013, deadline. Project will be moved to the 2009-10 project list.

2009-10 Appropriation – Frei Road Rehabilitation is being removed as a separate project and its scope will be included in a new project named Road/Bridge Surface Rehabilitation – Various in order to maximize flexibility. Adobe at East Washington Signal is now added to this project list, as well as Cold-In-Place Overlay match. River Road at Laughlin Signal is being removed due to uncertainty of project timeline and Porter Creek Bridge is being added to the project list. The department also requests approval for additional \$250,000 for striping and pavement marking on various County roads and \$275,000 to match federal pavement preservation funds.

**Attachments:** Project List.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

Department of Transportation and Public Works  
Revised Proposition 1B Project List

2007-08 - June 2012	Original	Revised	Status
Sonoma Mountain Road Slide Repair	\$1,400,000	\$1,400,000	Complete/Claim
Road Maintenance - Pavement Repairs	\$668,598	\$945,715	In Progress
Pavement Preservation Fed Match	\$770,000	\$770,000	Complete
Moorland Avenue Reconstruction	\$670,000	\$670,000	Complete
Penngrove Sidewalks	\$675,000	\$652,170	Complete
Western Ave Widening	\$600,000	\$600,000	In Progress
River Road at Hilton Slide Repair	\$630,000	\$357,161	Complete/Claim
Arnold Drive Shoulders	\$330,000	\$330,000	Complete
Road Maintenance - Striping and Pavement Markings	\$142,600	\$292,600	Complete
Old Redwood Hwy Bike Lanes	\$205,000	\$205,000	Complete
Fulton Road Sidewalks	\$165,000	\$165,000	Complete
Korbel Summer Crossing Bridge	\$160,000	\$160,000	Complete
Watertrough Safe Routes to School	\$75,000	\$75,000	Complete
Alexander Valley Headwall	\$100,000	\$68,552	Complete
Mecham Road Drainage Improvements	\$50,000	\$50,000	Complete
East Shiloh at Pruitt Creek	\$100,000	\$0	Project Delayed
	<b>\$6,741,198</b>	<b>\$6,741,198</b>	
<b>2008-09 Supp - June 2013</b>			
Adobe at East Washington Signal	\$994,822	\$0	In Progress - Moved to 09-10
Fulton at Airport Blvd Signal and Overlay	\$0	\$994,822	In Progress
Pavement Preservation Fed Match	\$400,000	\$400,000	In Progress
Korbel Summer Crossing Bridge	\$71,391	\$71,391	In Progress
	<b>\$1,466,213</b>	<b>\$1,466,213</b>	
<b>2008-09 - June 2013</b>			
Pavement Preservation Fed Match	\$642,699	\$642,699	In Progress
Road Maintenance - Pavement Repairs	\$400,000	\$400,000	In Progress
	<b>\$1,042,699</b>	<b>\$1,042,699</b>	
<b>2009-10 - June 2014</b>			
Arnold at Agua Caliente Intersection Improvements	\$1,500,000	\$1,500,000	In Progress
Road/Bridge Surface Rehabilitation - Various	\$1,500,000	\$1,375,000	Not Started
Adobe at East Washington Signal	\$0	\$1,000,000	In Progress
Airport Blvd Widening from Fulton to Old Redwood Hwy	\$1,000,000	\$800,000	In Progress
Mirabel Shoulder Widening	\$647,849	\$647,849	In Progress
Hwy 116 at Mirabel Roundabout	\$500,000	\$500,000	In Progress
Porter Creek Bridge Replacement	\$0	\$500,000	In Progress
Road Maintenance - Striping and Pavement Markings	\$200,000	\$450,000	In Progress
Road Maintenance - Pavement Repairs	\$400,000	\$400,000	Not Started
Pavement Preservation Fed Match	\$0	\$275,000	Not Started
Signalization of River Road at Laughlin	\$900,000	\$0	Not Started
Fulton Road at Airport Blvd Signal and Overlay	\$800,000	\$0	In Progress - Moved to 08-09
	<b>\$7,447,849</b>	<b>\$7,447,849</b>	

Chair of the Board of Supervisors: \_\_\_\_\_ Date: \_\_\_\_\_





**Background:** On October 22, 1990, the Board approved an Agreement with the State of California, Department of Water Resources (Contract No. E58227) in the amount of \$485,000, on the behalf of CSA #41 – Freestone Water District. The loan/grant package consisted of a \$400,000 grant and an \$85,000 loan. This Agreement provided the financing for the construction project that enabled the Freestone Water District to meet the safe drinking water standards established pursuant to the Health and Safety Code (Chapter 7, Part 1, Division 5), providing for the design and construction based on State-approved plans, specifications and bid documents. The project was completed in FY 1991-92 and semi-annual payments to the State began on April 1, 1992.

Funds for the semi-annual payments have since been collected on the property tax rolls. At this time, there are sufficient funds in the Freestone Debt Service account (633719) to pay off the balance of the loan.

In anticipation of repaying the balance due on this loan, the FY 11-12 tax bill for the customers of the District did not include the assessment authorized under Ordinance 5922 for the CSA #41 Freestone Water District.

The final pay off is currently estimated to be \$35,258. There is no pre-payment penalty. The final payment is anticipated to be made on April 1, 2012.

The Auditor-Controller has reviewed the resolution as to form.

**Attachments:** Location Map; Resolution.

**On File With Clerk:** Agreement between the County and the State of California, Department of Water Resources dated October 22, 1990.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing Budgetary Adjustments To The 2011-12 Final Budget For The CSA #41 - Freestone Water District In The Amount Of \$35,258.00.**

**Whereas**, the County of Sonoma ("County") entered into an Agreement with the State of California, Department of Water Resources (Contract No. E58227), for the purpose of securing funds in the amount of \$485,000 on behalf of the CSA #41 - Freestone Water District for the purpose of water system improvements to meet safe drinking water standards; and

**Whereas**, the County has been collecting annual assessments on the property tax rolls for the semi-annual payments to the State of California; and

**Whereas**, sufficient funds have been collected to pay off the balance of the debt owed to the State of California; and

**Whereas**, the Board of Supervisors has adopted a Final Budget for the CSA #41 - Freestone Water District; and

**Whereas**, the Government Code allows for adjustment to the Final Budget during the 2011-12 Fiscal Year.

**Now, Therefore, Be It Resolved** that this Board hereby finds, determines, declares, and orders as follows:

1. Verification of Recitals. Each of the foregoing recitals is true and correct.
2. Direction to County Auditor-Controller. The County Auditor-Controller is hereby authorized and directed to make all necessary budget adjustments as follows:

**FINANCING USES:**

ENTERPRISE FUND: CSA #41 – FREESTONE WATER DISTRICT		
203	633719-7930 Interest – LT Debt	\$558
203	633719-9200 Advances	\$34,700
203	633719-9219 Advances-Clearing	(\$34,700)

Resolution #  
Date: 3/20/2012  
Page 2

FINANCING SOURCES:

CSA #41 – FREESTONE WATER DISTRICT  
633719-XXXX Budgetary Fund Balance           \$35,258

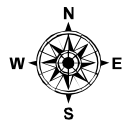
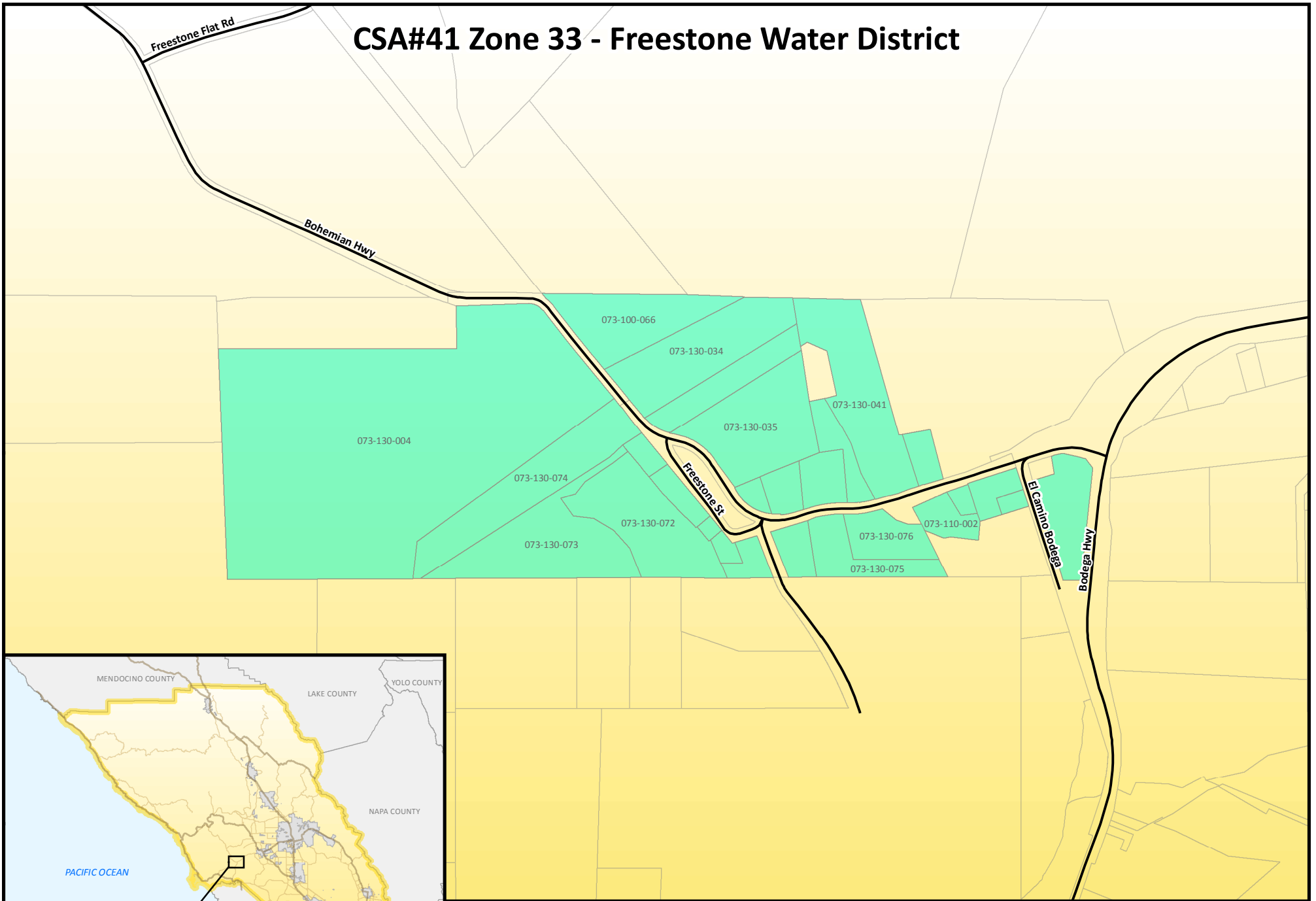
**Supervisors:**

Brown:           Rabbitt:           McGuire:           Carrillo:           Zane:

Ayes:           Noes:           Absent:           Abstain:

**So Ordered.**

# CSA#41 Zone 33 - Freestone Water District



0 500 1,000 2,000 Feet

This map is for illustrative purposes only, and is not suitable for parcel-specific decision making. Site-specific studies are required to draw parcel-specific conclusions.

County Road

Assessed Property

LOCATION MAP

<h1>County Of Sonoma</h1> <h2>Agenda Item</h2> <h3>Summary Report</h3>		<p>Clerk of the Board Use Only  Meeting Date  / /</p> <p>Agenda Item No:  <u>14</u></p>
<b>Department:</b> Transportation and Public Works		<b>4/5 Vote Required</b>
<b>Name and Phone Number:</b> Eric Nelson - (707) 565-2257	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b>
<p><b>AGENDA SHORT TITLE:</b> North B/Airport Boulevard Interchange Project</p> <p><b>REQUESTED BOARD ACTION:</b> Resolution approving a Possession and Use Agreement with the State of California in connection with the Highway 101 freeway at Airport Boulevard interchange and overcrossing improvements project (APN 059-230-082 and adjoining right-of-way). (Fourth Supervisorial District)</p>		
<p align="center"><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b></p> <p><b>Explanation (if required):</b> None.</p>		
<p><b>Prior Board Action:</b> 2/21/12: Approved Freeway Agreement with the State; 6/14/11 Approved Amendment No. 1 to cooperative agreement SCTA-10015; 11/9/10: Approved Amendment No. 1 M 30210-05; 10/22/10: Approved cooperative funding agreement SCTA-10015 between SCTA and TPW; 4/10/07: Board of Supervisors approved Resolution No. 07-0234 approving and accepting Parcel Map PLP 02-0054 for lands of Vineyard Creek, LP, and accepting in fee Parcel A, riparian open space, as shown on said map; 11/8/2005 Approved funding agreement SCTA 30210-05 between SCTA and TPW.</p>		
<p><b>Alternatives – Results of Non-Approval:</b> Caltrans will initiate eminent domain proceedings against the County since the project cannot be completed as planned without their legal possession of this right-of-way.</p>		

**Background:** The California Department of Transportation (Caltrans) requires a fee interest in a portion of two parcels owned by the County of Sonoma in order to construct the Airport Boulevard Interchange Project. The project consists of a freeway interchange modification on U.S. Highway 101 in the vicinity of Airport Boulevard between Santa Rosa and Windsor.

This is a joint project between the Sonoma County Transportation Authority (SCTA), Sonoma County Transportation and Public Works, and Caltrans. The agencies entered into a Cooperative Funding Agreement in 2010 for right-of-way support activities and right-of-way capital for this project. Caltrans is responsible for the design, right-of-way, and construction components of the project. SCTA has a funding agreement with the County; this project includes Measure M and County Traffic Mitigation funds. The project construction is scheduled to begin in 2012 and it is anticipated the construction will be completed in 2014.

Caltrans must secure right-of-way from several private and public property owners in order to construct the project. One public property is owned by the County; another is owned by the Sonoma County Agricultural Preservation and Open Space District. All of the properties are being acquired by Caltrans under the threat of eminent domain.

A 14,678 square foot portion of County-owned property is required for fee simple acquisition by Caltrans and is the subject of this resolution. It is a roughly 610-foot long strip of vacant land along the westerly side of the freeway in the vicinity of Mark West Creek. The width of the strip ranges from a point on the southerly end to roughly 55-feet at the northerly end. This land includes creek riparian area and other land adjoining vineyards on the Jackson Wine Center property. The State has valued the land at \$9,200.

The subject property consists of two adjoining properties that were acquired by the County at different times. The portion of the proposed conveyance that occupies most of the riparian area and extends south towards the Jackson Wine Center was dedicated to the County in 1988 as a condition of development of the adjoining parent property. This portion of the strip does not have an Assessor's Parcel Number. The other portion of the strip is part of a 4.70 acre parcel identified as APN 059-230-082. The County acquired this parcel in 2007 as a dedication for open space purposes in connection with the approval of the Vineyard Creek Subdivision.

The Specific Plan for the Sonoma County Airport Industrial Area, dated July 13, 1987, designates a portion of the subject property as a riparian conservation and enhancement corridor. The State's proposed use of the subject property for a freeway project is clearly incompatible with the Specific Plan designation. For this reason, the County would never voluntarily transfer possession to the State for such purposes. However, the proposed Possession and Use Agreement is offered in lieu of an immediate and likely victorious condemnation action by the State. Thus, the proposed conveyance is not truly voluntary. Further, the proposed Possession and Use Agreement may yield benefits to the County that are not otherwise available in an eminent domain proceeding, pursuant to which the County could only recover monetary consideration for the subject property.

The riparian area of Mark West Creek between the Sonoma Marin Area Rail Transit railroad right-of-way and Old Redwood Highway has been designated for future use as a Class I multi-use public pathway per the County's 2010 General Plan. It appears the freeway bridge over the creek will allow sufficient space to install a Class I multi-use pathway underneath. The proposed Possession and Use Agreement requires the State to make its best efforts to convey easements to the County over the subject property and other adjoining land in the vicinity for future public access purposes. The Possession and Use Agreement requires the County to submit project design plans acceptable to the State before the State agrees to convey the easements.

The State must initiate the Interchange Project construction as soon as possible, and if a Possession and Use Agreement cannot be obtained, Caltrans will immediately initiate eminent domain proceedings to secure title to the subject property. The Possession and Use Agreement will grant the State the irrevocable right to occupy and use the subject property while negotiations continue between the parties regarding the public trail easements. If a voluntary settlement cannot be reached within a 5-year period, the State will seek to acquire

permanent property rights by condemnation.

The Sonoma County Department of Transportation and Public Works is preparing for construction of a companion project adjoining the Caltrans project on the easterly side of the freeway in the vicinity of the Airport Boulevard and Fulton Road intersection. That project will signalize the intersection and extend sidewalks and the undergrounding of utilities easterly from the Caltrans project. The signalization and other improvements were planned as part of the interchange work to provide a smooth and safe transition. This is a County project separate from the interchange upgrade.

The agreement has been reviewed by County Counsel.

**Attachments:** Resolution; Appraisal Map; Location Map.

**On File With Clerk:** Possession and Use Agreement.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**



**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving A Possession and Use Agreement With The State Of California In Connection With The North B/Airport Boulevard Interchange Project And Authorizing The Chair Of The Board To Execute Said Agreement (APN 059-230-082 And Adjoining Right-of-Way).**

**Whereas**, the County of Sonoma (“County”) owns certain real property identified as Assessor’s Parcel Number 059-230-082 and an adjoining right-of-way conveyed to the County of Sonoma in that certain Grant deed, recorded January 22, 1988, as Document No. 88-005100, Official Records of Sonoma County, which parcels shall be jointly referred to as “County’s Real Property;” and

**Whereas**, the State of California (“State”) and the Sonoma County Transportation Authority are preparing to reconstruct the Airport Boulevard freeway interchange and overpass at State Highway 101 (“Freeway Improvement Project”); and

**Whereas**, in connection with the Freeway Improvement Project, the State requires a fee interest in a 14,678 square foot portion of County’s Real Property (“Needed Interest”); and

**Whereas**, on October 26, 2011, the State conveyed an offer to purchase the Needed Interest from the County for \$9,200, the appraised value according to the State; and

**Whereas**, the State has the power of eminent domain and could acquire the Needed Interest by exercising that power; and

**Whereas**, the State’s offer to purchase the Needed Interest was made pursuant to Government Code section 7267.2, which preserves the State’s right to pursue the acquisition in a condemnation action; and

**Whereas**, negotiations between the State and County have not yet been settled; and

**Whereas**, time is of the essence for the State to obtain possession of all required right-of-way in order to move forward with construction activities for the Freeway Improvement Project; and

**Whereas**, in lieu of an immediate condemnation proceeding, the State has offered a Possession and Use Agreement to the County, which would grant the State the right to irrevocable possession and use of the Needed Interest so that the State may commence construction activities for its Freeway Improvement Project; and

**Whereas**, the Specific Plan for the Sonoma County Airport Industrial Area, dated July

Resolution #

Date: 3/20/2012

Page 2

13, 1987 (“Specific Plan”), designates a portion of County’s Real Property as a riparian conservation and enhancement corridor; and

**Whereas**, the proposed use of the Needed Interests for freeway purposes is incompatible with the Specific Plan; and

**Whereas**, Code of Civil Procedure Sections 1240.640-1240.690, 1245.250(a) and Streets and Highways Code Section 102, establish the superiority of the State’s right to use land for State highway purposes, except in instances where land was reserved for open space purposes prior to the initiation of the highway route; and

**Whereas**, the Project does not entail the initiation of a new highway route within the meaning of Code of Civil Procedure Section 1240.690 because the additional right of way required is substantially contiguous with the existing highway right of way; and

**Whereas**, this Board concludes that the evidentiary presumptions and procedures set forth in Code of Civil Procedure Sections 1240.640 and 1245.250(a) make it unlikely that the County would prevail in litigation challenging the State’s right to acquire the Needed Interest by eminent domain; and

**Whereas**, but for the credible and imminent threat of condemnation, the County would not transfer possession to the State; and

**Whereas**, this Board concludes that the conveyance of the Needed Interest accomplished through the proposed Possession and Use Agreement is not voluntary, as it is in lieu of certain condemnation by the State; and

**Whereas**, this Board further concludes that the proposed transaction is not discretionary and is therefore exempt from the California Environmental Quality Act (California Public Resources Code § 21000 *et seq*); and

**Whereas**, the County’s General Plan was amended in 2010 to include the “Mark West Creek Trail,” a planned Class I multi-use pathway that connects Old Redwood Highway with the multi-use pathway planned by the Sonoma Marin Area Rail Transit District; and

**Whereas**, the proposed Possession and Use Agreement is considerate of the County’s interest in developing a public trail along Mark West Creek insofar as it commits the State to make its best efforts to approve and convey trail easements to the County in exchange for the Needed Interests; and

**Whereas**, monetary consideration is the only judicial remedy available to a property owner in an eminent domain proceeding; and

**Whereas**, the proposed Possession and Use Agreement is in the public interest because it permits the County to negotiate for greater public benefits, such as the above-mentioned trail easements, and such negotiations may successfully avoid the needless public expense that would otherwise be incurred in an eminent domain proceeding brought by the State against the County.

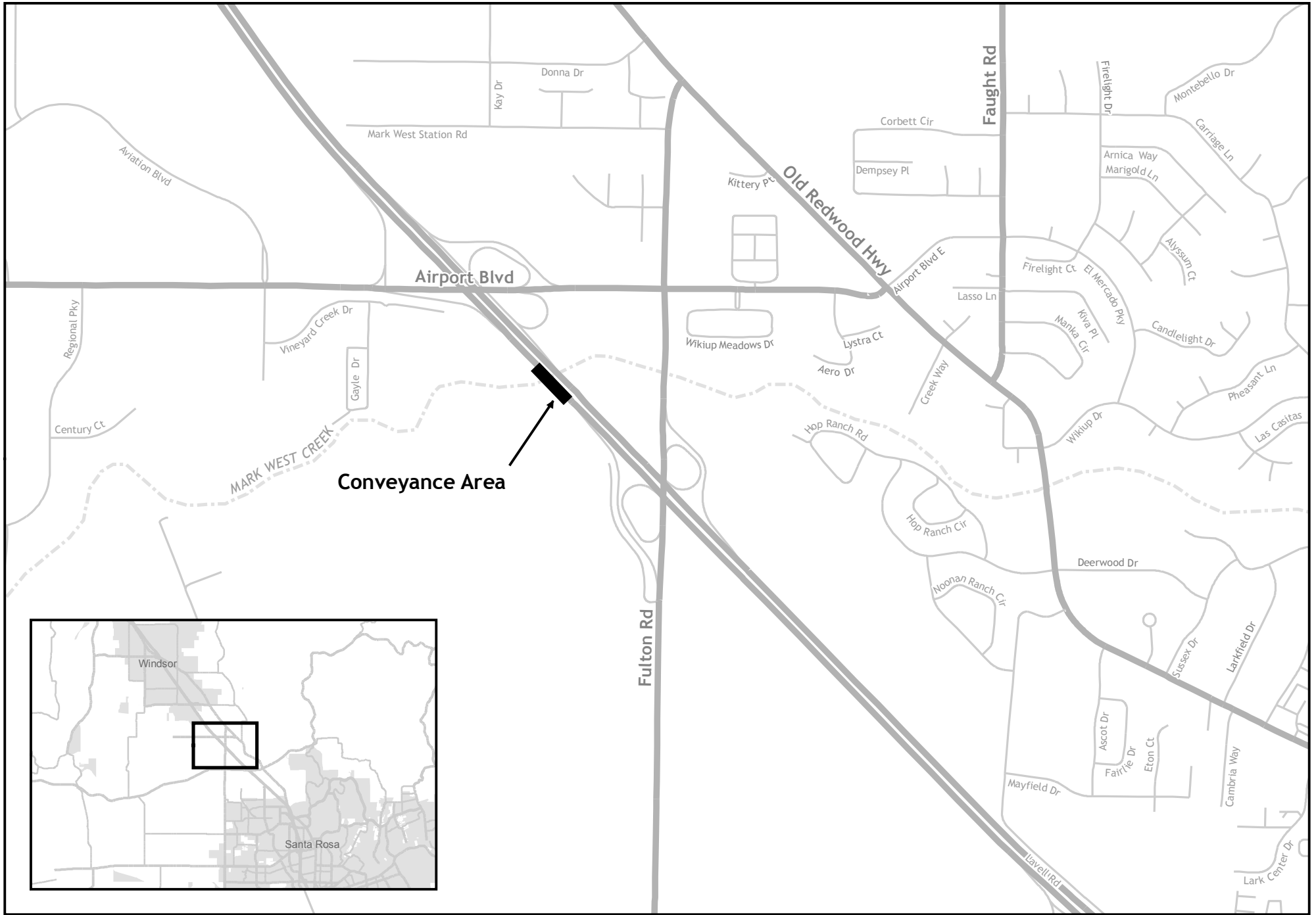
**Now, Therefore, Be It Resolved** that:

1. The foregoing recitals are true and correct.
2. This Board approves the Possession and Use Agreement on file with the Clerk granting the State possession of a certain portion of County's Real Property, as more particularly described therein, for use by the State for the Freeway Improvement Project.
3. The Chair of the Board is hereby authorized and directed to execute the Possession and Use Agreement on file with the Clerk.


**Supervisors:**

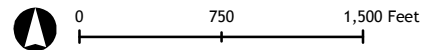
Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**



# Location Map

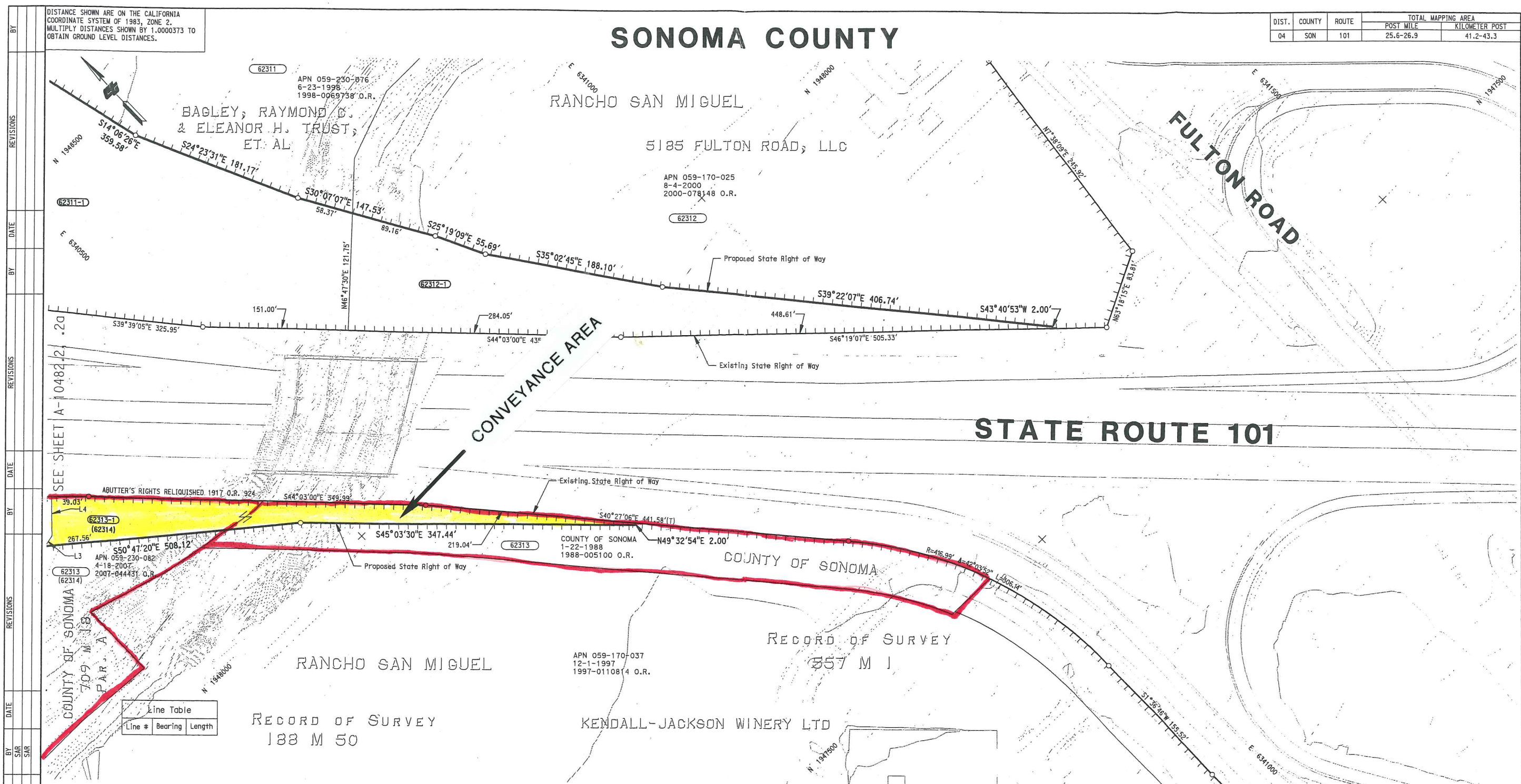
 Conveyance Area



Transportation and Public Works, County of Sonoma  
March, 2012

# SONOMA COUNTY

DIST.	COUNTY	ROUTE	TOTAL MAPPING AREA	
			POST MILE	KILOMETER POST
04	SON	101	25.6-26.9	41.2-43.3



DATE	BY	REVISIONS
9/20/10	SAR	1
10/12/10	SAR	2

DISTANCE SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 2. MULTIPLY DISTANCES SHOWN BY 1.0000373 TO OBTAIN GROUND LEVEL DISTANCES.

SEE SHEET A-10482.2

Line #	Bearing	Length

NOTE: ALL THE TOTAL OWNERSHIP AREA FIGURES ARE OBTAINED FROM LANDVISION

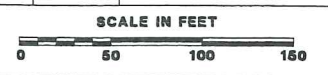
PARCEL #S	ACQ. CODE	GRANTOR	AREAS (square feet; AC=Acre)			REMARKS	RECORDATION			
			TOTAL	R/W	REM		INST	DATE	DOCUMENT REF.	EA
62311-1	F	Bagley, Raymond C. & Eleanor H. Trust, et al	290,545	121,637	168,908	Including 79ft2 Existing Easement, 2005-152349	X	XX/XX/XX	X	3a2301
62312-1	F	5185 Fulton Road, LLC	282,269	37,863	244,406		X	XX/XX/XX	X	3a2301
62313-1 (62314)	F	County of Sonoma	5.57AC	14,678	5.23AC		X	XX/XX/XX	X	3a2301

- LEGEND**
- DIMENSION POINT
  - ACCESS PROHIBITED
  - COMMON OWNERSHIP
  - O.R. OFFICIAL RECORDS
  - (T) TOTAL
  - APN ASSESSOR'S PARCEL NUMBER

STATE OF CALIFORNIA  
 BUSINESS, TRANSPORTATION AND HOUSING  
 AGENCY DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY  
 APPRAISAL MAP  
 A-10482.3**  
 SCALE 1"=50'

HANGING FILE  
**119**

Supplementary information may be obtained from the District Office, Office of R/W Engineering, Surveys and Mapping Services, 111 Grand Avenue, Oakland, California.



E.A.	3a2301	XXXXXX	HARD COPY	APPRaisal	RECORD	MONUMENT
R/W P.S.	MAL	H-119.9	X	R-1199	S-141.8	

DRAWING DATE	COUNTY	ROUTE	POST MILE	KILOMETER POST	SHEET
9/8/2010	SON	101	26.0	41.6	6 of 6

## APPRAISAL MAP

<h1>County Of Sonoma</h1> <h2>Agenda Item</h2> <h3>Summary Report</h3>		<p>Clerk of the Board Use Only  Meeting Date  / /</p> <p>Agenda Item No:  <u>15</u></p>
<b>Department:</b> Health Services		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Rita Scardaci - (707) 565-4778	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b> 3/20/2012
<p><b>AGENDA SHORT TITLE:</b> First 5 Commissioner Appointment.</p> <p><b>REQUESTED BOARD ACTION:</b> Appoint Chiara Bacigalupa, PhD, to the First 5 Sonoma County Commission for a term expiring November 30, 2015.</p>		
<p style="text-align: center;"><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b></p> <p><b>Explanation (if required):</b> No funding is required for this action.</p>		
<p><b>Prior Board Action:</b></p>		
<p><b>Alternatives – Results of Non-Approval:</b> The First 5 Sonoma County Commission would be hampered in its ability to do business.</p>		

## **Background:**

### Commissioner Appointment

The California Children and Families First Act of 1998 provided for the creation of a Sonoma County Children and Families Commission, now called the First 5 Sonoma County Commission, charged with promoting, supporting, and improving the early development of children from the prenatal stage through five years of age. The Commission is funded by a state surtax on tobacco products. Commissioner appointments are recruited and recommended by the First 5 Sonoma County Commission and appointed at the discretion of the Board of Supervisors.

Enacted in October, 2008. Ordinance 5807 increased Commission membership from seven (7) to nine (9) commissioners from the following categories identified in the Children and Families Act of 1998, Health and Safety Section Code 130140. Prospective members are recruited by category, not by supervisorial district.

Three (3) ex officio members:

- Health Services and Human Services liaison member of the Board of Supervisors, appointed by the Chair of the Board
- The Director of the Sonoma County Health Services Department
- The Director of the Sonoma County Human Services Department;

Six (6) other members from the following categories:

- Recipients of project services included in the Commission's strategic plan
- Educators specializing in early childhood development
- Representatives of a local child care resource or referral agency or a local child care coordinating group
- Representatives of a local organization for prevention or early intervention for families at risk
- Representatives of community-based organizations that have the goal of promoting nurturing and early childhood development
- Representatives of local school districts
- Representatives of local medical, pediatric, or obstetric associations or societies.

First 5 Sonoma County Commissioner Joel Gordon has resigned his seat on the Commission. The Commission conducted an extensive recruitment to attract candidates representing educators specializing in early child development. A Notice of Vacancy was posted with the Clerk of the Board and at the Santa Rosa Library in accordance with the Maddy Act, and a notice of the vacancy and an application were sent to the Commission's 750-member mailing list that includes grantees, community advisors, community-based organizations, and other interested individuals and agencies. In addition, these documents were posted on the First 5 Sonoma County website. Seven applications were received and screened by a committee of the Commission.

At its January 23, 2012, meeting, the Commission recommended that Chiara Bacigalupa, be appointed to the Commission for a three-year term as a representative of educators specializing in early child development. Dr. Bacigalupa holds a PhD in Education with an emphasis in early care and education. She has been educating adult students at the community college and university levels for more than 16 years, and she also spent eleven years working as a teacher in both publicly and privately funded preschool programs.

Ms. Bacigalupa has demonstrated her commitment to working in the community. She is currently co-Chair of the Child Care Planning Council, and serves on the advisory board for the Child Development Department at Santa Rosa Junior College. In her position as an Associate Professor at Sonoma State University she has been instrumental in building an academic pathway for students in Sonoma County to advance from the AA to the BA level.

The Commission believes that Dr. Bacigalupa’s dual perspective as both an educator of teachers and of children, as well as her experience in measuring child care quality, and her knowledge of the latest theories, practices, and research that inform our understanding of how young children learn and develop will contribute to the Commission’s ability to achieve its goals.

Consistent with Ordinance 5807, Dr. Bacigalupa’s term will end November 30, 2015.

With approval of this appointment, the following provides current commissioners, the category of representation and terms for the First 5 Commission:

<b>Commissioner</b>	<b>Representing</b>	<b>Term</b>
Oscar Chavez	Local organizations for prevention or early intervention for families at risk	12/1/11 – 11/30/14
Chiara Bacigalupa	Educators specializing in early childhood development	3/13/12 – 11/30/15
Jane Escobedo	Local school districts	12/1/09 – 11/30/12
Loren Soukup	Recipients of services	12/1/10 – 11/30/13
Jeff Miller, MD	Local medical and pediatric societies	12/1/11 – 11/30/14
Cynthia Murray	Community-based organizations that promote nurturing and early childhood development	12/1/10 – 11/30/13
Shirlee Zane	Ex officio, Board of Supervisors, Health Services/Human Services Liaison	
Rita Scardaci	Ex officio, Director, Health Services	
Jerry Dunn	Ex officio, Interim Director, Human Services	

Fiscal Impact

There is no fiscal impact associated with this requested Board action.

**Attachments:** Dr. Chiara Bacigalupa’s First 5 Sonoma County Commissioner Application for Commissioner Representing Educators Specializing in Early Childhood Development.

**On File With Clerk:**

**CLERK OF THE BOARD USE ONLY**

<b>Board Action (If other than “Requested”)</b>	<b>Vote:</b>





Return Completed Application to:  
 Jennie Tasheff  
 First 5 Sonoma County  
 490 Mendocino Avenue, Suite 202  
 Santa Rosa, CA 95401

## First 5 Sonoma County Commission Application for Commissioner Representing Educators Specializing in Early Child Development

<b>Name:</b> Chiara Bacigalupa	
<b>Address:</b> 10931 Barnett Valley Road Sebastopol, CA 95472	
<b>Mailing Address:</b> same as above	
<b>Home Phone:</b> 651-269-2521	<b>Business Phone:</b> 707-664-2104
<b>Email Address:</b> bacigalupa@gmail.com	
<b>How long have you resided in Sonoma County?</b> 4.5 years	
<b>Present Occupation:</b> Associate Professor at Sonoma State University	
<b>If you are a parent please tell us the ages of your children:</b> 18 years and 21 years old	

**EDUCATION:**

School	Major	Graduation Date/Degree
University of Minnesota, Minneapolis	Education, ECE emph	Ph.D., June 2005
California State University, Northridge	Ed Psych, ECE emph	M.A., Dec 1991
University of California, Santa Cruz	Philosophy	B.A., June 1987

**Please tell us why you would be a good representative of educators specializing in early child development?**

I have been educating adult students at the community college and university levels for more than sixteen years. I also spent eleven years working as a teacher in both publicly and privately funded preschool programs. As a doctoral student and university professor, I completed research studies in child care quality, children's moral development, and children's storytelling. I therefore understand child development and the needs of teachers in Early Care and Education from a variety of perspectives, and through both practical and theoretical lenses.

**RELEVANT PROFESSIONAL EXPERIENCE / COMMUNITY SERVICE:**

<b>Organization</b>	<b>Dates Served</b>	<b>Position</b>
Sonoma State University	2007-present	Associate Professor
University of Utah	2005-2007	Assistant Professor
Dakota County Technical College	1995-1999	Adjunct Instructor
Rocking Horse Ranch Preschool	1991-1998	Head Teacher
UCLA Child Care Services	1987-1990	Assistant Teacher

**Please describe any other relevant experience or expertise:**

In addition to the positions listed above, I taught as an adjunct instructor at the University of Minnesota and at Concordia College in St. Paul, MN. I also served as a research assistant while earning my doctorate. As a research assistant, I was part of a state-wide study of the quality of child care services across Minnesota.

Here in Sonoma County, I am currently co-chair of the Child Care Planning Council, and I serve on the advisory board for the Child Development Department at the Santa Rosa Junior College.

**What is your understanding of the role and responsibility of this Commission?**

The commission is charged with deciding the best ways to allocate First 5 funds on behalf of children between birth and 5 years of age who live in Sonoma County. There are a variety of ways that programs might benefit children, including through the provision of health, care, and education services. In order to guide decisions, the commission has developed a strategic plan that describes the commission's five key goals (ensuring healthy development, supporting families, promoting high quality early care and education, integrating delivery systems, and engaging the community). The commission is especially interested in pursuing measures that are efficient, target the neediest families, are rooted in evidence-based practices, and can be sustained.

Since the commission is currently seeking an educator, I would see my role as being especially important for providing the Commission with a perspective that is informed by a deep knowledge of the theories and research that underlie best practices in Early Care and

**Education.**

**What do you feel you could contribute to achievement of the Commission's goals?**

**Through my participation in the Child Care Planning Council, I have become very familiar with the different ways that early care and education professionals provide services for children and families in Sonoma County. I think that I can provide a neutral perspective on how these programs do and can operate together on behalf of young children, especially in relation to the commission's goal of ensuring that early care and education is high quality. Of course, these agencies also contribute substantially to the other four Commission goals, and I think I can provide informed insights in these areas as well.**

**As an educator, I am also very familiar with the hurdles faced by teachers who want to pursue further education--education that will help them to provide higher quality programs for children. In addition, my role as a professor requires that I regularly read and teach about the latest theories, practices, and research that inform our understanding of how young children learn and develop. Again, this knowledge will be helpful in working towards all five of the commission's goals, and my knowledge of research in the field may provide some additional perspectives on the evidence-based practices that are a priority for the commission.**

**Finally, as someone who has lived and worked in four different states (New Mexico, Minnesota, Utah, and California), I have seen many different models and ways to think about publicly-funded services for young children, and I often find that this exposure gives me a fresh perspective on the models that are used in California.**

**What would be your goal as a Commissioner?**

**My goal would be to collaborate with the other commissioners to ensure that we think critically about the choices we make, being careful to include the perspectives of all relevant stakeholders and to base decisions on solid evidence and sound principles. As with all other aspects of my career in Early Care and Education, my overall goal would be to strive to provide children with an environment that promotes their optimal development and ultimately moves us all closer to living in a socially just society.**

**Appointees will be required to take an Oath of Office and may be subject to filing an annual Statement of Economic Interest**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

<b>County Of Sonoma</b> <b>Agenda Item</b> <b>Summary Report</b>		<b>Clerk of the Board Use Only</b> <b>Meeting Date</b> / / <b>Agenda Item No:</b> <u>16</u>
<b>Department:</b> Board of Supervisors		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Supervisor Brown - (707) 565-2241	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b> 3/20/2012
<b>AGENDA SHORT TITLE:</b> Appointment.		
<b>REQUESTED BOARD ACTION:</b> Appointment of Christopher Woodcock to the Bicycle and Pedestrian Advisory Committee for a term of two years, to expire March 19, 2014. (First District).		
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b>		
<b>Explanation (if required):</b> None.		
<b>Prior Board Action:</b> none.		
<b>Alternatives – Results of Non-Approval:</b> none.		

**Background:** none.

**Attachments:** none.

**On File With Clerk:** none.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

<h1>County Of Sonoma</h1> <h2>Agenda Item</h2> <h3>Summary Report</h3>		<p>Clerk of the Board Use Only  Meeting Date  / /</p> <p>Agenda Item No:  <u>17</u></p>
<b>Department:</b> Board of Supervisors		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Supervisor Brown - (707) 565-2241	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b> 3/20/2012
<p><b>AGENDA SHORT TITLE:</b> Appointment.</p>  <p><b>REQUESTED BOARD ACTION:</b> Appointment of Michael Eunice to the Bicycle and Pedestrian Advisory Committee for a term of two years, to expire March 19, 2014. (First District).</p>		
<p style="text-align: center;"><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b></p>          <p><b>Explanation (if required):</b> None.</p>		
<p><b>Prior Board Action:</b> none.</p>		
<p><b>Alternatives – Results of Non-Approval:</b> none.</p>		

**Background:** none.

**Attachments:** none.

**On File With Clerk:** none.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

<b>County Of Sonoma Agenda Item Summary Report</b>		<b>Clerk of the Board Use Only</b> <b>Meeting Date</b> / / <b>Agenda Item No:</b> 18
<b>Department:</b> Board of Supervisors		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Supervisor Brown - (707) 565-2241	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b> 3/20/2012
<b>AGENDA SHORT TITLE:</b> Reappointment.		
<b>REQUESTED BOARD ACTION:</b> Reappoint Karen Collins to the Parks and Recreation Advisory Commission for a term of two years, to expire March 19, 2014. (First District)		
<p style="text-align: center;"><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b></p>		
<b>Explanation (if required):</b> None.		
<b>Prior Board Action:</b> Appointment.		
<b>Alternatives – Results of Non-Approval:</b> none.		



**Background:** none.

**Attachments:** none.

**On File With Clerk:** none.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

<b>County Of Sonoma Agenda Item Summary Report</b>		<b>Clerk of the Board Use Only</b> <b>Meeting Date</b> / / <b>Agenda Item No:</b> <u>19</u>
<b>Department:</b> Board of Supervisors		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Mike McGuire - (707) 565-3758	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b> 3/20/2012
<b>AGENDA SHORT TITLE:</b> Reappointment.		
<b>REQUESTED BOARD ACTION:</b> Reappoint Bill Trowbridge to the Sonoma County Parks and Recreation Advisory Commission for a two year term, effective February 28, 2012 through February 27, 2014. (Fourth District).		
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b>		
<b>Explanation (if required):</b> None.		
<b>Prior Board Action:</b> Appointment.		
<b>Alternatives – Results of Non-Approval:</b> None.		

**Background:** None.

**Attachments:** None.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

<b>County Of Sonoma Agenda Item Summary Report</b>		<b>Clerk of the Board Use Only</b> <b>Meeting Date</b> / / <b>Agenda Item No:</b> 20
<b>Department:</b> County Administrator's Office & University of California Cooperative Extension		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> Jennifer Rogers - (707) 565-3783	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b>
<b>AGENDA SHORT TITLE:</b> Regional Foods Update.		
<b>REQUESTED BOARD ACTION:</b> Receive report and update on the status of County efforts related to Regional and Local Foods.		
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b>		
<b>Explanation (if required):</b> Update on status of programs, no financial impact or actions.		
<b>Prior Board Action:</b> 8/9/11: Report on County Lands for Food Production. 8/9/11: Report on February 2011 Sonoma County Food Forum. 2/15/11: Authorization to pursue County Lands for Food Production Program and announcement of the February 24, 2011 Sonoma County Food Forum.		
<b>Alternatives – Results of Non-Approval:</b> Informational update only.		

**Background:**

The demand for local food is growing rapidly in retail, institutional and commercial foodservice markets. The development of a regional food system benefits a community by creating opportunities for centralized facilities designed to aggregate, store, process, distribute and/or market local produced food products. With coordinated effort and in-depth understanding of existing resources and needs, local farms and food producers could both satisfy local food need and generate a surplus for marketing to the greater San Francisco Bay area. A fully developed local food system in this area would strengthen communities, assist in assuring food security, support local economic development and create new jobs in the local farm sector.

The County has taken on a variety of endeavors related to regional foods in Sonoma County. Many of these efforts involve coordination across County departments as well as with community groups and other local counties within our region. That attached memo (Attachment A) is a compilation of the status on the County’s efforts related to regional foods. The memo includes updates on ten initiatives related to regional and/or healthy foods, including:

- An update on the Sonoma County Food Forum outcome topics;
- The status of the North Coast Regional Food System Network;
- The new Beginning Farmers and Ranchers Development Program;
- Implementation of the County Land for Food Production Program;
- Information on the Food Cluster work with the Innovation Action Council;
- A summary of the iGrow and Healthy Earth, Healthy Bodies programs;
- Healthy food efforts related to Electronic Benefit Cards, Healthy Food Outlet Project, and SNAP-Ed activities; and
- An update on the Sonoma County Health and Sustainable Food Action Plan.

**Board of Supervisor Regional Food Ad Hoc:**

In January 2012 your Board identified the need for an ad hoc dedicated to regional foods. Supervisors Brown and Zane were selected to lead this ad hoc and work on related regional and healthy foods issues. Today’s presentation will include an update on each of the items listed above, as well as presentation by Cliff Paulin, project consultant to the North Coast Regional Food Systems Network, following previous Board direction in December 2011. The information presented today and in the memo will be tracked as part of this ad hoc, and will be used to further the ad hoc’s efforts. The ad hoc and staff will return to the full Board as efforts as undertaken through the ad hoc.

**Attachments:** Regional Food Update Memo (Attachment A).

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

<b>Board Action (If other than “Requested”)</b>	<b>Vote:</b>



# OFFICE OF THE COUNTY ADMINISTRATOR

## COUNTY OF SONOMA

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 JIM LEDDY  
 COMMUNITY & GOV'T AFFAIRS MGR.

**To:** Board of Supervisors  
**Re:** Regional Food Initiatives Update  
**Date:** March 20, 2012

### Sonoma County Food Forum:

In 2009, Supervisors Carrillo and Brown formed an Ad Hoc to seek U.S.D.A. funding for local food efforts. The Supervisors also proposed the idea of a forum to connect segments of the County's food systems. The Food Forum was held on February 24, 2011, and was the result of efforts involving the Department of Health Services, the University of California Cooperative Extension (U.C.C.E.), Agricultural Commissioner's Office, Sonoma County Food System Alliance, Agricultural Innovation Network, and other partners. Over three hundred people attended the Forum. Eleven areas of action were identified by attendees of the form and presented to your Board by staff in August 2011. Following the receipt of grants and the conclusion of the Food Forum and coordination of staff efforts to pursue related food efforts, the Ad Hoc was disbanded. Below is an update of actions taken to date regarding each item.

Area of Action:	Current Status:
1. Increase opportunities for in-county aggregation and processing of agricultural products.	The Regional Food Network is coordinating with Community Alliance with Family Farmers' People Harvest project on the development of their aggregation hub.
2. Strengthen community education about food and our food system.	U.C.C.E. and Master Gardens have held approximately 80 educational meetings in 2011 on growing food and other topics. iGROW and Healthy Earth, Healthy Bodies also provide community education on gardening and food topics.
3. Alleviate hunger and increase the affordability of fresh, healthful, and local food.	Beginning farmers and ranchers program will develop new local producers, to increase local food availability. Concept of an incubator farm is being pursued. U.C.C.E. is also working with the Redwood Empire Food Bank and the Sonoma-Marin Cattlemen Association to create a program to encourage donation of local grass-fed beef to the Bank.
4. Build neighborhood food security.	Community gardens in the unincorporated area, through iGROW and the County Land for Food Production Program, contribute to neighborhood access to local, healthy, fresh food. The Healthy Food Outlet Project is working with 15 food outlets in Monte Rio, Guerneville, Roseland, Kawana Springs, and Fetters Hot Springs to provide customers with healthier food options.

<p>5. Increase the production of food on public lands.</p>	<p>Facilitated and supported through the development and implementation of the County Land for Food Production Program.</p>
<p>6. Support, educate, and develop new farmers through internships and mentoring.</p>	<p>Beginning farmers and ranchers Program will train individuals on business, marketing, and production skills as they relate to farming and ranching and provide mentorship opportunities.</p>
<p>7. Improve regulatory and permit processes for farmers.</p>	<p>U.C.C.E. is developing a resource tool for the public interested in the farming industry, and steps required for various ag permits, including working with the Marin County Ag Ombudsman to adopt educational materials, as well as coordinating with P.R.M.D., the Health Services' Environmental Health Division, and Agricultural Commissioner to investigate how to further streamline the permitting process for agriculture.</p>
<p>8. Expand engagement with agriculture by increasing agritourism.</p>	<p>U.C.C.E. and Farm trails sponsored a meeting, with over 100 in attendance, on February 16, 2012 for individuals to explore new enterprises and discuss opportunities and demands for tourism in Sonoma County. U.C.C.E. is also developing an asset checklist for farmers and ranchers to identify and pursue market opportunities. A June 2012 meeting is planned to bring farmers and ranchers together with the tourism industry, to match agricultural assets with tourism's desired activities.</p>
<p>9. Address needs for farm worker housing and transportation.</p>	<p>The Healthy and Sustainable Food Action Plan is addressing issues of social equity, including healthy living and working conditions, for food system and farm workers.</p>
<p>10. Focus on water as a key environmental issue and balance interest of stakeholders in water resources.</p>	<p>The Water Agency and Agricultural Commissioner continue to work with the farm and ag community on water resource and use issues, such as frost protection.</p>
<p>11. Establish a county staff position or positions to help further a healthy, local food system.</p>	<p>Staff has not brought this topic forward yet.</p>

**North Coast Regional Food Systems Network:**

In 2010 Glenda Humiston, State Director of California Rural Development, U.S.D.A., brought a grant idea to Sonoma County Supervisor Valerie Brown and Mendocino County Supervisor Carre Brown. In December 2011, \$47,000 grant was received through North Coast Opportunities for advancement of the North Coast Regional Food Systems Network (Network) in a five county area, including Sonoma, Mendocino, Lake, Napa, and Marin. Dr. Stephanie Larson of the University of California Cooperative Extension (U.C.C.E.) as well as Agricultural Commissioner Tony Linegar, Supervisor Brown's office and Department of Health Services staff participate in the Network Steering Committee. The objective of the grant is to develop a network in the five county area, in order to strengthen the production and distribution of locally-produced foods through regional collaboration.

Utilizing the grant funds, the County has contracted with Cliff Paulin as the project consultant, to help coordinate the goals of the Network and provide services to better understand rural realities, change dynamics, demographic and geographic diversity, and effective development strategies to benefit communities in the network area while developing replicable models for consideration by other regions and states. Mr. Paulin has been working closely with the Network group, to build a knowledge base to aid in the development of value chains, and identify opportunities for innovative entrepreneurial ventures, vibrant business and micro-enterprise networks, and public and private sector investments.

The remaining grant funds were designated for joint consideration between the counties to decide on a single, common purpose which was not yet identified in December 2011. Since then, the group has decided to contract with Sonoma State University to provide an economic impact report of the grass fed beef industry and small grains in the five region area, using IMPLAN<sup>®</sup> multipliers and economic impact analyses. The report will provide a brief background on the historical data concerning these industries as a context for the economic impact reports. This information will be combined with value added chain data being generated from California State University, Chico. A value chain is a collaboration and alliance of interests and enterprises with the intent to work together vertically, the chain, to better position themselves within a market.

Going forward, the Regional Food Systems Network group plans to explore application for grant funding through the Value Added Producer Grant, next November, in order to continue the development of a regional food system.



**U.S.D.A. Beginning Farmer and Rancher Development Program:**

In 2011, the U.C.C.E., with the support of Supervisor Brown, the Open Space District and Health Services, received a three-year, \$702,500 U.S.D.A. National Institute of Food and Agriculture, Beginning Farmer and Rancher Development Program grant, to provide training for up to a total of 75 beginning farmers and ranchers in Sonoma County, in order to: increase access to fresh local food, grow more farmers and ranchers, and offer them an opportunity to farm on county lands. In order to better provide opportunities to the historically underserved population, a goal of 25% of the group being underserved participants was set, and specific outreach conducted through partnership with Latino Service Providers.

The nine-month program, with classes once a month at Santa Rosa Junior College's Shone Farm, will cover a range of farm and ranch operations, tools and resources, basic business planning, accounting, and finance. The training will be coordinated by the Junior College's Ag instructors and a Small Business Development Center expert. There will also be hands-on time with select "Master Farmers & Ranchers", who have a wealth of experience and wisdom to share. Participants will have the opportunity to visit Sonoma County farms and ranches to learn about seasonal farming and ranching activities. Upon graduation, they receive a certificate and will be eligible to apply for county land that has been assessed as "viable for food production", through the County Lands for Food Production Program, to allow beginning farmer/rancher graduates the opportunity to learn hand-on farming skills, while providing local food to selected nonprofit organizations. The cost is \$450 per participant, with limited scholarships available.

Applications became available on February 4, and closed March 5. A total of 80 applications were received. 25 participants have been accepted into the program, which begins classes on March 30, finishing on November 30, 2012. 25% of participants are considered underserved, meeting the target goal for this population. As the program grant spans three years, the course program will be held again in 2013 and 2014.

One of the other projects staff is pursuing under this grant program is the potential of developing an incubator farm, on which graduates could continue to gain hands-on experience and grow local foods. If this concept comes to fruition, staff will return to you Board with an update.

**County Land for Food Production Program:**

In November of 2009, Supervisors Brown and Carrillo asked all county departments to inventory land potentially available for community gardens and farming. The U.C.C.E., Department of Health Services (D.H.S.), Open Space District, Regional Parks, Sonoma County Water Agency,

Agricultural Commissioner, and General Services have been working collaboratively to assess the feasibility of making County land available for food production. The departments were asked to create an inventory of County land potentially available for community gardens, farming, and ranching. The County has identified supporting local agriculture and healthy communities as components of its strategic plan, and through the use of publicly owned land for food production, the County has an opportunity to support the viability of local agriculture and increase access to healthy food.

Phase One of the County Land for Food Production (C.L.F.P.) Program involves developing community gardens. The staff group has worked to identify potentially usable land, which was presented to your Board in August 2011. The group has since also created guiding principles for the program and developed a Request For Proposal application and process, to be released to the public for applying to use specific lands. Garden rules and regulations, construction guidelines, and a license agreement have also been developed. The process and application has also been vetted through several community groups including the Sonoma County Food System Alliance and iGROW. Staff are hosting a public meeting on April 4<sup>th</sup>, to introduce the Program concept to the community and gain community input, in order to finalize the program and documents for release. Staff will return to your Board following this community outreach, with final program documents and for approval to implement the Program and release the application and Request for Proposal, in order for site applicants to be determined by Summer 2012.

Phase Two will involve evaluating lands for farming and ranching, including grazing, potential. Staff began the planning and implementation of this phase in March 2012, including identification of available, usable land for farming and ranching opportunities. Phase Two will assess each property on soil, slope, water availability and commodity potential. Similar to Phase One, the overview of the program and process, application, and site assessment will be vetted through several community groups including the Farm Bureau and Community Alliance with Family Farmers. Staff expects to return to your Board with plans for Phase Two implementation by Summer 2012.

**Food Cluster:**

Beginning in late fall of 2010, the Innovation Action Council, in coordination with the Economic Development Board (E.D.B.) and the Workforce Investment Board, took on the task of addressing job creation and strengthening the Sonoma County economy. With backing from the Morgan Family Foundation, the Council conducted a year-long project to determine the needs of local businesses and a plan to support and grow local business, increasing employment opportunities for county residents.

The project included an analysis of industry clusters, groups of firms, and related institutions, that draw productive advantage from proximity and connections, and the ability to work together to solve common problems. Five key industry clusters were identified for Sonoma County, including: Sonoma Specialty Goods, Sustainability Services, Advanced Manufacturing, Health and Wellness Industry, Professional and Innovation Services.

Members of the five clusters engaged in focus groups, the result of which was a more thorough understanding of the strengths of, and unique challenges faced by each cluster. Members of the focus groups were also charged with identifying opportunities for growth, and the infrastructure and policies needed to support future prosperity. These opportunities are: branding and promotion of Sonoma County as a destination for business and tourism, cooperation among and between clusters, regulatory simplification, and a more engaged, well-trained workforce given opportunities to engage with each sector.

Related to regional foods, Sonoma County specialty goods was identified as a key cluster, which includes agriculture, food manufacturing, wine and other beverages, restaurants, and other related goods. The research found a growing demand for existing and new area-grown or made products, such as the farm-to-table movement, organic food and wine, and other products. This demand comes from current residents as well as experience-seeking tourists. The research identified the need to better collaborate within the county and work to promote products and combinations of products and services within the county as well as to markets beyond the county. As such, cluster initiatives are being undertaken to promote a Sonoma County “brand” as well as research on how to better market local food, wine, and lifestyles products.

The expected outcomes in this cluster include adoption of a shared, unifying message about the multi-dimensional Sonoma County experience and the development of resources needed to personalize the Sonoma County experience, to create the “brand” identified as an opportunity for growth. Other efforts discussed in this item will also address some of the identified areas for growth, including ag regulatory simplification efforts, and greater access to healthy, local foods through the C.L.F.P. Program and beginning farms and ranchers program, among other department activities.

### **iGROW:**

iGROW is one of seven community health projects recommended by Health Action and was presented to your board in May 2009. Launched in early 2010, iGROW is a countywide initiative developed by the Department of Health Services with the goals of connecting people with information and resources to grow their own food and increasing community engagement in creating a resilient and sustainable local food system. A Food Access Workgroup convened by

Health Services serves as a steering committee for iGROW and is comprised of representatives from partner organizations and interested community members. Working with the Workgroup, Health Services developed an iGROW website which is a hub of local information on food growing resources and contains interactive features to allow Sonoma County residents to post information about their gardens and garden-related events. The Department of Health Services also worked with community partners to develop a hands-on, basic iGROW food growing training series, which was piloted in 2010 at five community garden sites around the county. The three core iGROW classes include: Planning Your Year-Round Edible Garden, Planting the Summer Garden, and Eating From Your Garden Year Round/Fall and Winter Garden.

The Department of Health Services and Regional Parks have collaborated to continue the iGROW educational series of community gardens and related courses. Courses include learning to grow your own food, with information provided on general food gardening and summer and winter gardening. A total of 15 classes are scheduled for 2012 and program partners include the Town of Windsor, Nuestra Voz, St. Joseph's, and LandPaths. Specialty gardening classes are also offered at Larson Park Community Garden and Tolay Lake Regional Park. Such topics include biodynamic gardening, cooking from the garden, planning, running and managing community gardens, and possibly upcoming classes on mushroom cultivation and bee keeping, among others.

Class are offered at the community gardens are located at Sunrise Community Garden (Petaluma), Bayer Farm (Santa Rosa), Kawana Community Organic Garden (Santa Rosa), Larson Park Community Garden (Boyes Hot Springs), and Town Green Community Garden (Windsor).

**Healthy Earth, Healthy Bodies:**

Healthy Earth, Healthy Bodies is an elementary school field trip program run by Regional Parks which focuses on connecting students with where their food comes from and how that affects both their own health and the health of the environment. While attending Healthy Earth, Healthy Bodies, students learn about farming, stewardship, biology, natural and cultural resources, nutrition, and healthy recreational choices such as hiking, through participating in age-appropriate activities that exceed the California State Science and Health Standards. The program has been offered since 2009 at Tolay Lake Regional Park. An estimated 2,500 students from Sonoma County and surrounding areas will attend Healthy Earth, Healthy Bodies in the 2011-2012 academic year.

**Electronic Benefit Cards and the Farmer's Market:**

The Human Services Department has been conducting outreach to the local Farmer's Markets in order to encourage acceptance of CalFresh Benefits, which are accessed using an Electronic Benefits Card (E.B.T.). Currently the Famer's Markets in Cotati, Healdsburg, Petaluma, Santa Rosa, Sebastopol, Sonoma Valley, and Valley of the Moon accept E.B.T. cards as payment for fresh food. Human Services is pursuing other markets to get them involved as well. Since July 2011, the total E.B.T. usage at the markets has been \$16,091, with the average transaction totaling \$24.

The Human Services Department notifies new CalFresh applicants of which markets accept CalFresh E.B.T. and conduct a direct mailing campaign once a year. They have worked with the Redwood Community Healthcare Coalition and community-based organizations to provide outreach, and clinic-based application assistors and family advocates advise families of their ability to use CalFresh at farmers' markets.

**Healthy Food Outlet Project:**

The Healthy Food Outlet Project, a joint project of the Sonoma County Department of Health Services and Community Activity and Nutrition Coalition, works with food outlets (small markets, grocery stores, and supermarkets) to provide customers with healthier food options while at the same time helping stores to increase customer loyalty and store profits. The project accomplishes this by engaging food outlets to sell a variety of good quality healthy food, including fresh, frozen and canned fruits and vegetables, market and promote healthy food options, participate in food assistance programs, and help create a safe and inviting environment around their stores.

The 2010 south Santa Rosa pilot project resulted in increased sales and staffing as a result of healthy changes made in the five participating stores, including the expansion in the amount fresh produce sold, in store marketing of healthier foods, and acceptance of WIC and CalFresh. In 2011, ten stores in Monte Rio, Guerneville, Roseland, Kawana Springs, and Fetters Hot Springs joined the project. In 2012, a follow-up assessment of all stores will be conducted and the results presented to the Board. Additionally, a two-year strategic plan is being developed in collaboration with the Food System Alliance to address food access issues in Sonoma County and a research grant will be sought to expand the project into north county and test the efficacy of shifting customer buying patterns.

**Supplemental Nutrition Assistance Program Education:**

The Human Services Department in collaboration with the Department of Health Services has also recently accepted a grant from the U.S.D.A. to conduct Supplemental Nutrition Assistance Program education (SNAP-Ed) activities, including the promotion of healthy eating and drinking, particularly in the lower income areas of the County. Part of this endeavors includes developing a strategy for healthy eating and cooking for persons that are currently homeless, including homeless youth, and/or do not have an available cooking facility. The program is designed to specifically target families with elementary school age children, among other groups. This education begins in March 2012. Human Services has provided an evaluator to assess the success of this effort and will have outcome data in the future. Health and Human Services plan to apply for this same grant next year in order to have more time to get good outcomes as a result of this effort.

### **Sonoma County Healthy and Sustainable Food Action Plan Update:**

In August of 2011, your Board directed the Department of Health Services to work with the Sonoma County Food System Alliance, other County departments, city leaders, and other community partners to develop a Sonoma County Healthy and Sustainable Food Action Plan. The Action Plan builds upon existing work of the community by providing a roadmap with a shared community vision and joint goals for the food system. The Action Plan will also serve as a countywide policy platform to encourage, support, and drive organizational, regulatory, and legislative policy to achieve a more vibrant food system for Sonoma County.

The Action Plan is organized into four main action areas: (1) Agriculture & Environment, (2) Economic Vitality, (3) Healthy Eating, and (4) Social Equity. Each action area has a number of goals with more specific sub-goals and potential strategies. The strategies are samples to provide the reader with an idea of possible action items to achieve the goals and sub-goals. The identified goals and policy strategies of the Action Plan incorporate findings from the Sonoma County Community Food Assessment, include recommended areas for action from the 2011 Sonoma County Food Forum, align with the California Health in All Policies Strategic Task Force recommendations, address key findings from the American Public Health Association Toward a Healthy, Sustainable Food System policy brief, correspond with the appropriate sections of the National Prevention Strategy, and integrate best practices and promising practices from other communities, as well as align with the County goal of being the healthiest county by 2020.

The Sonoma County Food System Alliance is currently working on refining the draft Action Plan and in the process of reviewing the concept, content, and strategies with community stakeholders.

**Board of Supervisor Regional Food Ad Hoc:**

In January 2012 your Board identified the need for an ad hoc dedicated to regional foods. Supervisors Brown and Zane were selected to lead this ad hoc. The above information on the various County regional foods efforts will be tracked as part of this ad hoc, and to aid in the ad hoc's efforts. The ad hoc and staff will return to the full Board as efforts as undertaken through the ad hoc.

<h1>County Of Sonoma</h1> <h2>Agenda Item</h2> <h3>Summary Report</h3>		<b>Clerk of the Board Use Only</b> Meeting Date / / Agenda Item No: 21
<b>Department:</b> Information Systems Department (ISD)		<b>4/5 Vote Not Required</b>
<b>Name and Phone Number:</b> John Hartwig (707) 565-6055	<b>Board Date:</b> 3/20/2012	<b>Deadline for Board Action:</b>
<b>AGENDA SHORT TITLE:</b> Web Content Management System Implementation Contract.		
<b>REQUESTED BOARD ACTION:</b> <ol style="list-style-type: none"> <li>1) Receive an informational presentation regarding updates planned for the County's public websites to establish a consistent unified web presence with improved content management capabilities.</li> <li>2) Authorize the Information Systems Director to execute a Professional Services Agreement with Ektron, Inc. for the procurement, installation, training, and support services for the web content management system for a total amount not to exceed \$200,000, for the term of March 13, 2012, through February 28, 2014.</li> <li>3) Authorize the Information Systems Director to execute a Professional Services Agreement with White Horse, Inc., for the discovery, planning and design services to assist in the design and navigation configuration of the Web Content Management System for a total amount not to exceed \$750,000, for the term of March 13, 2012 through March 31, 2015.</li> </ol>		
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT</b>		
<u>EXPENDITURES:</u>		<u>ADDITIONAL FUNDS REQUIRING BOARD APPROVAL:</u>
Estimated Cost	\$390,000	Contingencies \$0 (Fund Name:)
Amount Budgeted	\$390,000	Unanticipated Revenue \$0 (Source:)
Other Available Appropriations (Explain Below)		Other Transfers \$0 (Source:)
Additional Requested	\$0	Additional Funds Requested
<b>Explanation (if required):</b> The total cost of the Web Content Management System project is approximately \$1,130,000 spread over two fiscal years. \$904,000 of this project is funded by the strategic fund initiatives to improve County efficiency through the use of technology. \$226,000 is funded by the ADA remediation funds for the improvement of website accessibility.		



**Prior Board Action:**

10/05 – Approved the ISD Strategic Plan for Technology which includes funding of a Web Content Management System.

**Alternatives – Results of Non-Approval:** The County will continue to support websites built on disparate systems which require that many departments continue to rely on County Information Systems Department to modify content on their websites.

**Background:**

Superior public service involves and supports residents, business communities, and government partners. County enterprise technology effectively bridges public safety, health and human services, land management, transportation, parks, recreation and administrative programs with a consistent and sustainable technology foundation.

Related technology projects and a service portfolio enable our best assets, our departments and employees, to work well together regardless of organizational or jurisdictional boundaries. There are three priority technology projects that represent core foundational application systems essential to all departments and functional areas:

Electronic Document Management System Implementation - reduce reliance on paper-based systems for managing daily operations and position information for accessibility and sharing in electronic formats.

Expand Web Presence and Branding - implement an enterprise scale web content management system to increase and improve accessibility, transparency, and accountability to the public.

Financial Information System Replacement - replace current financial systems with a single, more comprehensive environment to manage operations and transform processes embedded in overly complex technologies within and between departments, special districts, funds, and agencies.

The FY11/12 budget incorporated objectives and budgetary authority to move forward with acquisition and implementation of the first two priority projects. The core Electronic Document Management System implementation was already approved by your Board. The second priority – Expanding Web Presence and Branding – is a key component of service delivery strategies that will improve both the public's experience with, and use of, County web sites. Efficiencies will be increased by promoting self-service and improving content owner's ability to provide timely and relevant information to support civic engagement and transparency objectives.

Today all web content published through Information Systems Department Web team is manually prepared, approved and published. Newer technologies will automate the processes, simplify content creation, distribute publishing authority, and help us consistently present a common look and feel across departmental informational sites.

Information Systems presented the Web Presence and Branding project to the Information Technology Governance Committee in October, 2011, and received consensus to move forward with the project.

**Vendor Selection**

A request for proposal (RFP) was issued in June, 2011, seeking a Web Content Management System and the related professional services to assist in the implementation, training, configuration and design of an enterprise-wide solution. The RFP was sent to over 30 vendors. Although the Local Business Preference Policy had not yet been approved by your Board at the time this RFP was released, County staff made every

effort to include potential local companies. In addition, this RFP was posted on the web, which resulted in proposals from vendors not specifically targeted.

Evaluators were asked to score on the basis of the completion of the information, and the level at which they believed the proposed solution and/or services met the expectations of the County.

Out of the three finalists, Ektron's 8.5 Web Content Management System was determined to best suit the full requirements of the County with the participation of over 30 departmental representatives during vendor demonstrations. The Ektron proposal partnered with White Horse Productions, Inc. as the implementer in this project to assist the County in its discovery, design, configuration and other services related to the project. The Ektron system comes highly recommended and at a reasonable cost. The Ektron Company has also been identified by a leading information technology research organization, Gartner Research, as a leader in the WCMS products. White Horse is a proven partner with Ektron, and has completed successful discovery, design and consultation services in Napa County and with other local government agencies.

The County received a formal protest from Kiefer, Inc. The County Purchasing Agent responded to the protest with advice from County Counsel and Information Systems. Subsequently, Kiefer, Inc. withdrew their protest and it is considered closed.

### **Contract Development**

Information Systems worked with Ektron, Inc. and White Horse, Inc. to develop statements of work which will best position the County for an enterprise-wide adoption of a Web Content Management System. These agreements will assist the County with the implementation of a Web Content Management System and the re-design of five County websites, including the main County website, Regional Parks' website and three others to be named later in the discovery process. In addition, Information Systems will receive a planning roadmap and in depth product training to continue implementing the remaining websites. As a result of the planning roadmap, the County will have a consensus strategy to implement the new software on county-supported websites. Priority will be given to those sites which are out of compliance with federal and state regulations such as accessibility standards.

### **Expected Milestones**

May 2012: Core system installed and operational

June 2012: First web site converted

July 2012: Second web site converted

Jan 2013: County-wide portal created; content migrated.

Departments employing Information Systems for web redesign or substantive changes to their sites during the normal course of business will be converted to the new system.

The new system will establish a foundational mechanism that will:

1. Establish a common brand, look and feel throughout County web pages that will improve credibility and confidence in County government.
2. Provides expansion of emerging social media integration, e.g. FaceBook, Twitter, etc.
3. Enables multi-lingual support and ensures Americans with Disabilities Act compliance, giving equal access to all.
4. Expands the reach of County web content to mobile devices.
5. Improves website search capabilities and provides tools for departments to manage web-content, ensuring up-to-date information on services, rates and other time-sensitive information.

**Funding**

The American with Disabilities Act (ADA) Executive Steering Committee has approved funding from the ADA Capital Improvement Plan – de-allocated fund, in the amount of \$226,000, towards the total project cost.

The remaining funding of \$904,000 for this project is provided by the County Information Technology Investment Fund. Starting in the FY 2001-2002 budget, your Board of Supervisors began setting aside funds for the future technology improvements needed by the County and identified in the Strategic Plan for Technology. As of March 2012, the remaining balance in this fund is \$2.4 million.

The total cost of procuring Ektron’s system, Information Systems’ labor, and the consultation services provided by White Horse, Inc. is \$1,130,000 over two fiscal years (FY11-12 and FY12-13):

**FY11-12 (1<sup>st</sup> Year Expenditures):**

Software, Licensing and Equipment Costs with Installation	\$ 130,000
Vendor Discovery, Planning, Design, System Build and Training	\$ 200,000
Internal ISD Labor Costs	\$ 60,000

**FY12-13 (2<sup>nd</sup> Year Expenditures):**

Software Licensing, Design and Build	\$ 542,000
Internal ISD Labor Costs	\$ 198,000

<b>Total project cost:</b>	<b>\$1,130,000</b>
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**Attachments:**

**On File With Clerk:** Professional Services Agreement with Ektron, Inc. and Professional Services Agreement with White Horse, Inc., Business Case for ADA Capital Projects Funding

**CLERK OF THE BOARD USE ONLY****Board Action (If other than “Requested”)****Vote:**

# County Of Sonoma Agenda Item Summary Report

Clerk of the Board Use Only  
Meeting Date  
/ /  
Agenda Item No:  
22 10:30 A.M.

**Department:** Probation

**4/5 Vote Not Required**

**Name and Phone Number:**  
David Koch - (707) 565-2168

**Board Date:**  
3/20/2012

**Deadline for Board Action:**

**AGENDA SHORT TITLE:** Recommendation To Close Sierra Youth Center.

**REQUESTED BOARD ACTION:**

- (1) Authorize the closure of Sierra Youth Center effective April 17, 2012;
- (2) Authorize the Probation Department to work with the Human Resources Department to administer layoff proceedings where necessary and to mitigate layoffs to the full extent possible;
- (3) Authorize the transfer of two (2) FTE Juvenile Correctional Counselor III positions to the Juvenile Hall and a 0.5 FTE Secretary position to Juvenile Probation;
- (4) Resolution amending the FY 11-12 Probation Department Position Allocation List, effective April 17, 2012.

**CURRENT FISCAL YEAR FINANCIAL IMPACT**

<u>EXPENDITURES:</u>		<u>ADDITIONAL FUNDS REQUIRING BOARD APPROVAL:</u>	
Estimated Cost	\$0	Contingencies (Fund Name:)	\$0
Amount Budgeted	\$0	Unanticipated Revenue (Source:)	\$0
Other Available Appropriations (Explain Below)	\$0	Other Transfers (Source:)	\$0
Additional Requested	\$0	Additional Funds Requested	\$0
<b>Explanation (if required):</b> None.			

**Prior Board Action:** During the FY 11-12 budget process, the Probation Department recommended closing Sierra Youth Center (SYC) in order to meet required budget reductions. At that time, the Board utilized one time funding to continue SYC and directed the Department to research additional options for the program and to return midyear to present these alternatives.

**Alternatives – Results of Non-Approval:** If the Department does not close Sierra Youth Center, additional funding will be required to continue operating the program next fiscal year, and other County programming or services may have to be eliminated. For fiscal year 11-12, the cost to the County was \$1,396,107. Due to the loss of federal funding (Title IV E), the expected County cost for FY 12-13 would be about \$1,682,000.

**Background:** The Sierra Youth Center (SYC) is the Department's gender responsive commitment program for girls. Originally a 22 bed program, it was reduced to a 15 bed program in FY 10-11, in response to budget reductions and declining enrollment.

During the FY 11-12 budget process, the Probation Department recommended closing SYC in order to meet reductions required of Departments. The Board authorized one time funding for SYC for fiscal year 11-12, and asked the Department to investigate all options and return to the Board with that information midyear.

As directed, the Department spent several months analyzing options, such as additional out of state placements, non-residential day programs, utilization of the Juvenile Hall dorm, and even continuing SYC in its current form. This investigation, in conjunction with SYC's consistently low population, led to the conclusion that the most reasonable option is closure of the program, while new opportunities in an Evening Reporting Center are developed.

There will probably always be some need for residential treatment for girls in the criminal justice system; however, the extent of this need has lessened over the last few years, and dramatically so recently. The population at SYC has been steadily declining, and will be down to 4 shortly.

While some of this decrease may be related to national and regional trends, local actions have also likely contributed. The total number of girls arrested peaked in FY 07-08 at 628, dropping slightly to 556 in FY 10-11. Yet the percent of these girls who needed the more intense intervention of court-ordered supervision decreased by 40% (from 28.4% in FY 06-07 to 17.1% in FY 10-11). These decreases, in conjunction with the Sierra population decline, suggest that local interventions may be at least partially responsible for this welcome trend.

Sonoma County has increasingly employed upstream approaches that impact a child and family at earlier stages of difficulty. In the Probation Department, a range of upstream and evidence-based programming have been incorporated over the past few years. These include a risk-assessment tool; Motivational Interviewing; Girls Circle; programs for mentally-ill juveniles; and wrap-around services as an alternative to placement. The Department believes that these upstream and evidence-based approaches, including diversion of more juveniles from the system, and collaborative efforts at gang prevention and intervention, have helped reduce the number of girls who require Sierra's level of intensive, out-of-home treatment.

The most recent data for girls entering the juvenile justice system in the first 8 months of this Fiscal Year indicates further, and dramatic, declines. Extrapolating to the full year, the number of girls arrested in FY 11-12 is projected to drop by 30% when compared to FY 10-11 (from 556 in FY 10-11 to 389 in FY 11-12). Further, the number of girls requiring court ordered supervision is estimated to decline by 40% (from 95 to a projected 57). SYC commitments typically originate from this last pool of girls, suggesting that the need for SYC's level of care is unlikely to rise significantly in the near future.

The 2009 Sonoma County Juvenile Justice System Study contained numerous findings and recommendations relating to ongoing operation of Sierra. Data analysis revealed girls in the program tended to be lower risk (to reoffend) than their male counterparts in Camp and committed fewer violent crimes (e.g., assaults). The report suggested that treatment strategies directed toward strengthening family relationships and functioning, and reducing aggressive behavior, should constitute primary program goals. That study recommended creation of community-based outpatient services in a family-centered model, complemented by an intensive treatment foster care component providing an appropriate alternative to residential placement or commitment to Juvenile Hall. The report indicated that establishing gender-specific programming and services in an Evening Reporting Center model, combined with greater use of Functional Family Therapy, Wraparound services, and possibly treatment foster care, could provide a more viable, less costly out-of-home placement option, and was worthy of consideration.

The Department's existing Evening Reporting Center for boys, run by The Center for Social and Environmental Stewardship (CSES), has been underutilized. Discussions are underway to open this program to girls, and to offer separate gender responsive programming. Delivering gender specific services at an Evening Reporting Center is consistent with an upstream approach in that it provides a level of programming expected to alleviate the eventual need for out-of-home placement. This approach results in a more cost-effective proposition, preserving gender-specific services for delinquent girls, with the added benefit of being consistent with established best practices in juvenile justice.

The Department is working with CSES, examining SYC's existing treatment and vocational programs to determine which of these are transferable to an Evening Reporting Center, and which will complement the array of services currently available through CSES. These include SYC programming such as: Girls' Circle; trauma-informed counseling addressing physical/psychological abuse; access to Girl Scouts; a Small Business Certificate Program; Sonoma County Office of Education Work Ready Certificate; the SYC Gardening Program; culinary arts; and "assistance dog" training.

While community-based services will address needs of most girls on supervision, out-of-home placement options are necessary for those girls who cannot remain in their homes. Probation has effectively managed its use of out-of-home placement resources; of the 80 beds currently available for probation youth, approximately 65 are occupied. Any girl who normally would have required the intensity afforded by participation in Sierra will have access to out-of-home placement. Additionally, Bay Region Chief Probation Officers are commencing discussions on a regional residential program for girls, as several counties are seeing this trend of a declining population.

The building in which Sierra currently operates does not meet existing standards for residential programs set by the California Corrections Standards Authority (CSA). However, the Department has been advised the building can resume housing the Sierra program at a later date, if basic maintenance is continued on the facility immediately following program closure.

The majority of SYC staff will be absorbed through placement in existing vacancies at the Juvenile Hall. This will lead to some demotions (in particular, of Juvenile Hall staff), and 1 or 2 permanent Juvenile Hall staff may be laid off as a result.

The transfer of one FTE Juvenile Correctional Counselor III position to the Juvenile Hall and 0.5 FTE Secretary to Juvenile Probation will allow the Department to continue its Juvenile Weekend Work Crews. Weekend Work Crews are an integral part of the Department's diversion services for youth in the justice system. Probation is evaluating the feasibility of designating one Weekend Work Crew – composed primarily of girls under supervision and those who would be participating in the Evening Reporting Center – to maintain the SYC garden project.

The Department also proposes transfer of one additional FTE Juvenile Correctional Counselor III position to the Juvenile Hall to continue the Aftercare program, for the remainder of this Fiscal Year. The Aftercare program allows for the continued monitoring and support of girls as they return to their homes and communities. This program would be continued through this year for those girls who are currently on Aftercare and for the girls who will be placed on Aftercare due to the closure of SYC.

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**Attachments:** None.

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**CLERK OF THE BOARD USE ONLY**

<b>Board Action (If other than "Requested")</b>
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<b>Vote:</b>
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**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/2012**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing The Closure Of Sierra Youth Center effective April 17, 2012 And Amending The Department Allocation List, Probation Department, Deleting 1 FTE Division Director I Position, 1 FTE Juvenile Correctional Counselor IV Position, 3 FTE Juvenile Correctional Counselor III Positions And 3 FTE Juvenile Correctional Counselor II Positions Effective April 17, 2012; And Authorizing The Transfer of 2 FTE Juvenile Correctional Counselor III Positions and 0.5 FTE Secretary Position.**

**Whereas,** The Sierra Youth Center is a gender responsive program of the Probation Department, serving at risk girls in Sonoma County; and

**Whereas,** The Sierra Youth Center was reduced to a 15 bed program in FY 11-12 in response to declining commitments and budget reductions; and

**Whereas,** The population of Sierra Youth Center has continued to decline over the last several years to a current low of four; and

**Whereas,** The onetime funds granted by the Board of Supervisors in FY 11-12 to continue operations of the Sierra Youth Center are set to expire at the end of the current fiscal year.

**Now, Therefore, Be It Resolved** By the Board of Supervisors of the County of Sonoma, that the Department allocation list be amended as follows:

Budget Index	Job Class	Class Title	Existing Positions for Job Class	Change in Position Allocation	New Total Allocation for Job Class	Duration/End Date	Salary Range
044404	3232	Division Director I	1.00	-1.00	0	4/17/2012	\$37.97
044404	3114	Juvenile Correctional Counselor IV	1.00	-1.00	0	4/17/2012	\$29.79
044404	3113	Juvenile Correctional Counselor III	5.00	-5.00	0	4/17/2012	\$26.74
044404	3112	Juvenile Correctional Counselor II	3.00	-3.00	0	4/17/2012	\$23.39
044404	0023	Secretary	0.50	-0.50	0	4/17/2012	\$19.99
044206	3113	Juvenile Correctional Counselor III	6.00	2.00	8.00	4/17/2012	\$26.74
043117	0023	Secretary	0.50	0.50	1.00	4/17/2012	\$19.99



Resolution #  
Date: 3/20/2012  
Page 2

**Supervisors:**

Brown:            Rabbitt:            McGuire:            Carrillo:            Zane:

Ayes:            Noes:            Absent:            Abstain:

**So Ordered.**

<h1>County Of Sonoma Agenda Item Summary Report</h1>		<p>Clerk of the Board Use Only Meeting Date / /</p> <p>Agenda Item No: <u>23</u></p>
<p><b>Department:</b> County Counsel</p>		<p><b>4/5 Vote Not Required</b></p>
<p><b>Name and Phone Number:</b> Kathleen Larocque - (707) 565-3310</p>	<p><b>Board Date:</b> 3/20/2012</p>	<p><b>Deadline for Board Action:</b> 3/20/2012</p>
<p><b>AGENDA SHORT TITLE:</b> Federal Housing Finance Agency's Proposed Rulemaking regarding P.A.C.E. Programs.</p> <p><b>REQUESTED BOARD ACTION:</b> Authorize the Chair to sign comment letter on the Federal Housing Finance Agency's Advanced Notice of Proposed Rulemaking regarding Property Assessed Clean Energy (P.A.C.E.) programs as drafted by County Counsel.</p>		
<p align="center"><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</b></p> <p><b>Explanation (if required):</b> None.</p>		
<p><b>Prior Board Action:</b> S.C.E.I.P. has provided regular updates to the Board since its launch in March 2009. With respect to F.H.F.A. specifically, on July 13, 2010, this Board directed staff to take appropriate action on all fronts to challenge F.H.F.A.'s actions.</p>		
<p><b>Alternatives – Results of Non-Approval:</b> Sonoma County, the largest P.A.C.E. program in the country, would not provide comments on the proposed rule. Sonoma County specifically sought and won a court order requiring F.H.F.A. to proceed with notice and comment rulemaking. Failure to provide comments would be detrimental to P.A.C.E. supporters and could negatively impact the County's position in the litigation against F.H.F.A.</p>		

## Background:

In March 2009, the County launched the Sonoma County Energy Independence Program (S.C.E.I.P.) pursuant to Assembly Bill 811 (Levine 2008) which authorizes cities and counties to establish voluntary contractual assessment programs to fund energy efficiency, water conservation, and renewable energy generation projects. Under this type of assessment financing – nationally known as Property Assessed Clean Energy (P.A.C.E.) – property owners enter into contractual assessment agreements with the County to fund the projects and property owners repay the financing through an assessment on their annual property tax bill. S.C.E.I.P. assessments are set up and function like all other assessments in California: the amount of the assessment becomes a lien on the property until the assessment is paid in full and the lien is accorded the same lien status as property taxes.

Beginning in May 2010, the Federal Housing Finance Agency (F.H.F.A.) and Fannie Mae and Freddie Mac, government sponsored enterprises that purchase a very large segment of conforming single family home mortgages, issued letters of instructions to lending institutions directing lenders to treat P.A.C.E. assessment as “loans” instead of “assessments” and stating that the terms of the Fannie Mae/Freddie Mac Uniform Security Instruments prohibit loans that have senior lien status to a mortgage. To implement that instruction, Fannie Mae/Freddie Mac sent notices to servicing banks that neither agency would purchase mortgage loans secured by properties with an outstanding P.A.C.E. obligation.

Under direction from your Board, the County filed a lawsuit challenging F.H.F.A.’s statements. The district court granted the County’s motion for a preliminary injunction to require F.H.F.A. to begin rulemaking proceedings, and consider comments before issuing a final rule on P.A.C.E.. F.H.F.A. has appealed that order, but rulemaking proceedings are required to proceed while the matter is on appeal. In response to the order, F.H.F.A. recently released its Advanced Notice of Proposed Rulemaking (A.N.P.R.) seeking comments on whether its prior directives should be maintained, changed or eliminated, and whether other restrictions or conditions should be imposed. Comments are due on March 26, 2012.

County Counsel is drafting comments in coordination with other public entities and private stakeholders across the country. The proposed comment letter will request that F.H.F.A. withdraw its statements because (1) local governments have always had the power to establish assessments for the public good and P.A.C.E. assessments are no different, and (2) there is no data to support F.H.F.A.’s contention that P.A.C.E. assessments are “risky” or different than other assessments. More specifically, the County’s comment letter will focus on the following:

- P.A.C.E. programs reflect state and local determinations of public policy, no different than other assessment programs. The State of California has declared that a public purpose will be served by authorizing local governments to establish P.A.C.E. programs.
- The improvements funded by P.A.C.E. programs serve a public purpose. They are limited to improvements authorized and approved by local governments, which produce measureable energy savings or energy production. Because of the public purpose and public nature of the improvements, coupled with the reduced cost of running the property due to the improvements, there is no need for the restrictions proposed.
- F.H.F.A., Fannie Mae, and Freddie Mac have always recognized property taxes and assessments as exemptions to their prohibition on priority liens. All assessments for infrastructure improvements result in a lien. Never before for any type of assessment – road, small or large water system, sewer, underground utilities, individual seismic improvements – have they taken the position that the assessment lien violated the Uniform Security Instrument.
- Sonoma County is unaware of any evidence that would support F.H.F.A.’s claims that P.A.C.E. liens are “unusually” or “more” risky than other assessments.
- Actual experience of existing programs (and S.C.E.I.P. in particular) does not support F.H.F.A. assumption of added risk. On the contrary, the data demonstrates that properties enrolled in P.A.C.E. programs have fewer tax and mortgage delinquencies than the general public.

- Studies reflect that efficiency and renewable energy improvements add value to the property.
- Sonoma County takes great care to offer financial disclosures as well as educational materials to homeowners interested in S.C.E.I.P.
- S.C.E.I.P. imposes strict but reasonable eligibility requirements to qualify for financing. The success of these requirements can be observed in the low default and tax delinquency rates on S.C.E.I.P. assessments. Sufficient safeguards are therefore already in place to address F.H.F.A.'s concerns.
- P.A.C.E. programs are good for the environment and good for the economy, thus serving an important public purpose.

This item seeks authority for the Chair to sign the comment letter, as drafted by County Counsel, to be submitted by March 26, 2012.

**Attachments:** None.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

# County Of Sonoma Agenda Item Summary Report

Clerk of the Board Use Only  
Meeting Date

/ /

Agenda Item No:

30

2:10 P.M.

**Department:** Sonoma County Permit and Resource Management Department

**Name and Phone Number:**  
Jane Riley - (707) 565-7388

**Board Date:**  
03/20/2012

**AGENDA SHORT TITLE:** General Plan Amendment, Zone Change, Zoning Text Amendment, and Use Permit; Sally Glendening, applicant, Merrill Mazza, owner; PLP11-0025.

**REQUESTED BOARD ACTION:** Adopt an Ordinance and Resolution to approve a General Plan Amendment, Zone Change, Zoning Text Amendment, and Use Permit located at 16351 1st Street, Guerneville; APN 070-040-027; Fifth District.

## Action Requested of the Board of Supervisors:

Hearing to consider a request for a General Plan Amendment, Zone Change, Zoning Text Amendment, and Use Permit. Application No. PLP11-0025; Sally Glendening, applicant; Merrill Mazza, owner. At the conclusion of the hearing your Board may adopt the Negative Declaration and approve the General Plan Amendment, Zone Change, Zoning Text Amendment, and Use Permit as recommended by staff and the Planning Commission.

## Location, Zoning and Project Description:

The subject property is located at 16351 1st Street, Guerneville; APN 070-040-027; Supervisorial District No. 5. The base zoning for the site is K (Recreational and Visitor Serving Commercial), and the combining zones are F1 (Flood way Combining District), F2 (Flood plain Combining District), BR (Biotic Resource), VOH (Valley Oak Habitat).

The proposed project is a request for a 1) a General Plan Amendment and Rezone of an existing 27-unit residential complex from "K" to "R2" in order to recognize the existing land use and preserve the existing affordable housing units; 2) a Zoning Text Amendment to add Single Room Occupancy (SRO) to the uses allowed with a Use Permit in the R2 and R3 Districts; and 3) a Use Permit to allow six (6) single room occupancy (SRO) rooms within the existing structures on this site, for a total of 27 units including three that contain the SRO rooms. No site changes are proposed.

**Attachments:**

- Project Memo
- Draft Board of Supervisors Resolution
- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Draft Ordinance
- EXHIBIT C: Draft Sectional District Map
- EXHIBIT D: Draft Text Ordinance
- EXHIBIT E: Correspondence

**Separate Attachment to the Board of Supervisors and On File With Clerk:** Negative Declaration, Planning Commission Resolution No. 12-008, Planning Commission Minutes dated February 2, 2012, Planning Commission Staff Report dated February 2, 2012.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**



## **PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

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**DATE:** March 20, 2012 at 2:10 p.m.

**TO:** Board of Supervisors

**FROM:** Jane Riley, Project Planner

**SUBJECT:** Hearing to consider a request for a General Plan Amendment, Zone Change, Zoning Text Amendment, and a Use Permit; PLP11-0025, Sally Glendening, applicant; Merrill Mazza, owner; Supervisorial District No. 5.

### **Action Requested of the Board of Supervisors:**

The Board is requested to conduct a public hearing on the proposed General Plan Amendment, Zone Change, Zoning Text Amendment, and a Use Permit and consider the Negative Declaration and Planning Commission recommendation. At the conclusion of the hearing your Board may adopt the Negative Declaration and approve the General Plan Amendment, Zone Change, Zoning Text Amendment, and a Use Permit as recommended by staff and the Planning Commission.

### **Prior Actions:**

On February 2, 2012, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the request by Sally Glendening for owner Merrill Mazza for a General Plan Amendment, Zone Change, Zoning Text Amendment, and a Use Permit.

### **Location and Zoning:**

The subject property is located at 16351 1st Street, Guerneville, APN 070-040-027; Supervisorial District No. 5. The base zoning is K (Recreation and Visitor Serving Commercial), and combining zones include F1 (Primary Floodway), F2 (Secondary Flood Plain), BR (Biotic Resources), VOH (Valley Oak Habitat).

The project site is situated along the Russian River in downtown Guerneville in a mixed residential/commercial area just east of the Safeway shopping center. It is within easy walking distance of transit, shopping, services and schools. The undeveloped lower half of the site along the Russian River is within the F1 floodway and Biotic Resource area of the Russian River, and will remain undisturbed. The upper half of the site is already fully developed with open, uncovered parking, located within the floodway (F1); and the common area, pool, and existing units, which are located within the 100 year flood zone (F2).

Overall, the immediate area is characterized by a mix of local-serving land uses that do not necessarily conform to the underlying zoning designations.

### **Project Description:**

This project involves an existing 27 unit apartment complex that is located on a "K" zoned property with public services in downtown Guerneville. The property was originally constructed in the 1920s and 1940s and was extensively remodeled and upgraded in 1982 as the Fire Mountain Lodge. For the last twenty years, the 27 "lodge" apartments, each with its own kitchen, have been rented out year-round to

Guerneville residents. Because the Sonoma County Code does not allow the long-term rental of “visitor serving” (“K”) units, a General Plan Amendment and Rezone are necessary to recognize the existing residential land use on the property and bring it into conformance with the Code.

In addition, as a part of this project staff is recommending that the Zoning Code be amended to add Single Room Occupancy (SRO) facilities to the list of uses allowed with a Use Permit in the Medium Density (R2) and High Density (R3) Zoning Districts. SROs are small, single occupancy rooms rented on a monthly basis that typically share bathrooms and/or kitchen and eating areas. These small rental units are considered to be affordable “by design” due to their small size, and no long-term affordability agreements are required. Provisions to allow SRO facilities were adopted into the Zoning Code for commercial zones with the 2005 Housing Code Amendments (see 26-88-150), but have not yet been expanded to residential zones. The reasons for this recommended change to the Zoning Code are two-fold: first, to implement adopted housing element policies and program to encourage and facilitate SRO facilities; and secondly, to allow the inclusion of SRO rooms within the existing development on the project site

The subject request is for General Plan Amendment from Recreation and Visitor Serving Commercial (RVSC) to Urban Residential 12 units per acre (UR12); a Zone Change from “K” to “R2” to reflect the existing uses on site and allow rental periods of longer than 30 days; adoption of a Zoning Text Amendment to add Single Room Occupancy (SRO) rooms as uses allowed within the Medium Density (R2) and High Density (R3) Residential Zone Districts, subject to the granting of a Use Permit; and a Use Permit (which would also provide the necessary public benefit) to allow the interior conversion of three of the existing units into six SRO rooms (three units with two SRO rooms each), for a total of 27 units, including the three units with six total SRO rooms. No physical changes to the project site are proposed beyond these interior conversions.

### **ISSUES DISCUSSED AT THE PLANNING COMMISSION PUBLIC HEARING**

#### **Issue #1:** SRO Facilities affordable “by design” without Affordability Agreements

The Planning Commission sought clarification on why SRO rooms are considered to be affordable even though they are not required to enter into long-term Affordable Housing Agreements (AHAs) with the Community Development Commission.

#### **Resolution**

Staff confirmed that the SRO Ordinance, adopted in 2005, does not require a long-term affordability agreements for SRO rooms, which are very small (150-400 square feet) private living areas with shared kitchen and bath facilities. Units of this size are considered affordable “by design.” A Use Permit is required, and the Conditions of Approval restrict the affordability of the SRO units without need for an AHA (see Condition No. 9). Staff noted that the Board has also recently adopted Code changes to recognize second dwelling units and agricultural employee units of 1,000 square feet or less as affordable “by design” without the need for AHAs. Condition No. 9 was amended to identify the CDC publication that specifies the maximum rent level for the SRO rooms.

#### **Issue #2:** Parking

The Planning Commission sought clarification of existing and proposed parking, including handicapped parking.



Resolution

Staff confirmed that the project site currently contains 37 off-street parking spaces and three on-street parking spaces, none of which are covered. The parking regulations require a total of 39 off-street spaces for the project once the three existing units are converted to six SRO rooms. However, the Parking Code also allows the required parking spaces to be decreased when "it has been satisfactorily demonstrated to the planning director or applicable decision-making body that fewer spaces will adequately serve the specific use." In this case, the location of the project within walking distance to transit and services, along with the presence of on-street parking, allows the reduction to be made and parking had not been noted as a problem. Handicapped parking is required by the Building Official to be maintained on the upper part of the site due to the steep slope to the lower parking area.

**List of Attachments:**

Draft Board of Supervisors Resolution  
EXHIBIT A: Draft Conditions of Approval  
EXHIBIT B: Draft Ordinance  
EXHIBIT C: Draft Sectional District Map  
EXHIBIT D: Draft Text Ordinance  
EXHIBIT E: Correspondence

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**Separate Attachment for the Board of Supervisors and On File with the Clerk:** Negative Declaration, Planning Commission Resolution No. 12-008, Planning Commission Minutes dated February 2, 2012, Planning Commission Staff Report dated February 2, 2012.

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/2012  
PLP11-0025 Jane Riley**

**Resolution Of The Board Of Supervisors, County Of Sonoma, State Of California, Adopting A Negative Declaration And Approving A General Plan Amendment, Zone Change, Zoning Text Amendment, And A Use Permit For A Small Single Room Occupancy (SRO) Facility Within The Existing Development For Property Located At 16351 1st Street, Guerneville, APN 070-040-027.**

**Whereas**, the applicant, Sally Glendening, for Merrill Mazza owner, filed an application with the Sonoma County Permit and Resource Management Department for a General Plan Amendment, Zoning Text Amendment to add SRO Facilities to the list of uses allowed with a Use Permit in the Medium Density Residential (R2) and High Density Residential (R3) Districts, a Zone Change from “K” to “R2 12 UN/AC”, and a Use Permit to allow six SRO rooms within the existing development (total 24 units and six SRO rooms) on the property located at 16351 1st Street, Guerneville, APN 070-040-027; Zoned K (Recreation and Visitor Serving Commercial), F1 (Primary Floodway), F2 (Secondary Flood Plain), BR (Biotic Resources), VOH (Valley Oak Habitat), Supervisorial District No 5 (“the Project”); and

**Whereas**, a Negative Declaration was prepared for the Project and noticed and made available for agency and public review in accordance with the California Environmental Quality Act (“CEQA”) and the State and County CEQA Guidelines; and

**Whereas**, at its regularly scheduled meeting on February 2, 2012, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the request; and

**Whereas**, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on March 20, 2012, at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding the Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Negative Declaration and the Project; and

**Whereas**, the Board of Supervisors has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Negative Declaration and the Project.

**Now, Therefore, Be It Resolved** that the Board of Supervisors makes the following findings:

1. The proposed Project meets the designation criteria for a General Plan land use designation of Urban Residential, 12 units per acre. The land use change is consistent with the

Land Use Element criteria for designation of an Urban Residential site because it is located within a designated Urban Service Area with adequate public services and provides convenient access to transportation and community services. The Project also complies with Housing Element Objective HE 1.4 and Policy HE-1f because it supports the retention of existing small housing units and the establishment of new SRO rooms. The proposed land use map amendment to UR 12 is in harmony with the rest of the General Plan Goals, Objectives and Policies.

2. The proposed Project is consistent with the R2 B6 12 UN/AC (Medium Density Residential, 12 units per acre) zoning designation, which allows occupancy of the existing residential units on this site for periods on more than 30 days, and no site plan changes are proposed which would affect the existing F1, F2, BR and VOH Combining Districts. Single Room Occupancy facilities are permitted separately under Section 26-88-125 of the Zoning Ordinance, subject to a Use Permit approval as granted herein.

3. Based upon the information contained in the Initial Study included in the Project file, it has been determined that there will be no significant environmental effect resulting from this Project. The Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.

4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: 1) no site plan changes are proposed as a part of this Project; 2) the proposed change in use is limited to the conversion of three (3) existing apartments into six (6) SRO rooms, resulting in a more limited level of occupancy and an equal parking requirement; 3) the establishment and operation of the small SRO facility meets all requirements of the SRO Ordinance, as set forth in 26-88-125, as outlined in the Staff Report; and 4) "House Rules" will be applied to the use of the property, which include limitations on parking and noise, and which makes provision for the ongoing cleanliness and security of the complex.

5. The Rezoning of the parcel from "K" to "R2 B6 12 UN/AC" does not constitute a "spot zoning" because in rezoning the subject property, the Board of Supervisors has carefully considered the proposed land use and its compatibility with surrounding land uses; the facts of the subject property, and the community needs set forth in the General Plan, including its Housing Element and referenced documents. In this case, the proposed rezoning will reflect the actual use on the site, and a special privilege is not bestowed because surrounding zoning districts ("K" and "LC" Zones) allow much more intense land uses than does this proposed residential zoning designation. Finally, the preservation of low-cost housing serves an identified community need.

**Be It Further Resolved** that the Board of Supervisors adopt the Negative Declaration. The Board certifies that the Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA guidelines, and finds that the Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors.

**Be It Further Resolved** that the Board of Supervisors approve the requested General Plan Amendment, Zoning Text Amendment, Zone Change, and Use Permit to allow six SRO rooms within the existing structures, for a total of 24 units subject to the Conditions of Approval in Exhibit "A", attached hereto.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**

**Sonoma County Board of Supervisors**

**Draft Conditions of Approval  
Exhibit A**

<b>Date:</b>	March 20, 2012	<b>File No.:</b>	PLP11-0025
<b>Applicant:</b>	Sally Glendening	<b>APN:</b>	070-040-027
<b>Address:</b>	16351 1 <sup>st</sup> Street, Guerneville		

**Project Description:** Request for a Use Permit for the conversion of three dwelling units into six SRO rooms within an existing 27 unit apartment complex for a total of 24 apartments and six SRO rooms.

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Prior to commencing the use, evidence must be submitted to the file that all of the following non-operational conditions have been met.

1. Within five working days after final project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,101.50 (or latest fee in effect at time of payment) for State Fish & Game processing because a Negative Declaration was prepared, for a total of \$2,151.50 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for potential CEQA legal challenges.

**BUILDING:**

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review and building permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined to be applicable by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling unless otherwise exempted.

**PLANNING:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_"

4. This Use Permit allows for the establishment and operation of six (6) Single Room Occupancy (SRO) rooms within the existing structures, to consist of the conversion of three existing units into six (6) SRO rooms with shared kitchens and baths, as set forth in the project application materials date stamped October 20, 2011, except as modified herein. The total number of permitted units at the project site is 24 apartments with six SRO rooms.
5. The provision of six (6) SRO rooms constitutes a substantial public benefit, without which the General Plan Amendment and Rezone for this property would not have been granted. The approvals herein are not perfected until such time as the Building Permits to provide the SRO rooms are issued in conformance with these approvals. The County may withhold the approval of any other permits or other entitlements for this property until the SRO rooms are provided.

6. The exterior appearance of the complex shall not be modified without Design Review approval pursuant to 26-82-050.
7. Not more than two (2) occupants per SRO room are allowed, and occupancy may be further limited by Building Code.
8. No transient occupancy is allowed in this development. Vacation rental uses are prohibited in the R2 Medium Density Residential Zone District. SRO rooms shall only be occupied as the primary residence of the tenant, and SRO tenants shall not have an additional residential address other than the address of the SRO facility in which the residential unit is located.
9. Rents for the SRO Rooms shall be affordable to persons of very-low and extremely-low incomes, inclusive of utilities, as shown for a “studio” unit on the Maximum Rent Limits Table produced annually by the CDC or its successor agency. No long-term affordability agreement is required, but owner agrees to provide rental information on an annual basis as requested by County staff.
10. A minimum of twenty-seven (27) off-street parking spaces shall be maintained at all times. No parking space may be used for any other purpose except with the written consent of the PRMD.
11. Noise shall be controlled in accordance with the Noise Element of the General Plan, except may be more restricted by the House Rules approved herein.
12. “House Rules” are approved as a part of the Use Permit for this property. Any amendments to the House Rules which the Planning Director or his or her designee deem to be substantive shall be approved in writing by the Board of Zoning Adjustments or PRMD, as required, prior to the rule changes taking place.
13. Bike racks for a minimum of 8 bicycles (total) shall be provided at the upper portion of the site, in at least 2 locations convenient to the SRO rooms. A “bike rack” is a securely mounted stand or other device constructed so as to enable the user to secure the bicycle by locking the frame and at least one wheel. Racks must be easily usable with both U-locks and cable locks. Racks must hold bicycles in a stable upright position and support bicycles so they resist falling over when bumped. Racks supporting a bike by wheel only, such as standard 'wire racks,' are not acceptable. Racks must hold bikes with at least two points of contact.
14. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
15. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
16. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected

departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

17. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within three (3) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM K (RECREATIONAL AND VISITOR SERVING COMMERCIAL), F1 (FLOOD WAY COMBINING DISTRICT), F2 (FLOOD PLAIN COMBINING DISTRICT), BR (BIOTIC RESOURCE), VOH (VALLEY OAK HABITAT) DISTRICT(S) TO THE R2 (MEDIUM DENSITY RESIDENTIAL), B6-12 DU/AC, F1 (FLOOD WAY COMBINING DISTRICT), F2 (FLOOD PLAIN COMBINING DISTRICT), BR (BIOTIC RESOURCE), VOH (VALLEY OAK HABITAT) DISTRICT FOR 2.43 ACRES LOCATED AT 13651 1ST STREET, GUERNEVILLE; APN 070-040-027.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the K (Recreational and Visitor Serving Commercial), F1 (Flood way Combining District), F2 (Flood plain Combining District), BR (Biotic Resource), VOH (Valley Oak Habitat) District(s) to the R2 (Medium Density Residential), B6-12 du/ac, F1 (Flood way Combining District), F2 (Flood plain Combining District), BR (Biotic Resource), VOH (Valley Oak Habitat) for 2.43 acres located approximately 200 feet west of the corner of Mill Street and 1st Street, also known as 13651 1st Street, Guerneville, APN 070-040-027. File No. PLP11-0025. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.



In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 20<sup>th</sup> day of March, 2012, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Brown:            Rabbitt:            McGuire:            Carrillo:            Zane:

Ayes:            Noes:            Absent:            Abstain:

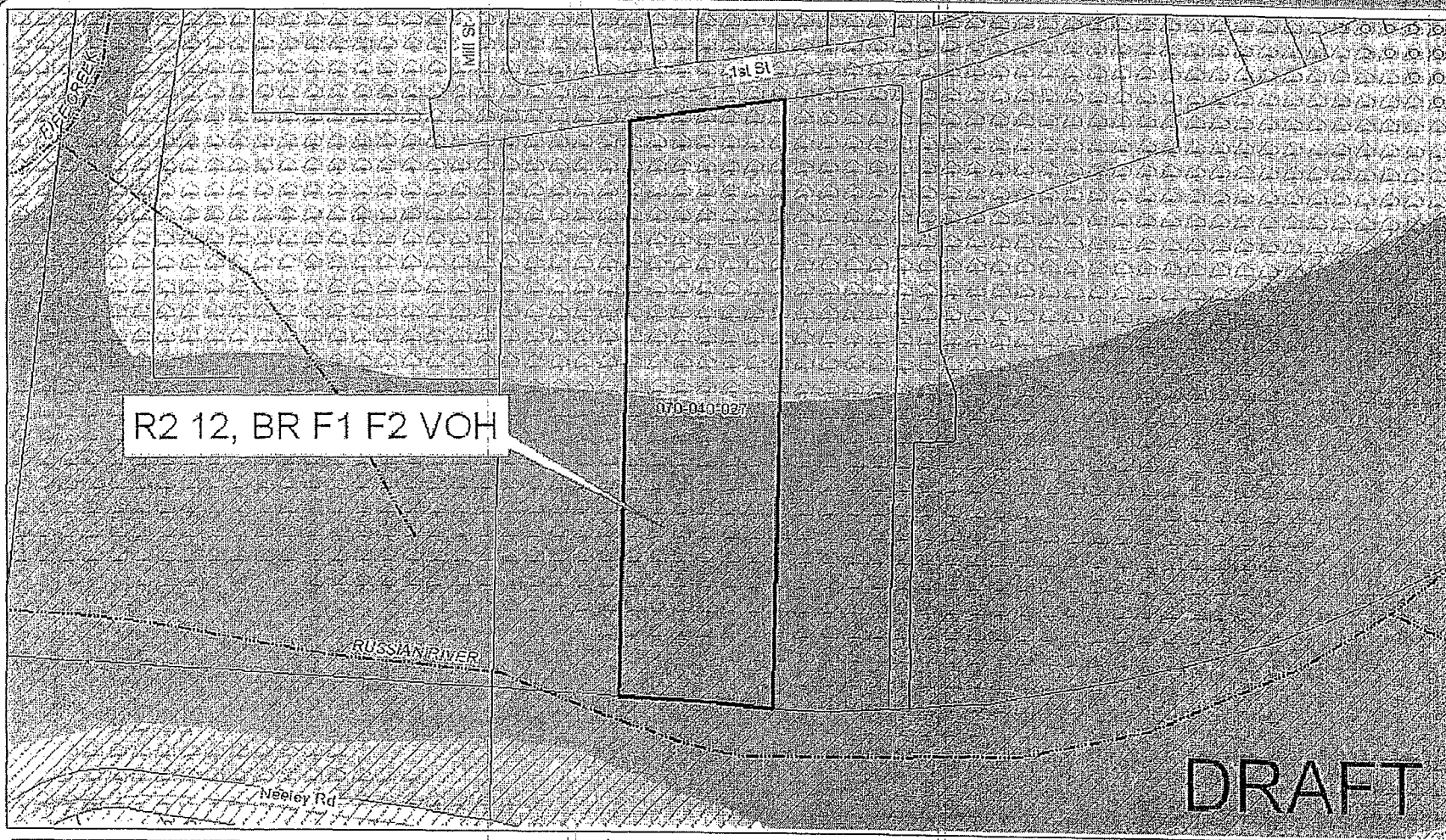
WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

ATTEST:

\_\_\_\_\_  
Veronica A. Ferguson  
Clerk of the Board of Supervisors



Zoning Combining Districts

- ++ LU Policy
- |||| AH Affordable Housing
- HD Historic District
- BR Blotic Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource
- G Geologic Hazard
- F1 Floodway
- F2 Floodplain



Permit & Resource Management Department  
 Project Review Section  
 2550 Ventura Avenue, Santa Rosa, CA 95403  
 (707) 585-1500 Fax (707) 585-1103

FILE: PLP 11-0025  
 AP #: 070-040-027  
 Ordinance No.  
 Sectional District Map No.

E 19, A25

# Sectional District Map

PLP11-0025

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE TO ALLOW THE ESTABLISHMENT AND OPERATION OF SINGLE ROOM OCCUPANCY (SRO) FACILITIES WITHIN THE R2 (MEDIUM DENSITY RESIDENTIAL) AND R3 (HIGH DENSITY RESIDENTIAL) ZONING DISTRICTS, SUBJECT TO THE GRANTING OF A USE PERMIT AND THE PROVISIONS 26-88-125 (SRO ORDINANCE).**

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The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

**SECTION I.** Chapter 26 of the Sonoma County Code is amended as follows:

(a) Section 26-40-020 (Uses Permitted with a Use Permit – R2 District) is amended to add a new subsection to read:

Single Room Occupancy (SRO) Facilities, subject to 26-88-125

(b) Section 26-60-020 [Uses Permitted with a Use Permit – R3 District] is amended to add a new subsection to read:

Single Room Occupancy (SRO) Facilities, subject to 26-88-125

**SECTION II.** The Board of Supervisors finds and determines that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines as it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. All new SRO facilities allowed by this ordinance amendment will be subject to a Use Permit and discretionary CEQA review at that time. This finding and determination is based on an environmental determination by the Permit and Resource Management Department. The Director of the Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

**SECTION III.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION IV.** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 20<sup>th</sup> day of March, 2012, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS VOTE:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**SO ORDERED.**

**WHEREUPON,** the Chair declared the above and foregoing ordinance duly adopted and

**SO ORDERED.**

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Chair, Board of Supervisors  
County of Sonoma

ATTEST:

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Veronica A. Ferguson  
Clerk of the Board of Supervisors

Feb. 2 , 2012

TO WHOM IT MAY CONCERN:

I have been living at Mountain Lodge since 2006. That year I suffered major setbacks due to flooding at my previous resident , homelessness for 3/ 1/2 months , family death and unexpected forced retirement. These matters combined with aggravated health issues rendered me disabled.

Mountain Lodge has provided a safe and well maintained environment to recover and live my life.

I am dry and warm with several heating options . Mold is not an issue as it can be on the river . A health food store and major market are a short walk

The premises are well maintained beautiful landscaping and repairs are done promptly by skilled maintenance. Quarterly inspections are made of all apartments to assure safety and function ability.

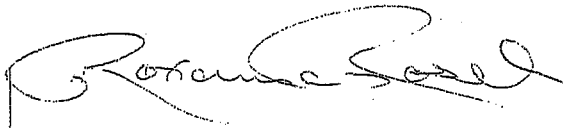
There is a friendly sense of community.

The front gate is closed between 9 p.m. and 9 a.m. which creates safety and well being for residents.

Al though my caretaker doesn't need to live in , there are several people to whom that would be most beneficial.

I applaud Mr. Mazza in his efforts to make this possible , for the care it will provide for residents in need as well as addressing the economic clime.

Sincerely ,  
Roxanna Rosel  
Apt. 10  
Mountain Lodge  
Guerneville . Ca.



February 1, 2012

TO WHOM IT MAY CONCERN:

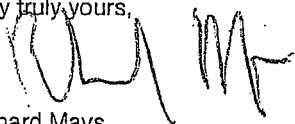
I am a long-time resident at the Mountain Lodge, having moved here in 1995. Nowadays I am paraplegic and require a wheelchair to get around, and I find all the essential areas of the property accessible and appreciate the added security of a front gate that is locked each evening at 9. In the years before I became disabled, I also enjoyed use of the amenities such as the pool and spa.

Merrill Mazza has always proven to be a dependable and responsible manager of the property. Whenever there has been a maintenance problem, Jake and the other members of the staff have always resolved the situation in a congenial and professional manner.

As a disabled person, I require caregivers to help me with daily tasks. The two workers who currently share this job reside in an apartment at the Mountain Lodge, where they are roommates each with their own room and sharing the bath. This arrangement was an important factor in allowing both of them afford housing in an expensive market. The fact that they are living nearby has also provided me a great sense of security, in the event of a medical or other emergency.

I am sure that there are other members of the Guerneville community like them, who would benefit from such a housing option, and I therefore encourage the Commission to look favorably upon this request.

Very truly yours,



Richard Mays  
Apartment 18  
Mountain Lodge  
Guerneville, CA

**PLP11-0025**

**SEPARATE ATTACHMENT  
FOR THE BOARD OF  
SUPERVISORS AND ON  
FILE WITH THE CLERK**



## Negative Declaration

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 565-1900 FAX (707) 565-1103

Publication Date: January 3, 2012  
Adoption Date:  
State Clearinghouse: n/a

This statement and attachments constitute the **Negative Declaration** as proposed or adopted by the Sonoma County decision-making body for the project described below.

**File No.:** PLP11-0025

**Planner:** Jane Riley

**Project Name:** Fire Mountain

**Project Description:** General Plan Amendment and Rezone of an existing 27-unit residential complex from "K" to "R2" in order to recognize the existing use; a Zoning Text Amendment to add SROs to the R2 and R3 Districts, subject to Use Permit; and a Use Permit for six (6) single room occupancy (SRO) rooms within the existing structures on this site. No site changes are proposed.

**Project Location:** See Location Map - Attached

**Environmental Finding:** The proposed project could not have a significant effect on the environment, and the adoption of a Negative Declaration is appropriate.

Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, provided that mitigation measures are incorporated into the project. The Negative Declaration has been completed in compliance with CEQA State and County guidelines and the information contained therein has been reviewed and considered.

There will not be a potential impact on biotic habitat of concern to Fish & Game.

**Initial Study:** Attached

**Other Attachments:**

**Decision-making Body:** Sonoma County Board of Supervisors

**Lead Agency:** Sonoma County Permit & Resource Management Dept.



**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

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**ENVIRONMENTAL CHECKLIST FORM**

**FILE #:** PLP11-0025

**PLANNER:** Jane Riley

**PROJECT:** Fire Mountain Apartments

**DATE:** Dec. 5, 2011

**LEAD AGENCY:** Sonoma County Permit and Resource Management Department

**PROJECT LOCATION:** 16351 1<sup>st</sup> Street, Guerneville, California

**APPLICANT NAME:** Sally Glendening for Merrill Mazza

**APPLICANT ADDRESS:** P.O. Box 223, Forestville, CA 95436

**GENERAL PLAN DESIGNATION:** Recreation and Visitor-Serving Commercial

**SPECIFIC/AREA PLAN:** Russian River Design Guidelines

**ZONING:** K (Recreation & Visitor-serving Commercial); F1; F2; BH; VOH

**DESCRIPTION OF PROJECT:**

This project involves a General Plan Amendment from Recreation and Visitor Serving Commercial (RVSC) to Urban Residential 12 units per acre (UR12); a Zone Change from "K" to "R2" to reflect the existing uses on site and allow rental periods of longer than 30 days; a Zoning Text Amendment to allow Single Room Occupancy (SRO) rooms within medium and high-density residential zones (R2 and R3), subject to the granting of a Use Permit; and a Use Permit to allow minor tenant improvements to convert 3 existing units into 6 SRO rooms. No physical changes to the site are proposed.

**SURROUNDING LAND USES AND SETTING:**

The project site is situated along the Russian River in downtown Guerneville, in a mixed residential/commercial area just east of the Safeway shopping center. It is fully developed with apartments and parking. It is within easy walking distance of transit, shopping, services and schools. The undeveloped portion of the site along the Russian River is within the floodway and Biotic Resource area of the Russian River and will remain undisturbed. Another portion of the site that is already developed with parking, common area, and several of the existing units is within the F2 (100 year flood) zone.

**Other Public Agencies whose approval is required (e.g. permits, financing approval, or participation agreement):** None.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation" as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agricultural & Forest Resources | <input type="checkbox"/> Air Quality             |
| <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Cultural Resources              | <input type="checkbox"/> Geology/Soils           |
| <input type="checkbox"/> Greenhouse Gas Emission            | <input type="checkbox"/> Hazards & Hazardous Materials   | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Mineral Resources               | <input type="checkbox"/> Noise                   |
| <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services                 | <input type="checkbox"/> Recreation              |
| <input type="checkbox"/> Transportation/Traffic             | <input type="checkbox"/> Utilities/Service Systems       |  |
| <input type="checkbox"/> Mandatory Findings of Significance |  |  |

**DETERMINATION**

On the basis of this initial evaluation:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed by in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, all potentially significant effects were previously analyzed in an earlier EIR or Negative Declaration pursuant to applicable standards and potential impacts have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project. There are no changes in the project, no new information related to potential impacts, and no changes in circumstances that would require further analysis pursuant to Section 15162 of CEQA Guidelines, therefore no further environmental review is required.

Incorporated Source Documents

In preparation of the Initial Study checklist, the following documents were referenced and are hereby incorporated as part of the Initial Study. All documents are available in the project file or for reference at the Permit and Resource Management Department.

- Project Application and Description
- Initial Data Sheet
- County Planning Department's Sources and Criteria Manual
- Sonoma County General Plan and Associated EIR Specific or Area Plan \_\_\_\_\_
- Sonoma County Zoning Ordinance
- Sonoma County Rare Plant Site Identification Study
- Project Referrals from Responsible Agencies
- State and Local Environmental Quality Acts (CEQA)
- Correspondence received on project

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063 (c)(3)(D)). In this case, a brief discussion should identify:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated", describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

1. **AESTHETICS** Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	_____	_____	_____	<u>  X  </u>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	_____	_____	_____	<u>  X  </u>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	_____	_____	_____	<u>  X  </u>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	_____	_____	_____	<u>  X  </u>

**Comment:** The project does not include any physical or aesthetic changes to the site. The existing visual character of the site will not be affected.

**Mitigation:** None needed.

2. **AGRICULTURE AND FOREST RESOURCES**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects; lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	_____	_____	_____	<u>  X  </u>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	_____	_____	_____	<u>  X  </u>

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	_____	_____	_____	<u>  X  </u>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	_____	_____	_____	<u>  X  </u>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	_____	_____	_____	<u>  X  </u>

**Comment:** The project does not include any physical changes to the site. There are no farmlands or forest lands involved.

**Mitigation:** None needed.

3. **AIR QUALITY** Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	_____	_____	_____	<u>  X  </u>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	_____	_____	_____	<u>  X  </u>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	_____	_____	_____	<u>  X  </u>
d) Expose sensitive receptors to substantial pollutant concentrations?	_____	_____	_____	<u>  X  </u>
e) Create objectionable odors affecting a substantial number of people?	_____	_____	_____	<u>  X  </u>

**Comment:** The project does not include any physical changes to the site. No additional

traffic will be generated and there are no anticipated land use changes that would affect ambient air quality or result in odors.

**Mitigation:** None needed.

4. <b>BIOLOGICAL RESOURCES</b> Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	_____	_____	_____	<u>  X  </u>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	_____	_____	_____	<u>  X  </u>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	_____	_____	_____	<u>  X  </u>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	_____	_____	_____	<u>  X  </u>
e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	_____	_____	_____	<u>  X  </u>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat conservation plan?	_____	_____	_____	<u>  X  </u>

**Comment:** The project does not include any physical changes to the site. No biological resources are affected.

**Mitigation:** None needed.

5. <b>CULTURAL RESOURCES</b> Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	_____	_____	_____	<u>  X  </u>

- |  |       |       |       |              |
|--|-------|-------|-------|--------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | _____ | _____ | _____ | <u>  X  </u> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?        | _____ | _____ | _____ | <u>  X  </u> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                           | _____ | _____ | _____ | <u>  X  </u> |

**Comment:** The project does not include any physical changes to the site. There is no potential for impacts to cultural resources.

**Mitigation:** None needed.

6. **GEOLOGY AND SOILS** Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	_____	_____	<u>  X  </u>	_____
ii) Strong seismic ground shaking?	_____	_____	<u>  X  </u>	_____
iii) Seismic-related ground failure, including liquefaction?	_____	_____	<u>  X  </u>	_____
iv) Landslides?	_____	_____	_____	<u>  X  </u>
b) Result in substantial soil erosion or the loss of topsoil?	_____	_____	_____	<u>  X  </u>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	_____	_____	_____	<u>  X  </u>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	_____	_____	<u>  X  </u>	_____
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	_____	_____	_____	<u>  X  </u>

**Comment:** All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. Predicting seismic events is not possible, nor is providing mitigation that can entirely reduce the potential for injury and damage that can occur during a seismic event. However, using accepted geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake.

The site is also located in an area subject to liquefaction as shown on the Sonoma County Relative Hazard from Seismic Shaking map. Strong ground shaking during an earthquake can result in ground failure and/or settlement such as that associated with soil liquefaction, and can also cause deformation of slopes. Therefore the property has the potential to experience liquefaction and settlement during a seismic event.

While no physical changes to the site are proposed, minor tenant improvements to create 6 SRO rooms out of 3 of the existing units would be made, and a Building Permit will be required. Building permit requirements include seismic safety standards and soil test/compaction requirements. Based on standard permitting requirements, the project will have no significant risk of loss, injury or death from seismic shaking, ground failure or liquefaction. Septic capacity is not an issue because the property is served by public sewer.

**Mitigation:** No additional mitigation needed.

7. <b>GREENHOUSE GAS EMISSION</b> Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	_____	_____	_____X_____	_____
b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	_____	_____	_____	_____X_____

**Comment:** The project does not include any physical changes to the site. There is no potential for changes to greenhouse gas emissions.

**Mitigation:** None needed.

8. <b>HAZARDS AND HAZARDOUS MATERIALS</b> Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	_____	_____	_____	_____X_____
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	_____	_____	_____	_____X_____
c) Emit hazardous emissions or handle				



hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	___	___	___	X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	___	___	___	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	___	___	___	X
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	___	___	___	X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	___	___	___	X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	___	___	X	___

**Comment:** The project does not include any physical changes to the site. There are no land use changes that would result in an increase in exposure to hazardous materials. The site is not located near a public or private airport or airstrip. The project area is in an area designated by the California Department of Forestry and Fire Prevention (CAL Fire) as an area subject to moderate fire hazard severity. The proposed project does not increase the number of potential people or structures who might be exposed to the risk.

**Mitigation:** None needed.

9. **HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	___	___	___	X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	___	___	___	X

- |   |       |       |              |              |
|---|-------|-------|--------------|--------------|
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | _____ | _____ | _____        | <u>  X  </u> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | _____ | _____ | _____        | <u>  X  </u> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | _____ | _____ | _____        | <u>  X  </u> |
| f) Otherwise substantially degrade water quality?   | _____ | _____ | _____        | <u>  X  </u> |
| g) Place housing within a 100-year hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | _____ | _____ | <u>  X  </u> | _____        |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | _____ | _____ | <u>  X  </u> | _____        |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | _____ | _____ | <u>  X  </u> | _____        |
| j) Inundation by seiche, tsunami, or mudflow?   | _____ | _____ | _____        | <u>  X  </u> |

**Comment:** Public water service to the project would be provided. According to the Sonoma County General Plan, the project site is located in a major groundwater basin and a groundwater recharge area. However, because no physical changes to the site are proposed, drainage patterns will not be affected and the project will not increase the area covered with impervious surfaces. The site is served by public water and the project will not have an impact on groundwater supplies.

A portion of the project site is subject to flooding, with a portion of the existing units on site located within the 100-year flood area. However, the proposed tenant improvements do not involve any new construction within the flood area, and will not increase exposure to flooding risks nor increase the potential for flooding.

**Mitigation:** None required.

- |   |                                |   |                              |              |
|---|--------------------------------|---|------------------------------|--------------|
| 10. <b>LAND USE AND PLANNING</b> Would the project: | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No Impact    |
| a) Physically divide an established community?      | _____                          | _____   | _____                        | <u>  X  </u> |

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? \_\_\_\_\_   X   \_\_\_\_\_
- c) Conflict with any applicable habitat conservation plan or natural community conservation plan? \_\_\_\_\_   X   \_\_\_\_\_

**Comment:** The project involves a General Plan Amendment and a Rezoning to recognize the existing uses on site. It also involves a Zoning Code Text Amendment to add SRO uses to the list of uses allowed in the R2 and R3 zone districts, subject to the granting of a use permit. Because the issuance of any permit for an SRO facility within the R2 or R3 Zones would be discretionary (i.e., would require a Use Permit), CEQA analysis would be conducted at the time that the request is made for any particular site. As such, the zoning text amendment to add these uses subject to a use permit would not pose a CEQA issue. As well, because the occupancy of SROs is limited to a maximum of 2 persons by State and local Codes and the occupancy of apartments is not so limited, no additional impacts are anticipated.

The project also involves a request for a use permit to allow the SRO rooms as a part of the existing development on this parcel. The approval of these requests would ensure consistency with the General Plan and Zoning.

The portion of the site along the Russian River lies within a protected biotic resource area. This area is undeveloped and is proposed to remain undeveloped in this proposal.

**Mitigation:** None needed.

- | 11. <b>MINERAL RESOURCES</b> Would the project:   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No Impact    |
|---|--------------------------------|---|------------------------------|--------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | _____                          | _____   | _____                        | <u>  X  </u> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | _____                          | _____   | _____                        | <u>  X  </u> |

**Comment:** The project does not include any physical changes to the site. There are no mineral resources involved.

**Mitigation:** None needed.

- | 12. <b>NOISE</b> Would the project result in:   | Potentially Significant Impact | Less than Significant with Mitigation Incorporation | Less than Significant Impact | No Impact    |
|---|--------------------------------|---|------------------------------|--------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | _____                          | _____   | _____                        | <u>  X  </u> |

b) Exposure of persons to or generation of excessive groundborne vibration or ground borne noise levels?	_____	_____	_____	<u>  X  </u>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____	<u>  X  </u>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____	<u>  X  </u>
e) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	_____	_____	_____	<u>  X  </u>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	_____	_____	_____	<u>  X  </u>

**Comment:** The project does not include any physical changes to the site and no significant changes to the existing residential land uses. There are no changes to ambient noise levels anticipated. The project site is not located near a public airport or private airstrip.

**Mitigation:** None needed.

13. POPULATION AND HOUSING	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	_____	_____	<u>  X  </u>	_____
b)	Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?	_____	_____	<u>  X  </u>	_____
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	_____	_____	<u>  X  </u>	_____

**Comment:** The project involves a General Plan Amendment and rezoning to recognize and retain the existing housing units on-site, and includes the provision for a SRO facility with 6 rooms. No persons will be displaced beyond the length of time needed to make the minor interior changes to 3 apartment units. No growth-inducing changes are proposed.

**Mitigation:** None needed.

14. **PUBLIC SERVICES** Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	_____	_____	_____	<u>  X  </u>
Police protection?	_____	_____	_____	<u>  X  </u>
Schools?	_____	_____	_____	<u>  X  </u>
Parks?	_____	_____	_____	<u>  X  </u>
Other public facilities?	_____	_____	_____	<u>  X  </u>

**Comment:** The project does not include any physical changes to the site and no significant changes to existing land uses that would increase the need for public services. There are no changes to public services anticipated.

**Mitigation:** None needed.

15. **RECREATION** Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	_____	_____	_____	<u>  X  </u>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	_____	_____	_____	<u>  X  </u>

**Comment:** The project does not include any physical changes to the site and no significant changes to existing land uses that would increase recreational needs. There are no changes to public services anticipated.

**Mitigation:** None needed.

16. **TRANSPORTATION/TRAFFIC** Would the project:

Potentially Significant	Less than Significant	Less than Significant	No Impact
-------------------------	-----------------------	-----------------------	-----------

	Impact	with Mitigation Incorporation	Impact	
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	_____	_____	_____	<u>X</u>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	_____	_____	_____	<u>X</u>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	_____	_____	_____	<u>X</u>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	_____	_____	_____	<u>X</u>
e) Result in inadequate emergency access?	_____	_____	_____	<u>X</u>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	_____	_____	_____	<u>X</u>
g) Result in inadequate parking capacity?	_____	_____	_____	<u>X</u>

**Comment:** The project does not include any physical changes to the site and no significant changes to existing land uses that would result in an increase in occupancy levels, transit needs, parking or circulation. The conversion of 3 apartments to 6 SRO rooms does not change the parking requirement under the Sonoma County Code, and existing parking onsite will not be affected. The site is located within walking distance of all public services and transit. There are no changes to traffic or circulation patterns anticipated.

**Mitigation:** None needed.

**17. UTILITIES AND SERVICE SYSTEMS**

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	_____	_____	_____	<u>X</u>
b) Require or result in the construction of new water or wastewater treatment facilities or				

- |   |     |     |     |          |
|---|-----|-----|-----|----------|
| expansion of existing facilities, the construction of which could cause significant environmental effects?  | ___ | ___ | ___ | <u>X</u> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | ___ | ___ | ___ | <u>X</u> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | ___ | ___ | ___ | <u>X</u> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ___ | ___ | ___ | <u>X</u> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | ___ | ___ | ___ | <u>X</u> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | ___ | ___ | ___ | <u>X</u> |

**Comment:** The project does not include any physical changes to the site and no significant changes to existing land uses, occupancy levels, population or utilities. The site is currently served by public sewer, water, and other utilities and no increase in the need for these utilities is anticipated.

**Mitigation:** None needed.

18. **MANDATORY FINDINGS OF SIGNIFICANCE**

- |  | Yes | No       |
|--|-----|----------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ___ | <u>X</u> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?   | ___ | <u>X</u> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | ___ | <u>X</u> |

Resolution Number 12-008

County of Sonoma  
Santa Rosa, California

February 2, 2012  
PLP11-0025 Jane Riley

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF A GENERAL PLAN AMENDMENT, ZONE CHANGE, ZONING TEXT AMENDMENT, AND A USE PERMIT FOR A SMALL SINGLE ROOM OCCUPANCY FACILITY WITHIN THE EXISTING DEVELOPMENT FOR PROPERTY LOCATED AT 16351 1ST STREET, GUERNEVILLE, APN 070-040-027.

WHEREAS, the applicant, Sally Glendening, for Merrill Mazza owner, filed an application with the Sonoma County Permit and Resource Management Department for a General Plan Amendment, Zoning Text Amendment to add SRO Facilities to the list of uses allowed with a Use Permit in the Medium Density Residential (R2) and High Density Residential (R3) Districts, Zone Change from "K" to "R2 12 UN/AC", and a Use Permit to allow six single room occupancy (SRO) rooms within the existing development on the property located at 16351 1st Street, Guerneville, APN 070-040-027; Zoned K (Recreation and Visitor Serving Commercial), F1 (Primary Floodway), F2 (Secondary Flood Plain), BR (Biotic Resources), VOH (Valley Oak Habitat), Supervisorial District No-5 ("the Project"); and

WHEREAS, a Negative Declaration was prepared for the Project and noticed and made available for agency and public review in accordance with the California Environmental Quality Act ("CEQA") and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on February 2, 2012, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Negative Declaration and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The proposed project meets the designation criteria for a General Plan land use designation of Urban Residential, 12 units per acre. The land use change is consistent with the Land Use Element criteria for designation of an Urban Residential site because it is located within a designated Urban Service Area with adequate public services and provides convenient access to transportation and community services. The project also complies with Housing Element Objective HE 1.4 and Policy HE-1f because it supports the retention of existing small housing units and the establishment of new SRO rooms.



The proposed land use map amendment to UR 12 is in harmony with the rest of the General Plan goals, objectives and policies.

2. The proposed project is consistent with the R2 B6 12 UN/AC (Medium Density Residential, 12 units per acre) zoning designation, which allows occupancy of the existing residential units on this site for periods on more than 30 days, and no site plan changes are proposed which would affect the existing F1, F2, BR and VOH Combining Districts. Single Room Occupancy facilities are permitted separately under Section 26-88-125 of the Zoning Ordinance, subject to a Use Permit approval as granted herein.
3. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project. The Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: 1) no site plan changes are proposed as a part of this project; 2) the proposed change in use is limited to the conversion of three (3) existing apartments into six (6) SRO rooms, resulting in a more limited level of occupancy and an equal parking requirement; 3) the establishment and operation of the small SRO facility meets all requirements of the SRO Ordinance, as set forth in 26-88-125, as outlined in the Staff Report; and 4) "House Rules" will be applied to the use of the property, which include limitations on parking and noise, and which makes provision for the ongoing cleanliness and security of the complex.
5. The Rezoning of the parcel from "K" to "R2 B6 12 UN/AC" does not constitute a "spot zoning" because in rezoning the subject property, the Planning Commission has carefully considered the proposed land use and its compatibility with surrounding land uses; the facts of the subject property, and the community needs set forth in the General Plan, including its Housing Element and referenced documents. In this case, the proposed rezoning will reflect the actual use on the site, and a special privilege is not bestowed because surrounding zoning districts ("K" and "LC" Zones) allow much more intense land uses than does this proposed residential zoning designation. Finally, the preservation of low-cost housing serves an identified community need.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the Negative Declaration. The Planning Commission certifies that the Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA guidelines, and finds that the Negative Declaration reflects the independent judgment and analysis of the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors approve the requested General Plan Amendment, General Plan Text Amendment to add a Planning Area Policy, Zone Change, and Use Permit to allow six SRO rooms within the existing structures, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Davis, who moved its adoption, seconded by Commissioner Fogg, and adopted on roll call by the following vote:

Commissioner Fogg	Aye
Commissioner Montoya	Aye
Commissioner Shahosseini	Aye
Commissioner Liles	Aye
Commissioner Davis	Aye

Ayes: 5      Noes:      Absent: 0      Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

**Sonoma County Planning Commission**

**Final Conditions of Approval  
Exhibit A**

<b>Date:</b>	February 2, 2012	<b>File No.:</b>	PLP11-0025
<b>Applicant:</b>	Sally Glendening	<b>APN:</b>	070-040-027
<b>Address:</b>	16351 1 <sup>st</sup> Street, Guerneville		

**Project Description:** Request for a Use Permit for the conversion of three dwelling units into six SRO rooms within an existing 27 unit apartment complex for a total of 24 apartments and 6 SRO rooms.

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Prior to commencing the use, evidence must be submitted to the file that all of the following non-operational conditions have been met.

1. Within five working days after final project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,101.50 (or latest fee in effect at time of payment) for State Fish & Game processing because a Negative Declaration was prepared, for a total of \$2,151.50 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for potential CEQA legal challenges.

**BUILDING:**

2. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review and building permit.
3. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined to be applicable by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling unless otherwise exempted.

**PLANNING:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_"

4. This Use Permit allows for the establishment and operation of six (6) SRO rooms within the existing structures, to consist of the conversion of 3 existing 2-bedroom units into 6 SRO rooms with shared kitchens and baths, as set forth in the project application materials date stamped October 20, 2011, except as modified herein.
5. The provision of six (6) SRO rooms constitutes a substantial public benefit, without which the General Plan Amendment and Rezone for this property would not have been granted. The approvals herein are not perfected until such time as the Building Permits to provide the SRO rooms are issued in conformance with these approvals. The County may withhold the approval of any other permits or other entitlements for this property until the SRO rooms are provided.
6. The exterior appearance of the complex shall not be modified without Design Review approval pursuant to 26-82-050.

7. Not more than two (2) occupants per SRO room are allowed, and occupancy may be further limited by Building Code.
8. No transient occupancy is allowed in this development. Vacation rental uses are prohibited in the R2 Medium Density Residential Zone District. SRO rooms shall only be occupied as the primary residence of the tenant, and SRO tenants shall not have an additional residential address other than the address of the SRO facility in which the residential unit is located.
9. Rents for the SRO Rooms shall be affordable to persons of very-low and extremely-low incomes, inclusive of utilities, as shown for a "studio" unit on the Maximum Rent Limits Table produced annually by the CDC or its successor agency. No long-term affordability agreement is required, but owner agrees to provide rental information on an annual basis as requested by County staff.
10. A minimum of twenty-seven (27) off-street parking spaces shall be maintained at all times. No parking space may be used for any other purpose except with the written consent of the PRMD.
11. Noise shall be controlled in accordance with the Noise Element of the General Plan, except may be more restricted by the House Rules approved herein.
12. "House Rules" are approved as a part of the Use Permit for this property. Any amendments to the House Rules which the Planning Director or his or her designee deem to be substantive shall be approved in writing by the Board of Zoning Adjustments or PRMD, as required, prior to the rule changes taking place.
13. Bike racks for a minimum of 8 bicycles (total) shall be provided at the upper portion of the site, in at least 2 locations convenient to the SRO rooms. A "bike rack" is a securely mounted stand or other device constructed so as to enable the user to secure the bicycle by locking the frame and at least one wheel. Racks must be easily usable with both U-locks and cable locks. Racks must hold bicycles in a stable upright position and support bicycles so they resist falling over when bumped. Racks supporting a bike by wheel only, such as standard 'wire racks,' are not acceptable. Racks must hold bikes with at least two points of contact.
14. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation.
15. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
16. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to

those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

17. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within three (3) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.



# Sonoma County Planning Commission DRAFT MINUTES

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

Date: February 2, 2012  
Meeting No.: 12-002

## ROLL CALL

### Commissioners

Dick Fogg  
Shawn Montoya  
Komron Shahhosseini  
Jason Liles  
Pam Davis, Chair

### Staff Members

Dean Parsons  
Scott Hunsperger  
Jane Riley  
Sue Dahl  
David Hurst, Chief Deputy County Counsel

**1:00 PM** Call to order and Pledge of Allegiance

**Minutes Approved** - December 8, 2012 - BZA -Approved with modifications

### Correspondence

### Board of Supervisors Actions

**Commissioner Announcements/Disclosures** - Several commissioners stated that they had visited the Guerneville site.

### Public Appearances -

## REGULAR CALENDAR

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<b>Item No. 2</b>	<b>Time:</b>	<b>1:30 p.m.</b>	<b>File:</b>	<b>PLP11-0025</b>
	<b>Applicant:</b>	<b>Merrill Mazza</b>	<b>Staff:</b>	Jane Riley
	<b>Env. Doc.:</b>	Negative Declaration		
	<b>Proposal:</b>	A General Plan Amendment and Rezone of an existing 27-unit residential complex from "K" to "R2" in order to allow rental periods of longer than 30 days, and a Use Permit to allow minor tenant improvements to accommodate six single room occupancy (SRO) rooms within the existing structures. Staff is also recommending approval of a Zoning Text Amendment to add SROs to the list of uses allowed with a Use Permit in the Medium Density Residential (R2) and High Density Residential (R3) Zoning Districts. No site changes are proposed.		
	<b>Location:</b>	16351 1 <sup>st</sup> Street, Guerneville		
	<b>APN:</b>	070-040-027	<b>Supervisorial District:</b>	5
	<b>Zoning:</b>	K (Recreational and Visitor Serving Commercial). F1 (Floodway Combining District), F2 (Floodplain Combining District), BR (Biotic Resource), VOH (Valley Oak Habitat).		

**Jane Riley** summarized the staff report, which is incorporated herein by reference.

**Questions from Commissioners: Commissioner Fogg** asked why the project did not have an affordable housing agreement, and Staff Riley indicated that the requirement for affordable housing on units of 1,000 square fee was removed three years ago.

**Commissioner Montoya** asked if parking was an issue, and **Commissioner Shahhosseini** expressed concern at a lack of handicapped parking. Staff Riley indicated that the conditions of approval address handicapped parking, and that there was additional parking on the street.

**Public Hearing Opened: 1:55**

**Speakers: Jim Olmstead, Olmstead and Associates**, thanked Staff Riley for her work. The project will provide a public benefit to the area which is a good basis for the General Plan amendment. There is additional parking on the street.

**Lucy Monroe, Guerneville**, supports the project, which is well managed.

**Public Hearing Closed: 1:57**

**Commission Discussion: Commissioner Davis** asked for clarifications about room size, the number of occupants allowed and asked that the table in the staff report, which is used by CDC, be given a title "Affordable Housing Program Maximum Rents" to clarify its purpose. This was agreeable to all.

All the commissioners expressed support for the project.

**Changes to Draft Conditions:**

Condition #9 was revised, to read: "Rents for the SRO Rooms shall be affordable to persons of very-low and extremely-low incomes, inclusive of utilities, as shown for a "studio" unit on the chart produced annually by the CDC or its successor agency. No long-term affordability agreement is required, but owner agrees to provide rental information on an annual basis as requested by County staff."

**Action:** **Commissioner Davis** moved to recommend approval of the project to the Board of Supervisors with modified conditions. Seconded by **Commissioner Fogg** and passed with a 5-0 vote.

Appeal Deadline: n/a  
Resolution No: 12-

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Fogg: Aye	Montoya: Aye	Shahosseini: Aye	Liles: Aye	Davis: Aye
Ayes:	Noes: 0	Absent: 0		Abstain: 0

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# Sonoma County Planning Commission STAFF REPORT

## Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

**FILE:** PLP11-0025  
**DATE:** February 2, 2012  
**TIME:** 1:30 p.m.  
**STAFF:** Jane Riley

Board of Supervisors Hearing will be held at a later date and will be noticed at that time.

### SUMMARY

**Applicant:** Sally Glendening

**Owner:** Merrill Mazza

**Location:** 16351 1<sup>st</sup> Street, Guerneville  
APN: 070-040-027 Supervisorial District No.: 5

**Subject:** General Plan Amendment, Zone Change, Zoning Text Amendment, and Use Permit

**PROPOSAL:**

- 1) a General Plan Amendment and Rezone of an existing 27-unit residential complex from "K" to "R2" in order to recognize the existing land use and preserve the existing affordable housing units;
- 2) a Zoning Text Amendment to add Single Room Occupancy (SRO) to the uses allowed with a Use Permit in the R2 and R3 Districts; and,
- 3) a Use Permit to allow six (6) single room occupancy (SRO) rooms within the existing structures on this site, for a total of 27 units including three that contain the SRO rooms. No site changes are proposed.

**Environmental Determination:** Negative Declaration

**General Plan:** Recreation and Visitor-Serving Commercial (RVSC)

**Specific/Area Plan:** Lower Russian River (Russian River Design Guidelines only)

**Land Use:**

**Ord. Reference:** Section 26-88-125 (Single Room Occupancy)



**Zoning:** K (Recreational and Visitor Serving Commercial), F1 (Flood way Combining District), F2 (Flood plain Combining District), BR (Biotic Resource), VOH (Valley Oak Habitat)

**Application Complete for Processing:** October 20, 2011

**RECOMMENDATION:** Staff recommends that the Planning Commission certify the Negative Declaration and adopt the attached Resolution recommending to the Board of Supervisors approval of the project.

## **ANALYSIS**

### **Background:**

This project involves an existing 27 unit apartment complex that is located on a “K” zoned property with public services in downtown Guerneville. The property was originally constructed in the 1920s and 1940s and was extensively remodeled and upgraded in 1982 as the Fire Mountain Lodge. For the last twenty years, the 27 “lodge” apartments, each with its own kitchen, have been rented out year-round to Guerneville residents. Because the Sonoma County Code does not allow the long-term rental of “visitor serving” (“K”) units, a General Plan Amendment and Rezone are necessary to recognize the existing residential land use on the property and bring it into conformance with the Code.

In addition, as a part of this project staff is recommending that the Zoning Code be amended to add Single Room Occupancy (SRO) facilities to the list of uses allowed with a Use Permit in the Medium Density (R2) and High Density (R3) Zoning Districts. SROs are small, single occupancy rooms rented on a monthly basis that typically share bathrooms and/or kitchen and eating areas. These small rental units are considered to be affordable “by design” due to their small size, and no long-term affordability agreements are required. Provisions to allow SRO facilities were adopted into the Zoning Code for commercial zones with the 2005 Housing Code Amendments (see 26-88-150), but have not yet been expanded to residential zones. The reasons for this recommended change to the Zoning Code are two-fold: first, to implement adopted housing element policies and program to encourage and facilitate SRO facilities; and secondly, to allow the inclusion of SRO rooms within the existing development on the project site (see discussion, below).

### **Project Description:**

The subject request is for General Plan Amendment from Recreation and Visitor Serving Commercial (RVSC) to Urban Residential 12 units per acre (UR12); a Zone Change from “K” to “R2” to reflect the existing uses on site and allow rental periods of longer than 30 days; adoption of a Zoning Text Amendment to add Single Room Occupancy (SRO) rooms as uses allowed within the Medium Density (R2) and High Density (R3) Residential Zone Districts, subject to the granting of a Use Permit; and a Use Permit (which would also provide the necessary public benefit) to allow the interior conversion of three of the existing units into six SRO rooms (three units with two SRO rooms each), for a total of 27 units, including the three units with six total SRO rooms. No physical changes to the project site are proposed beyond these interior conversions.

**Site Characteristics & Surrounding Land Uses:**

The project site is situated along the Russian River in downtown Guerneville in a mixed residential/commercial area just east of the Safeway shopping center. It is within easy walking distance of transit, shopping, services and schools. The undeveloped lower half of the site along the Russian River is within the F1 floodway and Biotic Resource area of the Russian River, and will remain undisturbed. The upper half of the site is already fully developed with open, uncovered parking, located within the floodway (F1); and the common area, pool, and existing units, which are located within the 100 year flood zone (F2).

Overall, the immediate area is characterized by a mix of local-serving land uses that do not necessarily conform to the underlying zoning designations. Surrounding land uses and zoning are as follows:

	<u>Uses:</u>	<u>Zoning:</u>
North:	Single family; restaurant, office	"LC" Limited Commercial
East:	Single Family; Vets Hall	"K" Recreation & Visitor; "PF" Public
South:	Russian River; rural residential	"RRD" Resources; "RR" Rural Residential
West:	Single family; retail; Safeway	"LC" Limited Commercial

**DISCUSSION OF ISSUES**

**Issue #1:** General Plan Consistency – Housing Element

Housing Element. The General Plan Housing Element and Sonoma County's 10-Year Homeless Action Plan identifies the River area as having the greatest need for affordable permanent and transitional housing units, including SRO rooms. While the need in this area is great, the cost of providing affordable units is very high due to the need to raise finished floors out of the 100 year flood area that covers the majority of the downtown. The ability to provide permanent housing units that are small enough to be "affordable-by-design" helps to fill a significant community need in Guerneville.

In addition to the identified need for housing in the project area, the Housing Element contains numerous policies related to the retention of existing housing units and the creation of more opportunities for SRO units:

*Objective HE-1.4: Retain existing units to serve lower-income and special needs households, including seniors, farmworkers and their families, single-parent households, transitional and supportive housing, residential care facilities and group homes.*

*Policy HE-1f: Encourage retention and further construction of small rental units such as granny units, rental studios, and SRO units, as well as large rental units with more than 3 bedrooms.*

*Policy HE-3h: Develop additional incentives and programs that would encourage new Single Room Occupancy (SRO) development, rehabilitate existing motel rooms for SRO occupancy and sustain the housing units provided.*

Housing Element Program 21: Single Room Occupancy

*Program Description: The County would review current SRO regulations in consultation with homeless advocates, foster care providers, and other interested groups to consider changes that could be made to encourage this type of facility. The intent is to provide additional incentives and programs to encourage the preservation of existing SRO housing and the creation of new SRO housing. (Policy reference: HE-1f, -3h)*

Additionally, the Quantified Objectives which are required by state law to be included in the Housing Element include the County's objective of developing 80 new SRO rooms and retaining 140 existing affordable units in this planning period (through 2014).

Allowing SRO facilities in R2 and R3 Zone Districts with Use Permit

The County has not yet adopted SRO regulations that are applicable to residential zone districts even though such regulations have been envisioned since the 2002 Housing Element. To allow the inclusion of the SRO rooms within this project, it is recommended that the County move ahead with allowances for SRO units within the medium- and high-density urban residential zone districts by amending the R2 and R3 Districts to allow SRO facilities subject to the granting of a Use Permit and the existing SRO regulations (26-88-125). Such an amendment to the Zoning Code would implement Housing Element policies related to providing more small units and expanding opportunities for SRO facilities. Because the issuance of any permit for an SRO facility within the R2 or R3 Zones would be discretionary (i.e., would require Use Permits), the adoption of a zoning text amendment to add these uses would not pose a CEQA issue because the CEQA analysis would take place at such time as the Use Permit is applied for.

The proposed project would retain 22 rental housing units that are considered affordable due to their small size, and would create six new SRO rooms. Both of these features are strongly supported by the General Plan Housing Element. Staff's recommendation that the R2 and R3 Zone Districts be amended to allow SRO facilities subject to the granting of a Use Permit is also strongly supported by these adopted policies and programs.

**Issue #2:** General Plan Consistency – Land Use

Land Use Element The General Plan Land Use Element outlines the following requirements to add the Urban Residential Land Use Designation:

- (1) Lands shall be within a designated Urban Service Area,*
- (2) Adequate water, sewer, public safety, park, school services and other necessary infrastructure shall be available or planned to be available,*
- (3) Lands shall have convenient access to designated arterial or collector roads,*
- (4) Lands shall not be subject to unacceptable risks such as flooding, geologic, noise, or other hazards,*
- (5) For high or medium density residential use, lands shall have convenient access to commercial uses and community services, and*

*(6) Any applicable Land Use Policies of the Planning Area.*

The subject site is within an Urban Service Area and has adequate infrastructure and services. It is conveniently accessed from an arterial road (Main Street) and within a short walking distance to commercial uses and services. While the developed portion of the site lies within the 100 year flood area boundary, development is not prohibited in this zone and requires only that floor levels be above the 100 year flood elevation. The lands therefore are not subject to unacceptable risk under the Flood Protection Ordinance. The Lower Russian River Area Plan is no longer in effect in this area, and has been replaced by the Russian River Design Guidelines which would apply to the site if any new construction were proposed in the future. The site meets the designation criteria and will be consistent with the General Plan Land Use Element.

Public Benefit The granting of a General Plan Amendment requires that a project is determined to be in the public interest. In past practice, the Planning Commission and the Board of Supervisors have required that more than 20% of project units be provided as affordable in order to provide the level of public benefit necessary to grant a General Plan Amendment. In this case the existing units, which range from 350 – 550 square feet in size, are already considered to be affordable “by design” so the entire project provides affordable rental units even though it is not restricted by an affordable housing agreement. The public benefit offered in support of this requested General Plan Amendment is the conversion of three of the existing units into six SRO rooms. Staff considers this unique public benefit to be a compelling reason to grant the General Plan Amendment because it clearly furthers the overall goals, objectives and policies of the General Plan.

**Issue #3:** Zoning Consistency

R2 Standards The requested R2 Medium Density Residential, 12 units per acre Zoning District designation allows the existing apartments to be used for residential occupancy (periods of greater than 30 days). The existing development on the project site meets the R2 standards for lot coverage, height, and rear setbacks, but does not meet the minimum front and side yard setbacks. While rezoning the property to “R2” will not correct this deficiency, it also will not increase the existing nonconformity and no new construction is proposed.

Common Open Space In developments of more than eight (8) units, an “open recreational and leisure area” totaling at least three hundred (300) square feet per unit is required. In this case, the entire rear half of the parcel remains open and accessible to all residents, providing over 1,800 square feet of open space per unit.

Parking The project site currently contains 37 off-street parking spaces and three on-street parking spaces, none of which are covered. The parking regulations require one covered space per unit and ½ uncovered “guest” parking spaces per unit, for a total of 40.5 (41) spaces required for the current use, and a total of 39 spaces required for the total project once the three existing units are converted to six SRO rooms (see SRO parking requirements below). As proposed, the project would correct an existing nonconformity. While none of the parking is covered or proposed to be covered, waivers of covered parking are routinely approved in the river area because of site constraints. As well, this is an existing situation which is not made worse by this proposal.

SRO Use Permit Standards Zoning Code Section 26-88-125 sets forth the standards for Single Room Occupancy (SRO) developments, which are subject to a Use Permit requirement. Those standards and the proposed project's conformance with them are outlined in the table below:

<b>Code Requirement:</b>	<b>Proposal:</b>
No transient occupancy	No transient occupancy proposed; condition recommended by staff to enforce this requirement
Rents affordable at Very-Low of Extremely-Low Incomes	Rents proposed at the Very Low Income (VLI) level
Proximity to transit, services	Transit and services within easy walking distance
Maximum occupancy of 2 persons per SRO room	Occupancy limited to 1 to 2; condition recommended by staff to enforce
Rooms 150 min. – 400 SF max.	Rooms range from 150 to 194 SF (+ shared kitchen & bath)
Common kitchen & bath allowed	Each 2 SRO rooms will share a common kitchen & bath
Laundry facility w/in 1/8 mile	Laundry is on site
Manager's unit or office	Manager's unit provided on-site; condition recommended
1 parking space per 2 SRO rooms	1 space per 2 SRO rooms provided (see above)
50 cubic feet storage per resident	50 cubic feet per resident provided
"House Rules" must be provided	House rules provided & incorporated in conditions

Each of the SRO rooms will have a separate entrance and use of a shared kitchen and bathroom (two SRO rooms per shared kitchen and bathroom). "House rules" have been submitted and have been incorporated into the project's recommended Conditions of Approval. A manager's unit is provided on-site, as is a laundry facility and storage. As proposed and including the recommended Conditions of Approval, all ordinance requirements will be met.

F1, F2, BR and VOH Combining Districts The portion of the site lying within the Biotic Resource (BR) area and the flood way (F1) will remain undeveloped (see Exhibit C). While all new construction within the 100 year flood plain (F2) requires that finished floors be placed at least one foot above the base flood elevation, there is no new construction proposed (only interior remodeling) and all tenant improvements will take place outside of the floodway boundary. Because no site changes are proposed, there are no Valley Oak Habitat (VOH) requirements or tree protection necessary. The project does not pose a conflict with the zoning designations.

**Issue #4:** Potential for "Spot Zoning"

The term "spot zoning" is not actually defined or used anywhere in planning and zoning laws. Rather, "spot zoning" is a colloquial term that is used to describe the application of a specific zoning classification to a small area which is surrounded by a larger, different (and usually less intense) zoning district. It is easy to see why the term 'spot zoning' is used, because a small parcel of land with a different designation would show up as a "spot" on a land use or zoning map.

A "spot zoning" is said to occur if a Zone Change is applied to one parcel in such as way that it allows a land use that is out of harmony with surrounding uses and inconsistent with planning principles to maintain compatibility for the good of the community. The "test" applied by the courts in making this determination is whether the Zone Change is in the nature of "special

legislation” designed to benefit one landowner at the expense of the surrounding landowners or the public and out of harmony with comprehensive planning for the good of the community (Lancaster Development Ltd. vs. Village of River Forest (1st Dist. 1967)).

A spot zone is *not* created if the Planning Commission carefully considers the proposed land use and its compatibility with surrounding land uses, the facts of the subject property, and the community needs set forth in an up-to-date General Plan when applying its zoning regulations to a specific property. In this case, the proposed rezoning will reflect the actual use on the site and as such has been demonstrated to be consistent with the surrounding land uses, in the sense that the surrounding zoning districts (“K” and “LC” Zones) allow much more intense land uses than does this proposed residential zoning designation. Finally, the preservation of low-cost housing serves an identified community need.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt the attached Resolution recommending that the Board of Supervisors adopt the Negative Declaration and approve the General Plan Land Use Amendment from RVSC to UR 12; a Zone Change from K, F1, F2, BR, VOH, to R2 12 UN/AC, B6, F1, F2, BR, VOH; a Zoning Text Amendment to add SRO facilities within the R2 and R3 Zone Districts, subject to the granting of a Use Permit; and a Use Permit for a small SRO facility on the project site.

### **FINDINGS FOR RECOMMENDED ACTION**

1. The proposed project meets the designation criteria for a General Plan land use designation of Urban Residential, 12 units per acre. The land use change is consistent with the Land Use Element criteria for designation of an Urban Residential site because it is located within a designated Urban Service Area with adequate public services and provides convenient access to transportation and community services. The project also complies with Housing Element Objective HE 1.4 and Policy HE-1f because it supports the retention of existing small housing units and the establishment of new SRO rooms. The proposed land use map amendment to UR 12 is in harmony with the rest of the General Plan goals, objectives and policies.
2. The proposed project is consistent with the R2 B6 12 UN/AC (Medium Density Residential, 12 units per acre) zoning designation, which allows occupancy of the existing residential units on this site for periods on more than 30 days, and no site plan changes are proposed which would affect the existing F1, F2, BR and VOH Combining Districts. Single Room Occupancy facilities are permitted separately under Section 26-88-125 of the Zoning Ordinance, subject to a Use Permit approval as granted herein.
3. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project. The Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of

such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: 1) no site plan changes are proposed as a part of this project; 2) the proposed change in use is limited to the conversion of three (3) existing apartments into six (6) SRO rooms, resulting in a more limited level of occupancy and an equal parking requirement; 3) the establishment and operation of the small SRO facility meets all requirements of the SRO Ordinance, as set forth in 26-88-125, as outlined in the Staff Report; and 4) "House Rules" will be applied to the use of the property, which include limitations on parking and noise, and which makes provision for the ongoing cleanliness and security of the complex.

5. The Rezoning of the parcel from "K" to "R2 B6 12 UN/AC" does not constitute a "spot zoning" because in rezoning the subject property, the Planning Commission has carefully considered the proposed land use and its compatibility with surrounding land uses; the facts of the subject property, and the community needs set forth in the General Plan, including its Housing Element and referenced documents. In this case, the proposed rezoning will reflect the actual use on the site, and a special privilege is not bestowed because surrounding zoning districts ("K" and "LC" Zones) allow much more intense land uses than does this proposed residential zoning designation. Finally, the preservation of low-cost housing serves an identified community need.

#### **LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Draft Rezone Ordinance
- EXHIBIT C: Draft Sectional District Map
- EXHIBIT D: Draft Text Ordinance with Amendments to the R2 and R3 Districts
- EXHIBIT E: Applicant's Project Description
- EXHIBIT F: General Plan Land Use Map
- EXHIBIT G: Vicinity Map
- EXHIBIT H: Zoning Map
- EXHIBIT I: Site Plan
- EXHIBIT J: Floor Plan
- EXHIBIT K: Site Photos (3)
- EXHIBIT L: Draft Resolution

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**Separate Attachment for Commissioners:** Negative Declaration

Mountain Lodge  
16351 1<sup>st</sup> Street  
Guerneville, CA

## Proposal Statement

Application: General Plan Amendment from RVSC to Urban Residential 12 units per acre; Zone Change from "K" to R2 12 units per acre and PC Planned Community ; and a General Plan Text Amendment to add a Special Area Policy to allow SRO units on this site as the public benefit justifying the General Plan Amendment. No significant physical changes to the site are proposed; the only changes would be interior to 3 of the existing units.

Proposal Statement:

The Mountain Lodge at 16351 1<sup>st</sup> Street in central Guerneville is a 27 unit garden style apartment complex on 2.43 acres conveniently located near shops, transit, and medical services. The apartments are currently studio and one bedroom, and all are single story, although one unit is on the second floor above the laundry room. There are two studio apartments at this time, and 25 one bedroom apartment units. The average square footage of the studio apartments is 350 square feet and the average one bedroom is 550 square feet.

A fully staffed management office is located on site, and there is a laundry room for the use of the residents.

The existing parking provides 37 spaces. No parking spaces are covered.

The proposed change to the project includes the conversion of three of the one-bedroom apartments to six "single room occupancy" apartments or SRO units. The remodeling of the units will be entirely interior and non-structural. Remodeling will include an interior partition wall to separate the kitchen, and some changes to the closet layout.

The proposed conversion to SRO will be made to apartment Unit 2, Unit 8, and Unit 25. The three one-bedroom apartments vary in configuration and square footage. The proposed room size varies from 150 square feet to 194 square feet, not including the shared common space of kitchen and bath.

The proposed six SRO units 2A & 2B, 8A & 8B, 25A & 25B will share a full kitchen and bathroom as common space between each pair. Each SRO unit has its own entry from the outdoors. The units are required to be 150 square feet minimum and each will meet the requirement for a minimum of 50 cubic feet of private closet storage space.

The final unit count will become 22 one bedroom apartments, 2 studio apartments and 6 single room occupancy units (3 divided one bedroom units).

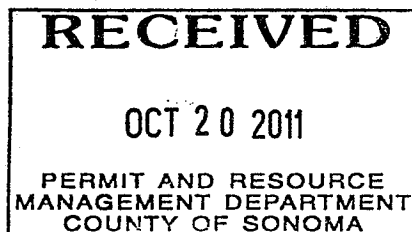


EXHIBIT E



The change to SRO units will provide for six units of very low cost housing in central Guerneville with no change to the overall density of the apartment complex. The Mountain lodge was originally built in the 1920's and was extensively remodeled in 1982 as "Resort Apartments". Although located in the "K Visitor Serving" zone it has been functioning well as long term apartment rental for over twenty years.

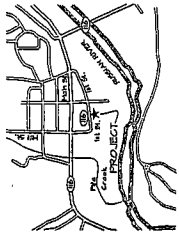
REVISED BY	

Slip Grading  
 GLENDENING ARCHITECTS  
 10000 FORESTHILL CA 94516  
 925 333-2323  
 707/444-2123

MOUNTAIN LODGE  
 16351 1ST STREET  
 GUERNEVILLE, CA

SITE PLAN

DATE	10/20/11
SCALE	1/4" = 1'-0"
PROJECT NO.	107/844-5140
SHEET NO.	A-1
TOTAL SHEETS	1



VICINITY MAP  
 NO SCALE

**RECEIVED**  
 OCT 20 2011  
 PERMIT AND RESOURCE  
 MANAGEMENT DEPARTMENT  
 COUNTY OF SONOMA

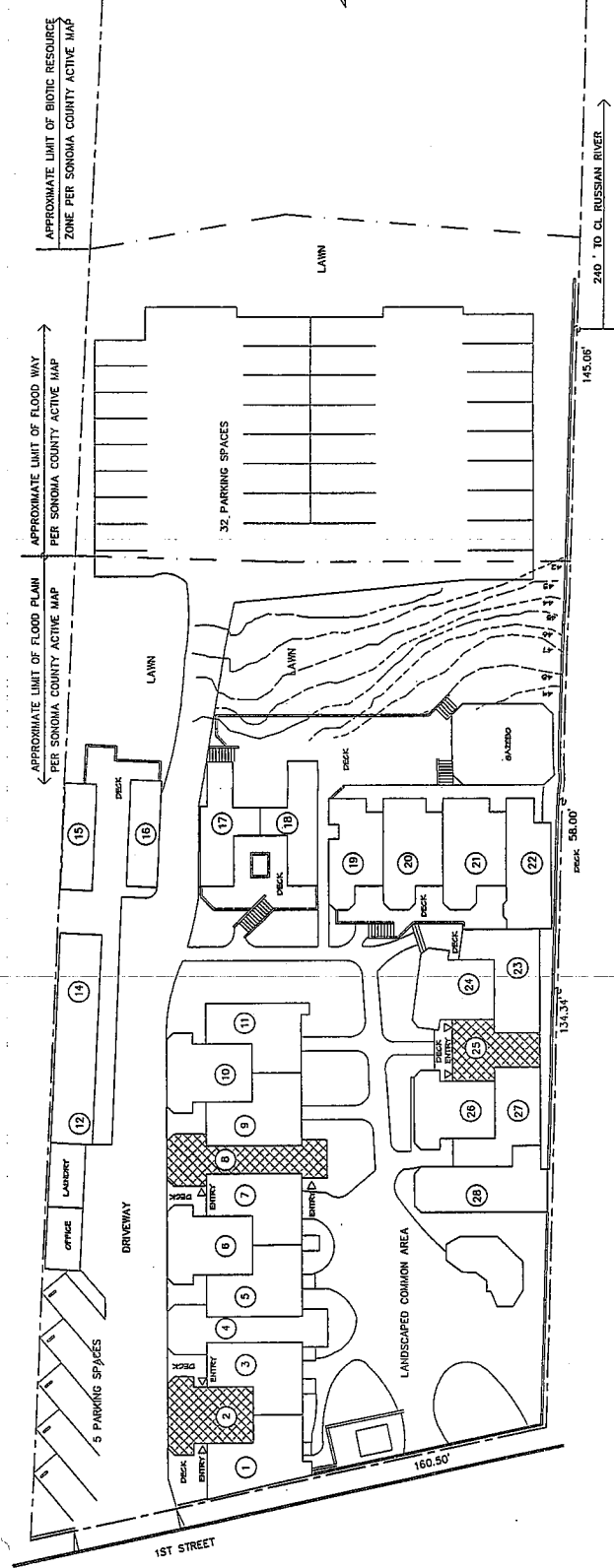
BOUNDARY INFORMATION ON THIS PLAN IS SCHEMATIC IN NATURE AND IS FOR ILLUSTRATION PURPOSES ONLY.  
 REFERENCE SITE PLAN DATED 10/3/10 BY RYAN PULSON AND ASSOCIATED ARCHITECTS

**PROJECT DATA**

PROJECT NAME:	860 CONVERSION AT MOUNTAIN LODGE
APN:	010-010-021
PANEL SIZE:	240 ACRES
PROJECT ADDRESS:	16351 1ST STREET GUERNEVILLE, CALIFORNIA
CURRENT ZONING:	"R" RECREATION & VISITOR
OWNER:	HERRILL-HAZZA P.O. BOX 148 GUERNEVILLE, CALIFORNIA
PROPOSED ZONING:	"R2" BK, R1, R2, VOR
BUILDING CODE:	2010 CBC PER COUNTY OF SONOMA
PHONE:	707/444-5140

**PROJECT DESCRIPTION**

EXISTING 21 UNIT APARTMENT COMPLEX WITH 2 STUDIO APARTMENTS AND 24 ONE BEDROOM APARTMENTS  
 PROPOSED CONVERSION OF 5 ONE BEDROOM APARTMENTS, UNITS 2, 4, AND 26, TO 6 860 APARTMENTS  
 (SINGLE ROOM OCCUPANCY)  
 INTERIOR REMODEL OF NON-STRUCTURAL WALLS ONLY. NO MODIFICATIONS TO THE SITE ARE PROPOSED.



SITE PLAN  
 SCALE: 1/4" = 1'-0"

REVISIONS	BY	DATE

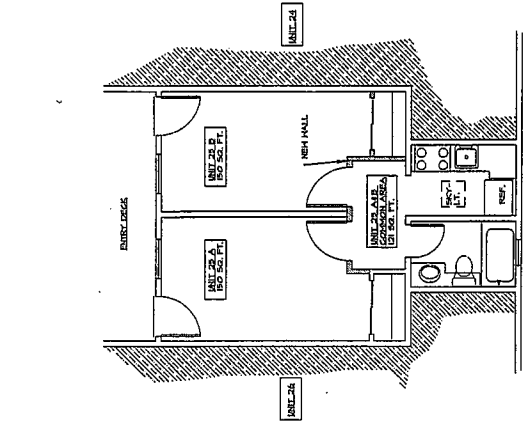
Ed. Chudering  
 GLENDENING ARCHITECTS  
 ROOM 222  
 FORTSTRAVE, CA 95936  
 207/857-8423

MOUNTAIN LODGE  
 16351 1ST STREET  
 GUERNEVILLE, CA

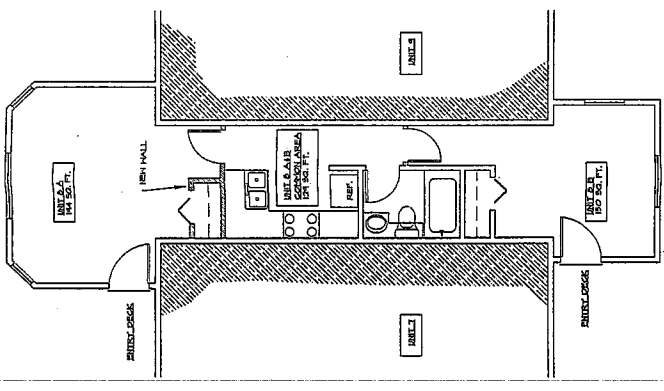
UNITS 2, 8, 25  
 PROPOSED  
 FLOOR PLANS

DATE	NO.	BY	SCALE

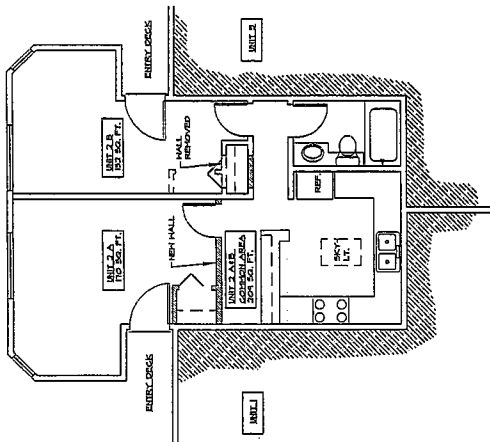
A-2.1



PROPOSED FLOOR PLAN - APARTMENTS 25A & 25B  
 SINGLE ROOM OCCUPANCY  
 SCALE: 1/4" = 1'-0"



PROPOSED FLOOR PLAN - APARTMENTS 8A & 8B  
 SINGLE ROOM OCCUPANCY  
 SCALE: 1/4" = 1'-0"



PROPOSED FLOOR PLAN - APARTMENTS 2A & 2B  
 SINGLE ROOM OCCUPANCY  
 SCALE: 1/4" = 1'-0"

**RECEIVED**  
 OCT 20 2011  
 PERMIT AND RESOURCE  
 MANAGEMENT DEPARTMENT  
 COUNTY OF SONOMA

<h1 style="margin: 0;">County Of Sonoma</h1> <h2 style="margin: 0;">Agenda Item</h2> <h3 style="margin: 0;">Summary Report</h3>		<p style="margin: 0;">Clerk of the Board Use Only Meeting Date / /</p> <p style="margin: 0;">Agenda Item No: <u>31A</u>      2:10 P.M.</p>
<p style="margin: 0;"><b>Department:</b> County Counsel; Sonoma County Transportation Authority</p>		<p style="margin: 0;"><b>x 4/5 Vote Required</b></p>
<p style="margin: 0;"><b>Name and Phone Number:</b> Bruce Goldstein - (707) 565-2421; Suzanne Smith – (707) 565-5373</p>	<p style="margin: 0;"><b>Board Date:</b> 3/20/12</p>	<p style="margin: 0;"><b>Deadline for Board Action:</b></p>
<p style="margin: 0;"><b>AGENDA SHORT TITLE:</b> Resolution of Necessity, Highway 101 Interchange and Improvement Project, at the Marin Sonoma Narrows</p> <p style="margin: 0;"><b>REQUESTED BOARD ACTION:</b> Approve resolution authorizing acquisition and condemnation of real property necessary for public purposes for the property identified as Lands of the Boyajian Trust (APN 019-310-012) , for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089. (Second Supervisorial District)</p>		
<p style="margin: 0;"><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - NONE</b></p> <p style="margin: 0;">Construction is planned to start in 2012 and continue for several years, with a total cost of \$123 million.</p> <p style="margin: 0;"><b>Explanation (if required):</b> None.</p>		
<p style="margin: 0;"><b>Prior Board Action:</b> In June 2011, the Board accepted the delegation of authority from Caltrans and SCTA to hear Resolutions of Necessity on behalf of the State of California concerning acquisition of state highway right of way for the Highway 101 Interchange and Improvements Project at the Marin Sonoma Narrows and the Airport Boulevard Interchange.</p>		
<p style="margin: 0;"><b>Alternatives – Results of Non-Approval:</b> Project will not be constructed as planned and project funding may be lost by diversion to other Caltrans projects.</p>		

**Background:** The subject of this resolution is the initiation of eminent domain to obtain legal possession of right-of-way along the west side of Highway 101 located in the Marin Sonoma Narrows. Attached for ease of reference is a right of way appraisal map.

The California Department of Transportation (Caltrans), in conjunction with the Sonoma County Transportation Authority (SCTA), is improving State Highway 101 in Sonoma County. Part of these improvements for Project MSN B-2 in the Marin Sonoma Narrows south of Petaluma include replacement of the Petaluma River Bridge and 1.1 miles of new High Occupancy Vehicle lanes, a new interchange at Petaluma Boulevard South and new frontage roads. In June 2011, the Board accepted the delegation of authority from Caltrans and SCTA to hear Resolutions of Necessity on behalf of the State of California concerning acquisition of state highway right of way for the Highway 101 Interchange and Improvements Project at the Marin Sonoma Narrows and the Airport Blvd./Fulton Road Interchange.

The majority of the necessary right of way for the MSN B-2 improvements has been acquired through voluntary negotiations, which are continuing. At this time, negotiations have not been successful with a few property owners, including 3.160 acres, which includes 75,261 square feet extension for road easement and 29,885 square foot extension of water pipe easement, which is the subject of this Resolution. Formal offers to acquire the necessary road right-of-way were made to the property owner – but the owner has not accepted. The background for the subject property is described in the attachments, which will be addressed by Caltrans and SCTA staff at the hearing.

Due to the length of time that has elapsed since the first offers were made and because of the large number of right-of-way acquisitions to be processed for this project, staff is recommending acquiring the easements from the subject properties mentioned above through the County's eminent domain powers, with the County acting on behalf of the State of California. This will allow the acquisition process to proceed in a timely and orderly manner in order to meet project construction deadlines. A delay in obtaining all of the required right-of-way for this project within the current schedule may delay the project construction for an additional year.

After the hearing, counsel and the Caltrans/SCTA right-of-way consultant will continue to negotiate with the owner and diligently pursue satisfactory conclusions to the right-of-way acquisitions.

In order to initiate this process, the Board must now hold a hearing and then adopt the proposed Resolution of Necessity which provides the following:

1. A description of the property location and the use for which the property is to be used.
2. Certifies that an offer, in accordance with legal statutes, has been made to the owner of record.
3. Certifies that public interest and necessity require the project.

Hearing notification letters were sent to the property owner at least 15 days prior to the scheduled hearing per Section 1245.235, Code of Civil Procedure. Furthermore, the owner was afforded the opportunity to formally attend pre-condemnation meetings with Caltrans, SCTA and project engineering design staffs prior to the hearings to discuss any of their design-related issues. The owner met with Caltrans, SCTA and project engineering design staff on March 1, 2012, and has indicated they may appear at, or contest, the proposed Resolution of Necessity hearing.

**Attachments:** Proposed Resolution of Necessity with attached legal description and maps.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/12**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing Acquisition And Condemnation Of Real Property Identified as the Lands of the Boyajian Trust, Necessary For Highway 101 Interchange and Improvement Project, Caltrans Project No. 264089. (4/5 Vote Required.)**

**Whereas**, on behalf of the State of California, the County of Sonoma proposes to acquire real property identified as the Lands of the Boyajian Trust (APN 019-310-012) (hereinafter described in detail in the legal description and maps attached as Exhibit "A" hereto) for the Highway 101 Interchange and Improvement Project, Marin Sonoma Narrows [Caltrans Project No. 264089]); and

**Whereas**, the Project has met all the requirements of Government Code §65402 for General Plan consistency; and

**Whereas**, the Project has been reviewed and has met all the requirements of the California Environmental Quality Act,

**Now, Therefore, Be It Resolved**, on behalf of the State of California, after a duly noticed public hearing, the Board of Supervisors of the County of Sonoma resolves and finds as follows:

1. The public use for which the property is to be taken is for the purpose of improving Highway 101 at the Marin Sonoma Narrows.
2. The statute that authorizes the County to act at the request of the State of California to acquire the property by eminent domain on behalf of the State of California is Streets and Highway Code §760.
3. The general location and extent of the property to be taken, with sufficient detail for reasonable identification, is described in Exhibit "A" attached.
4. The public interest and necessity require this project.
5. This project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
6. The property described in this resolution is necessary for this proposed project.
7. The acquisition, construction, and completion by the County of the public improvements and the use of the property described in this resolution is a public use authorized

8. It is necessary under all the facts and circumstances that the real property described in this resolution be acquired in fee and easement except where a lesser estate or interest is specifically designated.

9. An offer required by Government Code §7267.2 has been made to the owner or owners of each property.

**Be It Further Resolved** on behalf of the State of California that the State of California proposes to acquire the real property herein concerned for said public improvements purposes by donation, purchase, or condemnation in accordance with the provisions of California law relating to eminent domain, and that the County Counsel of Sonoma County be and is hereby authorized and directed to institute and prosecute in the name of the State of California such suit or suits in the proper court having jurisdiction thereof, as shall be necessary to condemn said real property for such public use.

**Be It Further Resolved** on behalf of the State of California that should it appear from declarations of the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority that construction of public improvements and utilities herein concerned necessitates the taking of possession of the real property described in Exhibit "A" attached prior to final determination of the suit or suits authorized, application shall be made to the court for an order authorizing the State of California to take immediate possession of and to sue the property sought to be condemned; and that the State of California deposit probable just compensation with said court in such manner as the law may direct out of proper funds held by or provided to the State of California.

**Be It Further Resolved** on behalf of the State of California that the Director of the California Department of Transportation, the Executive Director of the Sonoma County Transportation Authority and the County Counsel acting together, be and they are hereby authorized to employ at rates of compensation standard in this area such appraisers, engineers, and other expert witnesses as they deem necessary to the preparation for trial and, upon receipt of the appropriate claim forms approved by the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority, the State of California is authorized and directed to issue and honor warrants in payment for said service.

**Supervisors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**



DESCRIPTION FOR  
RESOLUTION OF NECESSITY  
ROAD 4-SON-101-PM 1.6

APPRAISAL NO.	POST MILE
61868-1	1.6
61868-2	1.6

PARCEL 61868-1:

For State freeway purposes, that real property described as follows:

Portion of PARCEL ONE as described in the Corporation Grant Deed recorded July 29, 1997 under Recorder's Serial No. 1997-0065561, Official Records of Sonoma County, more particularly described as follows:

BEGINNING at the most easterly corner of said PARCEL ONE, thence along the general southerly line of said PARCEL ONE, S.  $74^{\circ}07'22''$  W., 217.23 feet; thence N.  $17^{\circ}37'26''$  E., 64.04 feet; thence from a radial line that bears N.  $85^{\circ}56'12''$  E., northerly along a curve to the left with a radius of 4160.00 feet, through an angle of  $14^{\circ}20'59''$ , an arc length of 1041.87 feet; thence N.  $18^{\circ}24'47''$  W., 414.25 feet to a point the general northerly line of said PARCEL ONE; thence along said general northerly line, N.  $87^{\circ}31'13''$  E., 59.28 feet to the northeasterly corner of said PARCEL ONE; thence along the general easterly line of said PARCEL ONE, S.  $18^{\circ}24'47''$  E., 1343.88 feet and from a radial line that bears N.  $71^{\circ}35'46''$  E., southeasterly along a curve to the right with a radius of 1449.94 feet, through an angle of  $5^{\circ}47'56''$ , an arc length of 146.75 feet to the POINT OF BEGINNING.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature   
*Licensed Land Surveyor*

Date 12/22/2011



PARCEL 61868-2:

For State freeway purposes, that real property described as follows:

A TEMPORARY EASEMENT to terminate on December 31, 2015 for construction purposes and incidents thereto, upon, over and across the following described parcel of land:

Portion of PARCEL ONE as described in the Corporation Grant Deed recorded July 29, 1997 under Recorder's Serial No. 1997-0065561, Official Records of Sonoma County, more particularly described as follows:

COMMENCING at the most easterly corner of said PARCEL ONE, thence along the general southerly line of said PARCEL ONE, S. 74°07'22" W., 217.23 feet to the POINT OF BEGINNING; thence N. 17°37'26" E., 64.04 feet; thence from a radial line that bears N. 85°56'12" E., northerly along a curve to the left with a radius of 4160.00 feet, through an angle of 14°20'59", an arc length of 1041.87 feet; thence N. 18°24'47" W., 414.25 feet to a point on the general northerly line of said PARCEL ONE; thence along said general northerly line, S. 87°31'13" W., 20.80 feet; thence S. 18°24'47" E., 48.05 feet; thence S. 71°35'43" W., 123.12 feet; thence S. 18°24'17" E., 107.02 feet; thence N. 71°35'43" E., 133.14 feet; thence S. 18°24'47" E., 264.89 feet; thence along a curve to the right with a radius of 4150.00

feet, through an angle of  $11^{\circ}33'17''$ , an arc length of 836.92 feet; thence S.  $72^{\circ}14'51''$  W., 45.06 feet; thence S.  $17^{\circ}45'09''$  E., 85.30 feet; thence N.  $73^{\circ}56'37''$  E., 27.55 feet; thence from a radial line that bears N.  $84^{\circ}21'18''$  E., southerly along a curve to the right with a radius of 4150.00 feet, through an angle of  $1^{\circ}33'19''$ , an arc length of 112.65 feet; thence S.  $17^{\circ}37'26''$  W., 68.74 feet to a point on said general southerly line; thence along last said line, N.  $74^{\circ}07'22''$  E., 11.99 feet to the POINT OF BEGINNING.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature   
*Licensed Land Surveyor*

Date 12/22/2011

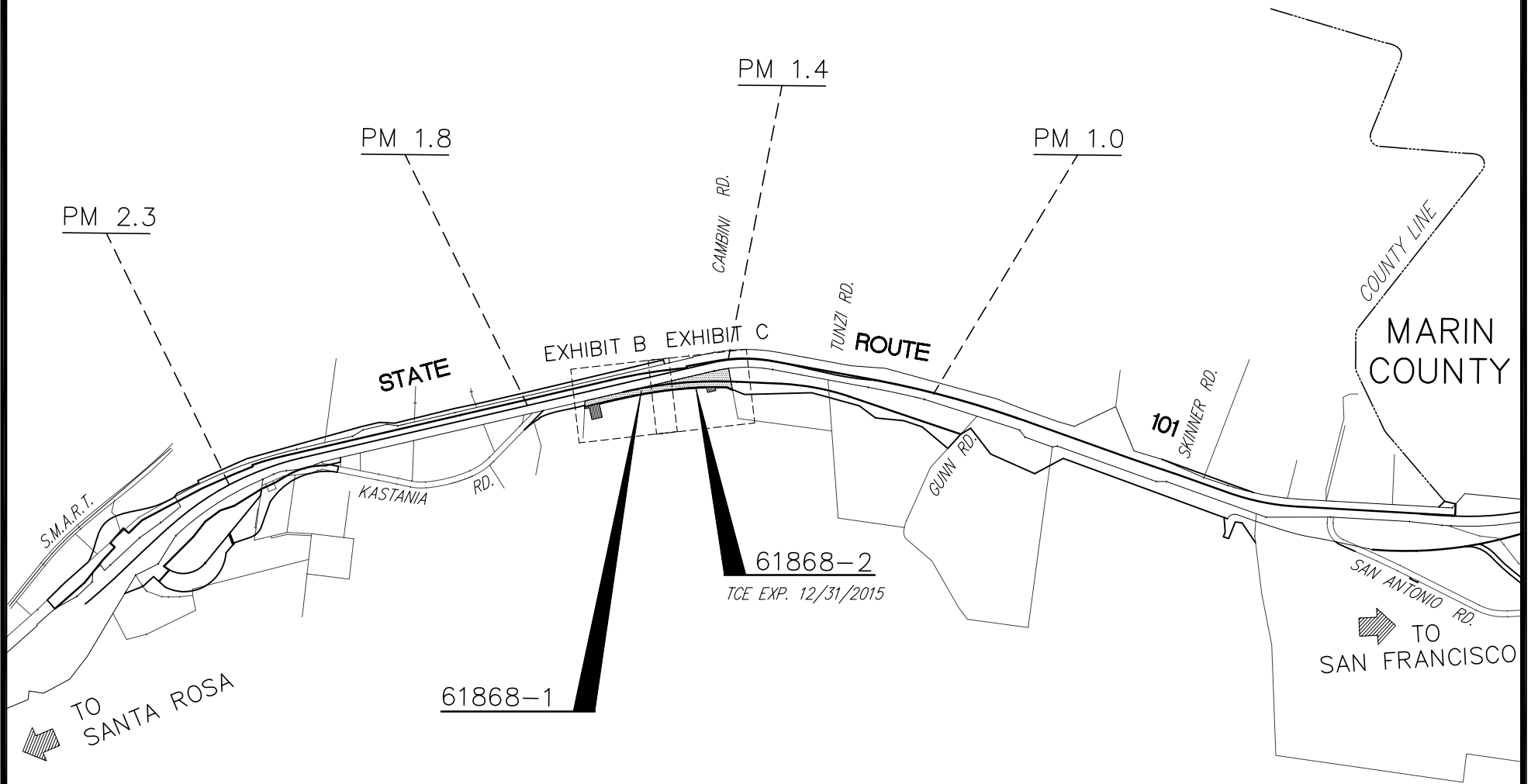


EXHIBIT A

SONOMA COUNTY



NOT TO SCALE



A-10438.0

RESOLUTION OF NECESSITY MAP

04-SON-101-PM 1.6

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3. Distances are grid distances. Multiply distances BY 1.0000383 to obtain ground level distances.

SONOMA COUNTY

EXHIBIT B



SCALE: 1"=100'

SCALE 1" = 100'



0 100' 200'

10' GASLINE EASEMENT  
679 O.R. 305

PROPOSED STATE R/W

EXISTING STATE R/W

30.00'  
ACCESS OPENING

ROUTE 101

"B" LINE

"B" LINE

4263.25'

20' WATER PIPE EASEMENT  
1845 O.R. 690

1343.88'  
S18°24'47"E

STATE

EXISTING STATE R/W

FUTURE STATE R/W

R=4160.00' Δ=14°20'59"

PROPOSED STATE R/W

R=4150.00'  
Δ=11°33'17"  
L=836.92'

S87°31'13"W  
15.08'

50' ROADWAY EASEMENT  
199 PM 13 & DOC. NO. 2007017592  
399.43'

N18°24'47"W  
414.25'

61868-1

JIRIRE BOYAJIAN TRUST, ET AL.  
APN: 019-310-012  
DOC. NO. 1997-0065561

199 PM 13

PARCEL MAP 4148

SEE EXHIBIT C

LEGEND

- DIMENSION POINT
- R/W RIGHT OF WAY
- O.R. OFFICIAL RECORDS
- PM PARCEL MAPS
- APN ASSESSOR'S PARCEL NUMBER
- DOC. NO. DOCUMENT NUMBER
- T.C.E. TEMPORARY CONSTRUCTION EASEMENT
- EXP. EXPIRES
- ▤ ACCESS PROHIBITED

RESOLUTION  
OF  
NECESSITY MAP  
04-SON-101-PM 1.6

20.80'  
S87°31'13"W  
S18°24'47"E  
48.05'

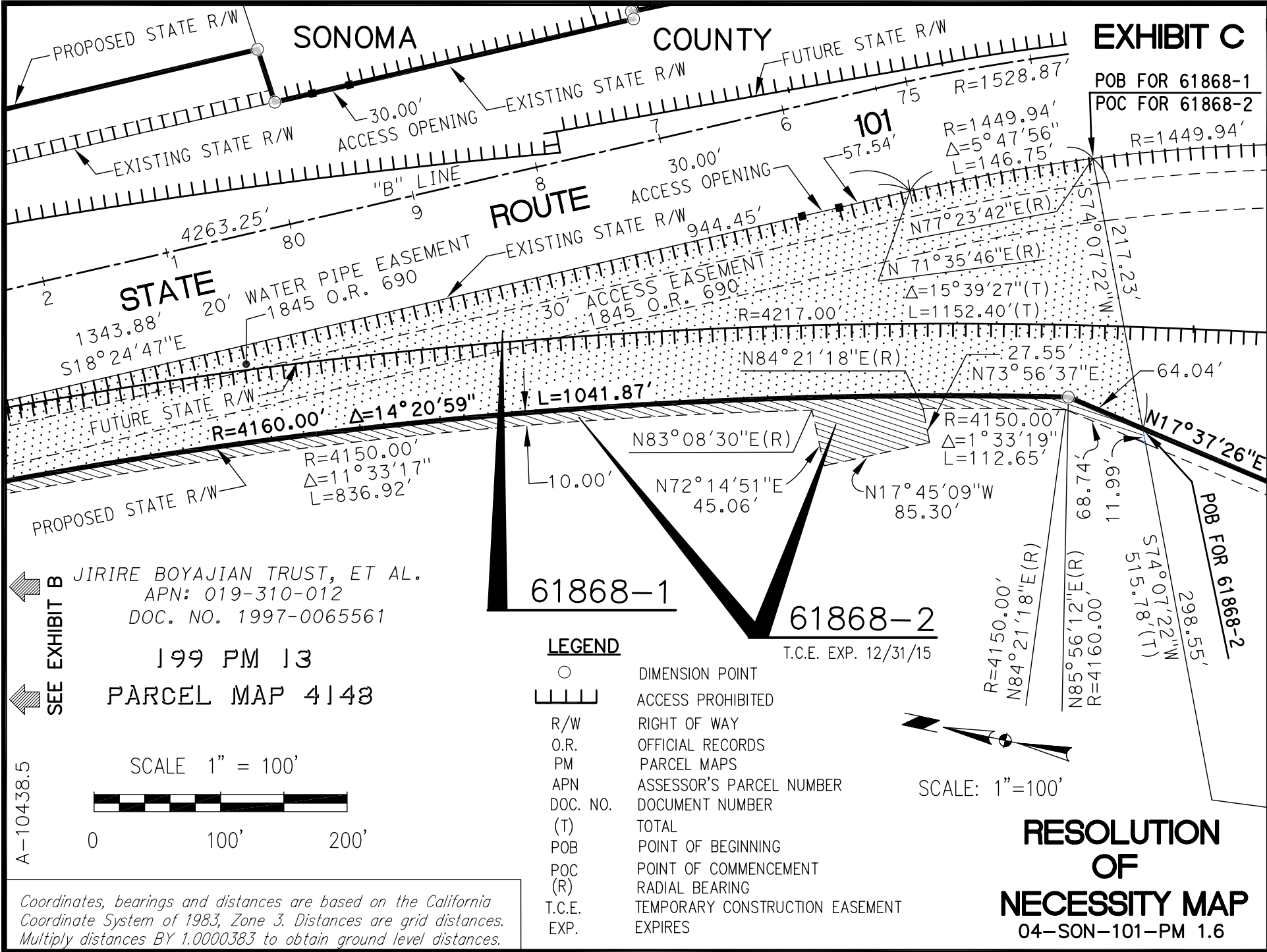
N11°35'43"E  
123.12'  
N18°24'17"W  
107.02'

61868-2

T.C.E. EXP. 12/31/15

A-10438.5

**EXHIBIT C**



POB FOR 61868-1  
POC FOR 61868-2

R=1449.94'  
Δ=5°47'56"  
L=146.75'

R=1449.94'

N77°23'42"E(R)

N71°35'46"E(R)

Δ=15°39'27"(T)  
L=1152.40'(T)

N84°21'18"E(R)

27.55'  
N73°56'37"E

64.04'

N17°37'26"E

POB FOR 61868-2

298.55'

S74°07'22"W

515.78'(T)

R=4150.00'  
N84°21'18"E(R)

N85°56'12"E(R)

R=4160.00'

68.74'

66.11'

R=4150.00'  
N84°21'18"E(R)

R=4160.00'  
N85°56'12"E(R)

SEE EXHIBIT B  
JIRIRE BOYAJIAN TRUST, ET AL.  
APN: 019-310-012  
DOC. NO. 1997-0065561

199 PM 13  
PARCEL MAP 4148

61868-1

61868-2

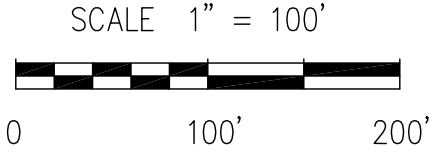
T.C.E. EXP. 12/31/15

**LEGEND**

- DIMENSION POINT
- ▤ ACCESS PROHIBITED
- R/W RIGHT OF WAY
- O.R. OFFICIAL RECORDS
- PM PARCEL MAPS
- APN ASSESSOR'S PARCEL NUMBER
- DOC. NO. DOCUMENT NUMBER
- (T) TOTAL
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- (R) RADIAL BEARING
- T.C.E. TEMPORARY CONSTRUCTION EASEMENT
- EXP. EXPIRES



SCALE: 1"=100'



A-10438.5

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3. Distances are grid distances. Multiply distances BY 1.0000383 to obtain ground level distances.

**RESOLUTION OF NECESSITY MAP**  
04-SON-101-PM 1.6



<h1 style="margin: 0;">County Of Sonoma</h1> <h2 style="margin: 0;">Agenda Item</h2> <h3 style="margin: 0;">Summary Report</h3>		<p style="margin: 0;">Clerk of the Board Use Only</p> <p style="margin: 0;">Meeting Date / /</p> <p style="margin: 0;">Agenda Item No: 31B 2:10 P.M.</p>
<p style="margin: 0;"><b>Department:</b> County Counsel; Sonoma County Transportation Authority</p>		<p style="margin: 0;"><b>x 4/5 Vote Required</b></p>
<p style="margin: 0;"><b>Name and Phone Number:</b> Bruce Goldstein - (707) 565-2421; Suzanne Smith – (707) 565-5373</p>	<p style="margin: 0;"><b>Board Date:</b> 3/20/12</p>	<p style="margin: 0;"><b>Deadline for Board Action:</b></p>
<p style="margin: 0;"><b>AGENDA SHORT TITLE:</b> Resolution of Necessity, Highway 101 Interchange and Improvement Project, at the Marin Sonoma Narrows</p> <p style="margin: 0;"><b>REQUESTED BOARD ACTION:</b> Approve resolution authorizing acquisition and condemnation of real property necessary for public purposes for the property identified as lands of Alexander Valley Ventures, LLC (APN 019-320-005; 019-320-330; and 019-320-007), for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089. (Second Supervisorial District)</p>		
<p style="margin: 0;"><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - NONE</b></p> <p style="margin: 0;">Construction is planned to start in 2012 and continue for several years, with a total cost of \$123 million.</p> <p style="margin: 0;"><b>Explanation (if required):</b> None.</p>		
<p style="margin: 0;"><b>Prior Board Action:</b> In June 2011, the Board accepted the delegation of authority from Caltrans and SCTA to hear Resolutions of Necessity on behalf of the State of California concerning acquisition of state highway right of way for the Highway 101 Interchange and Improvements Project at the Marin Sonoma Narrows and the Airport Boulevard Interchange.</p>		
<p style="margin: 0;"><b>Alternatives – Results of Non-Approval:</b> Project will not be constructed as planned and project funding may be lost by diversion to other Caltrans projects.</p>		

**Background:** The subject of this resolution is the initiation of eminent domain to obtain legal possession of right-of-way along the east side of Highway 101 located in the Marin Sonoma Narrows. Attached for ease of reference is a right of way appraisal map.

The California Department of Transportation (Caltrans), in conjunction with the Sonoma County Transportation Authority (SCTA), is improving State Highway 101 in Sonoma County. Part of these improvements for Project MSN B-2 in the Marin Sonoma Narrows south of Petaluma include replacement of the Petaluma River Bridge and 1.1 miles of new High Occupancy Vehicle lanes, a new interchange at Petaluma Boulevard South and new frontage roads. In June 2011, the Board accepted the delegation of authority from Caltrans and SCTA to hear Resolutions of Necessity on behalf of the State of California concerning acquisition of state highway right of way for the Highway 101 Interchange and Improvements Project at the Marin Sonoma Narrows and the Airport Blvd./Fulton Road Interchange.

The majority of the necessary right of way for the MSN B-2 improvements has been acquired through voluntary negotiations, which are continuing. At this time, negotiations have not been successful with a few property owners, including 3.283 acres for the State's right of way and a 9,859 s.f. Temporary Construction Easement (part of which is a 21,149 s.f. gas line easement), which is the subject of this Resolution. Formal offers to acquire the necessary road right-of-way were made to the property owner – but the owner has not accepted. The background for the subject property is described in the attachments, which will be addressed by Caltrans and SCTA staff at the hearing.

Due to the length of time that has elapsed since the first offers were made and because of the large number of right-of-way acquisitions to be processed for this project, staff is recommending acquiring the easements from the subject properties mentioned above through the County's eminent domain powers, with the County acting on behalf of the State of California. This will allow the acquisition process to proceed in a timely and orderly manner in order to meet project construction deadlines. A delay in obtaining all of the required right-of-way for this project within the current schedule may delay the project construction for an additional year.

After the hearing, counsel and the Caltrans/SCTA right-of-way consultant will continue to negotiate with the owner and diligently pursue satisfactory conclusions to the right-of-way acquisitions.

In order to initiate this process, the Board must now hold a hearing and then adopt the proposed Resolution of Necessity which provides the following:

1. A description of the property location and the use for which the property is to be used.
2. Certifies that an offer, in accordance with legal statutes, has been made to the owner of record.
3. Certifies that public interest and necessity require the project.

Hearing notification letters were sent to the property owner at least 15 days prior to the scheduled hearing per Section 1245.235, Code of Civil Procedure. Furthermore, the owner was afforded the opportunity to formally attend pre-condemnation meetings with Caltrans, SCTA and project engineering design staffs prior to the hearings to discuss any of their design-related issues. The owner met with Caltrans, SCTA and project engineering design staff on March 1, 2012, and has indicated they may appear at, or contest, the proposed Resolution of Necessity hearing.

**Attachments:** Proposed Resolution of Necessity with attached legal description and maps.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/12**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing Acquisition And Condemnation Of Real Property Identified as the Lands of Alexander Valley Ventures, LLC, Necessary For Highway 101 Interchange and Improvement Project, Caltrans Project No. 264089. (4/5 Vote Required.)**

**Whereas**, on behalf of the State of California, the County of Sonoma proposes to acquire real property identified as the Lands of Alexander Valley Ventures, LLC (APN 019-320-005, 019-320-330, and 019-320-007) (hereinafter described in detail in the legal description and maps attached as Exhibit "A" hereto) for the Highway 101 Interchange and Improvement Project, Marin Sonoma Narrows [Caltrans Project No. 264089]); and

**Whereas**, the Project has met all the requirements of Government Code §65402 for General Plan consistency; and

**Whereas**, the Project has been reviewed and has met all the requirements of the California Environmental Quality Act,

**Now, Therefore, Be It Resolved**, on behalf of the State of California, after a duly noticed public hearing, the Board of Supervisors of the County of Sonoma resolves and finds as follows:

1. The public use for which the property is to be taken is for the purpose of improving Highway 101 at the Marin Sonoma Narrows.
2. The statute that authorizes the County to act at the request of the State of California to acquire the property by eminent domain on behalf of the State of California is Streets and Highway Code §760.
3. The general location and extent of the property to be taken, with sufficient detail for reasonable identification, is described in Exhibit "A" attached.
4. The public interest and necessity require this project.
5. This project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
6. The property described in this resolution is necessary for this proposed project.
7. The acquisition, construction, and completion by the County of the public improvements and the use of the property described in this resolution is a public use authorized

8. It is necessary under all the facts and circumstances that the real property described in this resolution be acquired in fee and easement except where a lesser estate or interest is specifically designated.

9. An offer required by Government Code §7267.2 has been made to the owner or owners of each property.

**Be It Further Resolved** on behalf of the State of California that the State of California proposes to acquire the real property herein concerned for said public improvements purposes by donation, purchase, or condemnation in accordance with the provisions of California law relating to eminent domain, and that the County Counsel of Sonoma County be and is hereby authorized and directed to institute and prosecute in the name of the State of California such suit or suits in the proper court having jurisdiction thereof, as shall be necessary to condemn said real property for such public use.

**Be It Further Resolved** on behalf of the State of California that should it appear from declarations of the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority that construction of public improvements and utilities herein concerned necessitates the taking of possession of the real property described in Exhibit "A" attached prior to final determination of the suit or suits authorized, application shall be made to the court for an order authorizing the State of California to take immediate possession of and to sue the property sought to be condemned; and that the State of California deposit probable just compensation with said court in such manner as the law may direct out of proper funds held by or provided to the State of California.

**Be It Further Resolved** on behalf of the State of California that the Director of the California Department of Transportation, the Executive Director of the Sonoma County Transportation Authority and the County Counsel acting together, be and they are hereby authorized to employ at rates of compensation standard in this area such appraisers, engineers, and other expert witnesses as they deem necessary to the preparation for trial and, upon receipt of the appropriate claim forms approved by the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority, the State of California is authorized and directed to issue and honor warrants in payment for said service.

**Supervisors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**

DESCRIPTION FOR  
RESOLUTION OF NECESSITY  
ROAD 4-SON-101-PM 1.9

APPRAISAL NO.	POST MILE
61874-1	1.9
61874-2	1.7

PARCEL 61874-1:

For State freeway purposes, that real property described as follows:

Portion of PARCEL ONE and PARCEL FOUR as described in the Grant Deed recorded March 7, 2006 under Recorder's Serial No. 2006026363 and PARCEL ONE as described in the Grant Deed recorded March 29, 2006 under Recorder's Serial No. 2006037124, all of Official Records of Sonoma County, more particularly described as follows:

BEGINNING at the northwesterly corner of said PARCEL FOUR; thence along the westerly lines of said PARCEL FOUR, PARCEL ONE (Doc. #2006026363) and PARCEL ONE (Doc. # 2006037124), S. 18°24'47" E., 287.69 feet; S. 36°50'47" E., 126.49 feet; S. 18°24'47" E., 249.99 feet; S. 03°23'13" W., 107.70 feet and S. 18°24'47" E., 2774.42 feet to the southwesterly corner of said PARCEL ONE (Doc. #2006037124); thence along the southerly line of said PARCEL ONE (Doc. #2006037124), N. 66°35'13" E., 43.92 feet; thence N. 18°42'42" W., 1425.64 feet; thence N. 18°26'46" W., 528.49 feet; thence N. 17°07'18" W., 217.54 feet; thence N. 19°10'41" W., 621.52 feet; thence N. 02°30'57" W., 156.73 feet; thence N. 18°24'33" W., 181.13 feet; thence N. 21°01'11" W., 381.59 feet to a point on the general northerly line of said PARCEL FOUR; thence along said general northerly line, N. 87°35'47" W., 62.27 feet to the POINT

OF BEGINNING.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature   
*Licensed Land Surveyor*

Date 01/17/2012





PARCEL 61874-2:

For State freeway purposes, that real property described as follows:

A TEMPORARY EASEMENT to terminate on December 31, 2015 for construction purposes and incidents thereto, upon, over and across the following described parcel of land:

Portion of PARCEL ONE as described in the Grant Deed recorded March 29, 2006 under Recorder's Serial No. 2006037124, all of Official Records of Sonoma County, more particularly described as follows:

COMMENCING at the southwesterly corner of said PARCEL ONE (Doc. #2006037124); thence along the southerly line of last said PARCEL ONE, N. 66°35'13" E., 43.92 feet; thence N. 18°42'42" W., 765.31 feet to the POINT OF BEGINNING; thence N. 71°35'43" E., 62.33 feet; thence N. 18°24'17" W., 40.00 feet; thence N. 71°35'43" E., 180.00 feet; thence N. 18°24'17" W., 20.00 feet; thence S. 71°35'43" W., 180.00 feet; thence N. 18°24'17" W., 40.00 feet; thence S. 71°35'43" W., 62.86 feet; thence S. 18°42'42" E., 100.00 feet to the POINT OF BEGINNING.

The sidelines of said strip shall be shorted or prolonged to begin at said northerly line and terminate at said general southerly line.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature *Alice Zhong*  
*Licensed Land Surveyor*

Date 01/17/2012

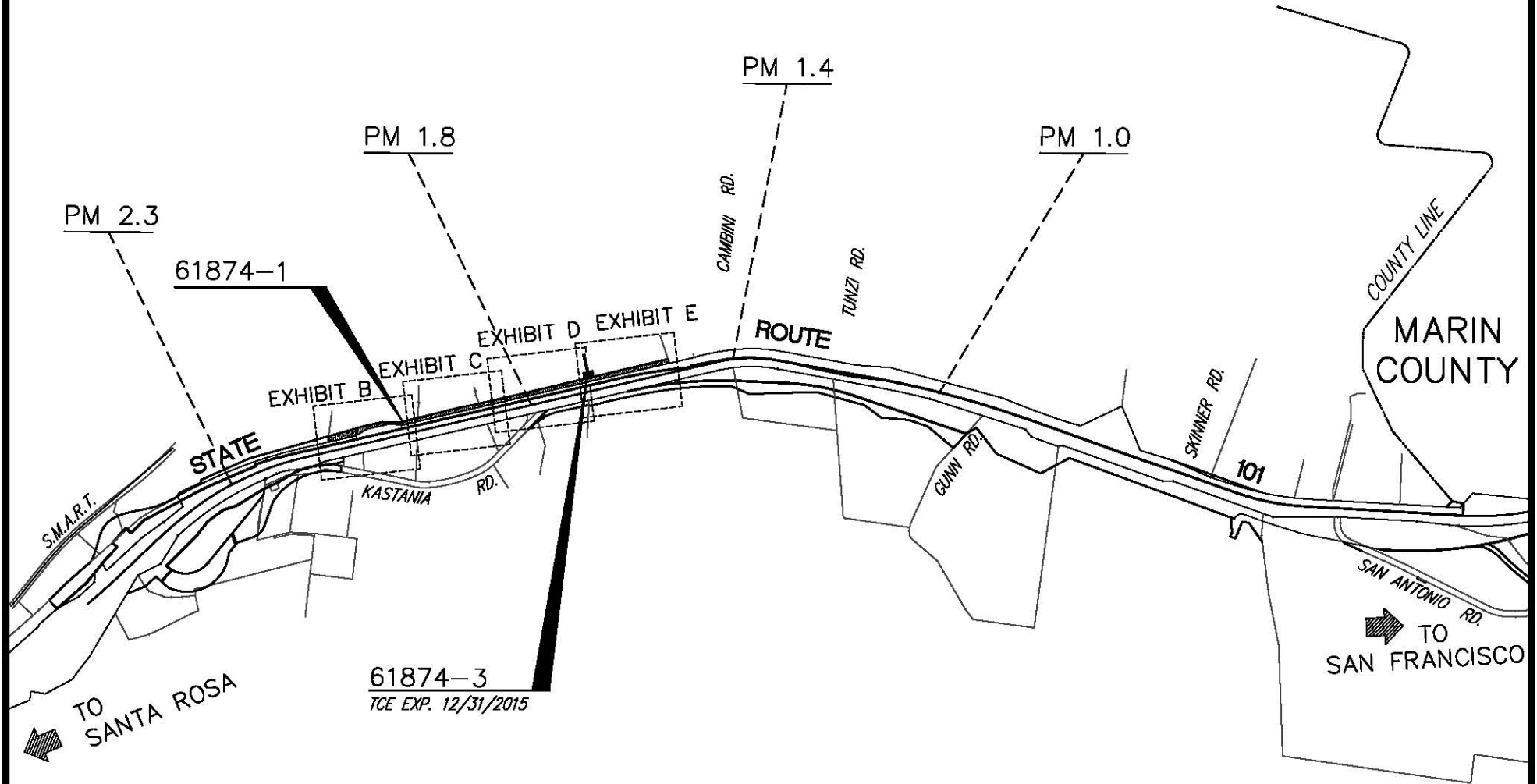


EXHIBIT A



NOT TO SCALE

SONOMA COUNTY



61874-1

PM 1.8

PM 1.4

PM 1.0

PM 2.3

EXHIBIT B EXHIBIT C EXHIBIT D EXHIBIT E

ROUTE

MARIN COUNTY

STATE

101

KASTANIA RD.

CAMERINI RD.

TUNZI RD.

GUNNY RD.

SKINNER RD.

SAN ANTONIO RD.

TO SAN FRANCISCO

S.M.A.R.T.

TO SANTA ROSA

61874-3  
TCE EXP. 12/31/2015

RESOLUTION OF NECESSITY MAP

04-SON-101-PM 1.9

A-10438.0

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3. Distances are grid distances. Multiply distances BY 1.0000383 to obtain ground level distances.

# EXHIBIT B

643 R/S 32



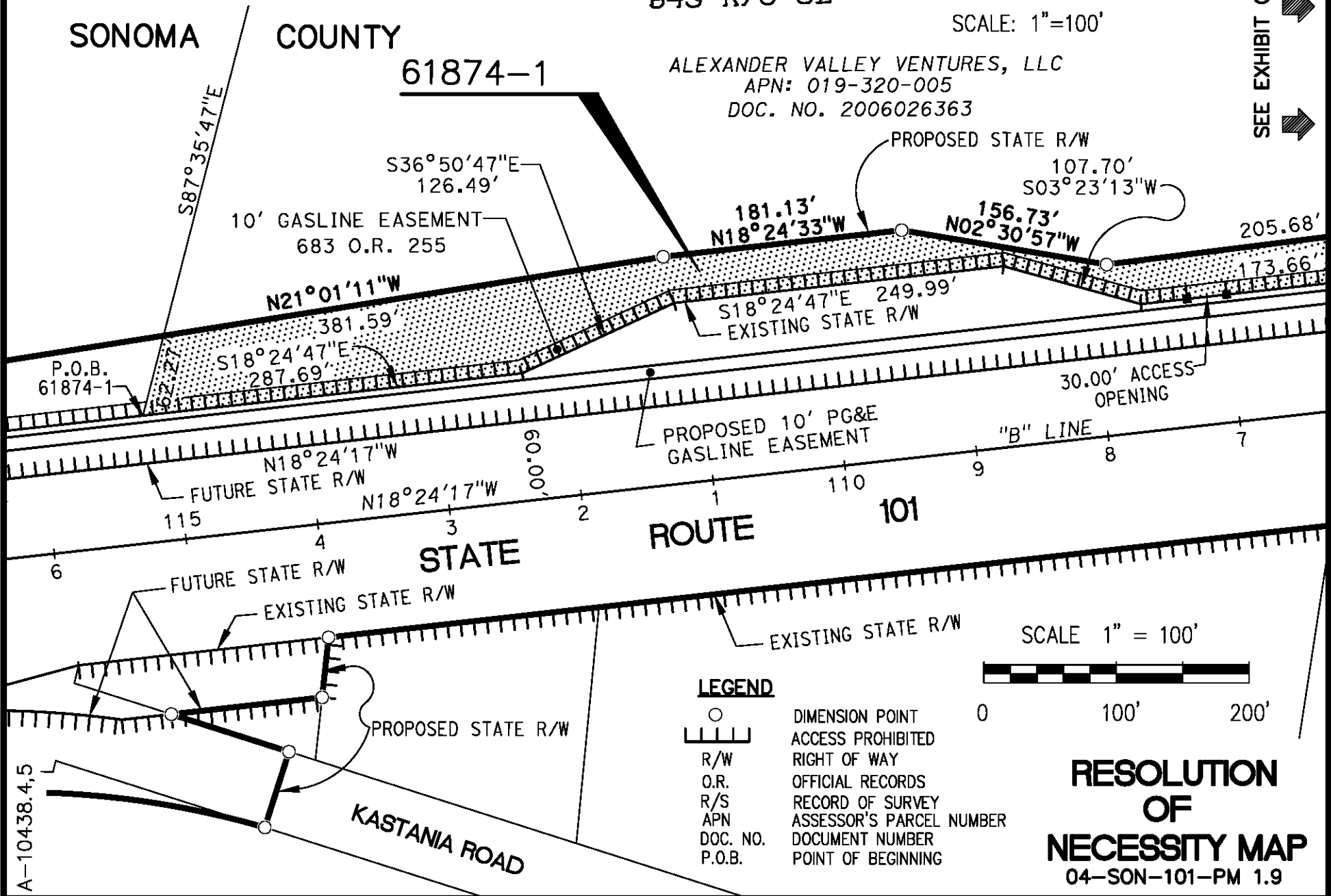
SCALE: 1"=100'

SEE EXHIBIT C

SONOMA COUNTY

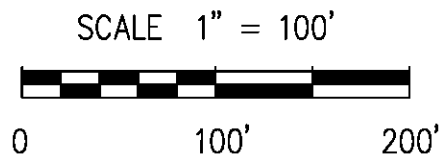
61874-1

ALEXANDER VALLEY VENTURES, LLC  
 APN: 019-320-005  
 DOC. NO. 2006026363



**LEGEND**

- DIMENSION POINT
- ▬ ACCESS PROHIBITED
- R/W RIGHT OF WAY
- O.R. OFFICIAL RECORDS
- R/S RECORD OF SURVEY
- APN ASSESSOR'S PARCEL NUMBER
- DOC. NO. DOCUMENT NUMBER
- P.O.B. POINT OF BEGINNING



**RESOLUTION OF NECESSITY MAP**  
 04-SON-101-PM 1.9

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3. Distances are grid distances. Multiply distances BY 1.0000383 to obtain ground level distances.

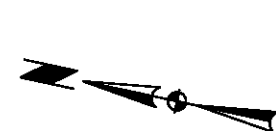
**EXHIBIT C**

**SONOMA COUNTY**

643 R/S 32

ALEXANDER VALLEY VENTURES, LLC  
 APN: 019-320-005  
 DOC. NO. 2006026363

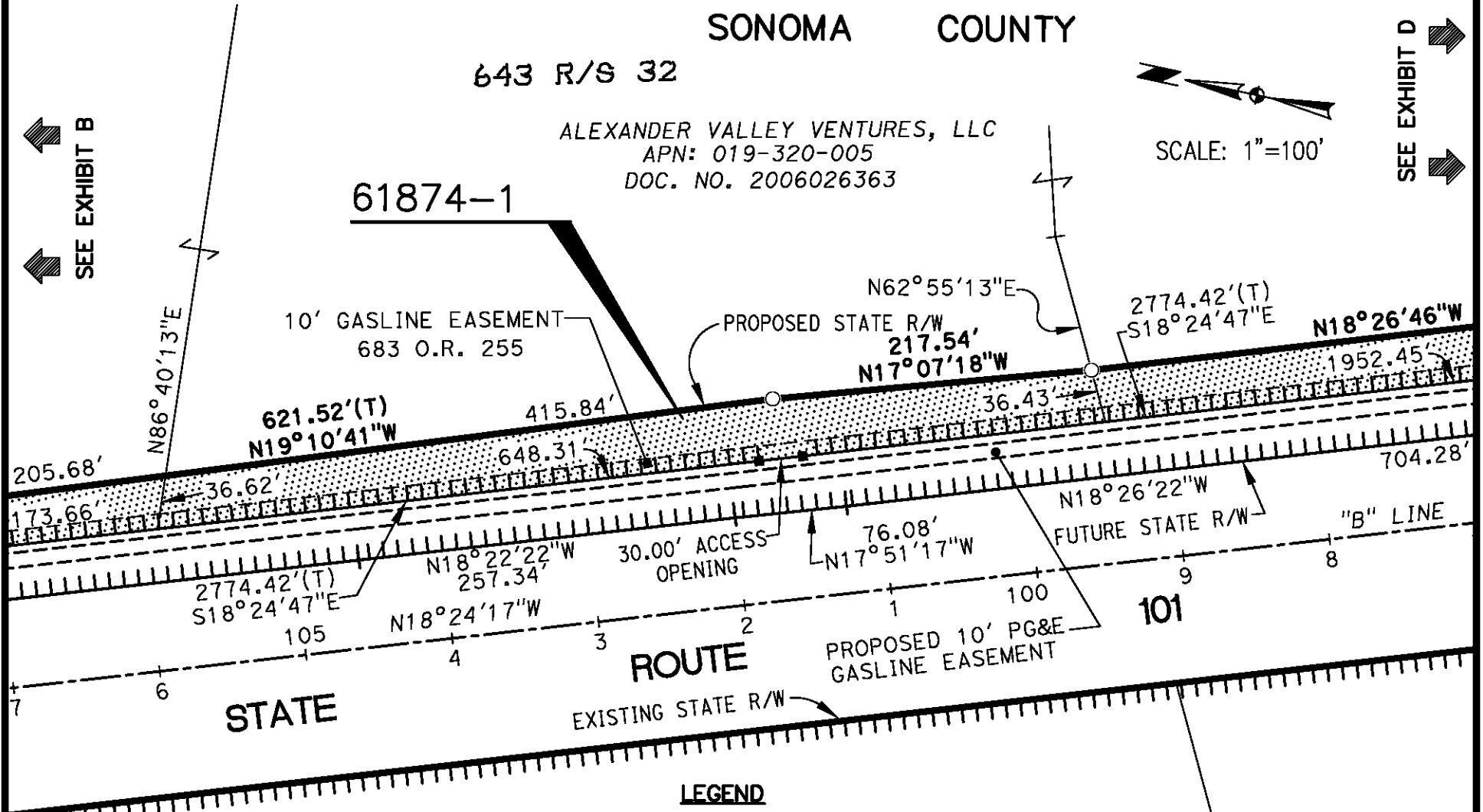
61874-1



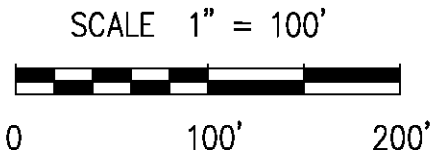
SCALE: 1"=100'

SEE EXHIBIT D

SEE EXHIBIT B



A-10438.4,5



**LEGEND**

○	DIMENSION POINT
	ACCESS PROHIBITED
R/W	RIGHT OF WAY
O.R.	OFFICIAL RECORDS
R/S	RECORD OF SURVEY
APN	ASSESSOR'S PARCEL NUMBER
DOC. NO.	DOCUMENT NUMBER
(T)	TOTAL

**RESOLUTION OF NECESSITY MAP**  
 04-SON-101-PM 1.9

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3. Distances are grid distances. Multiply distances BY 1.0000383 to obtain ground level distances.

# EXHIBIT D

## SONOMA COUNTY

SCALE: 1"=100'

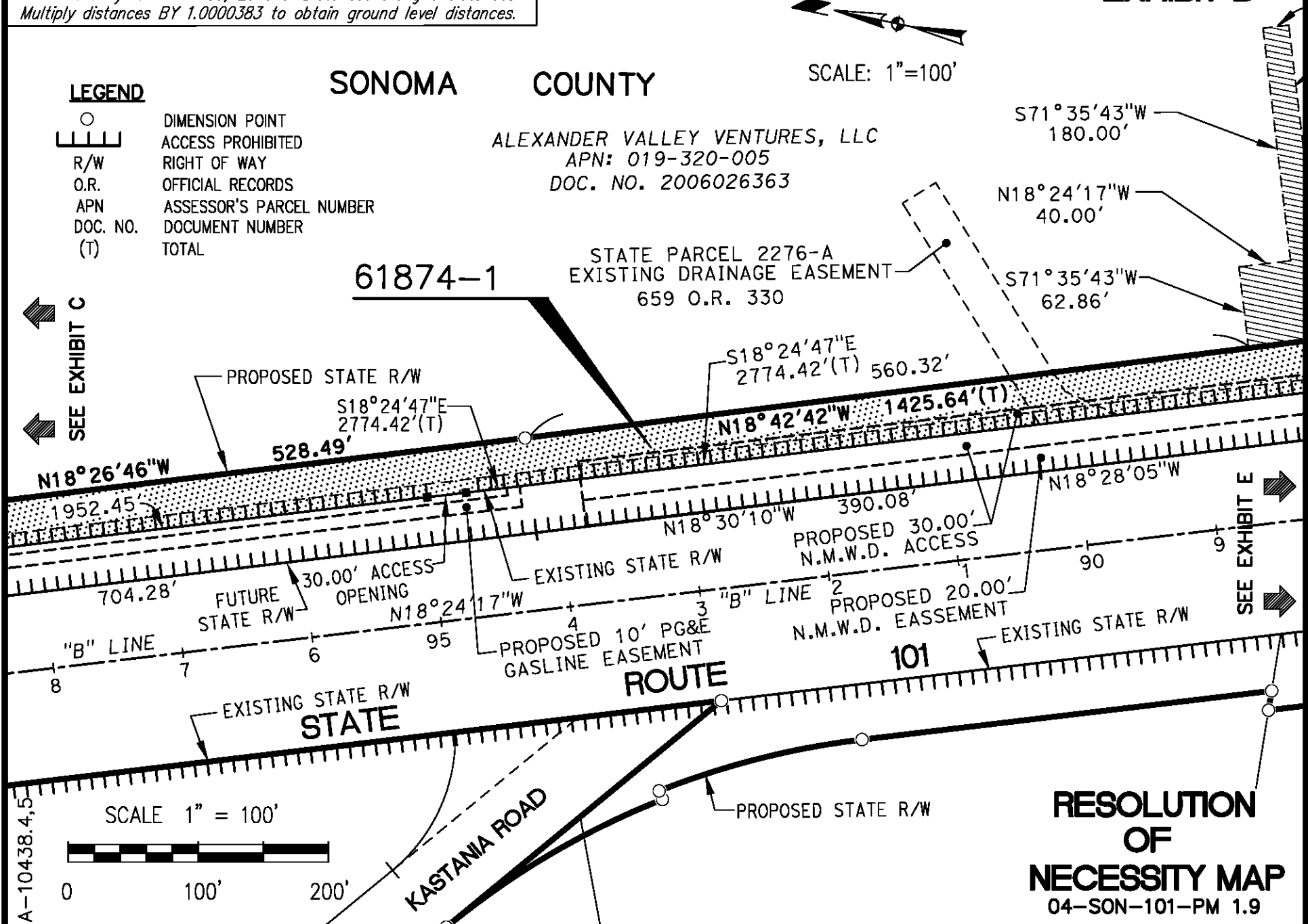
ALEXANDER VALLEY VENTURES, LLC  
 APN: 019-320-005  
 DOC. NO. 2006026363

### LEGEND

- DIMENSION POINT
- ▤ ACCESS PROHIBITED
- R/W RIGHT OF WAY
- O.R. OFFICIAL RECORDS
- APN ASSESSOR'S PARCEL NUMBER
- DOC. NO. DOCUMENT NUMBER
- (T) TOTAL

SEE EXHIBIT C

SEE EXHIBIT E



**RESOLUTION OF NECESSITY MAP**  
 04-SON-101-PM 1.9

A-10438.4.5

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3. Distances are grid distances. Multiply distances BY 1.000383 to obtain ground level distances.

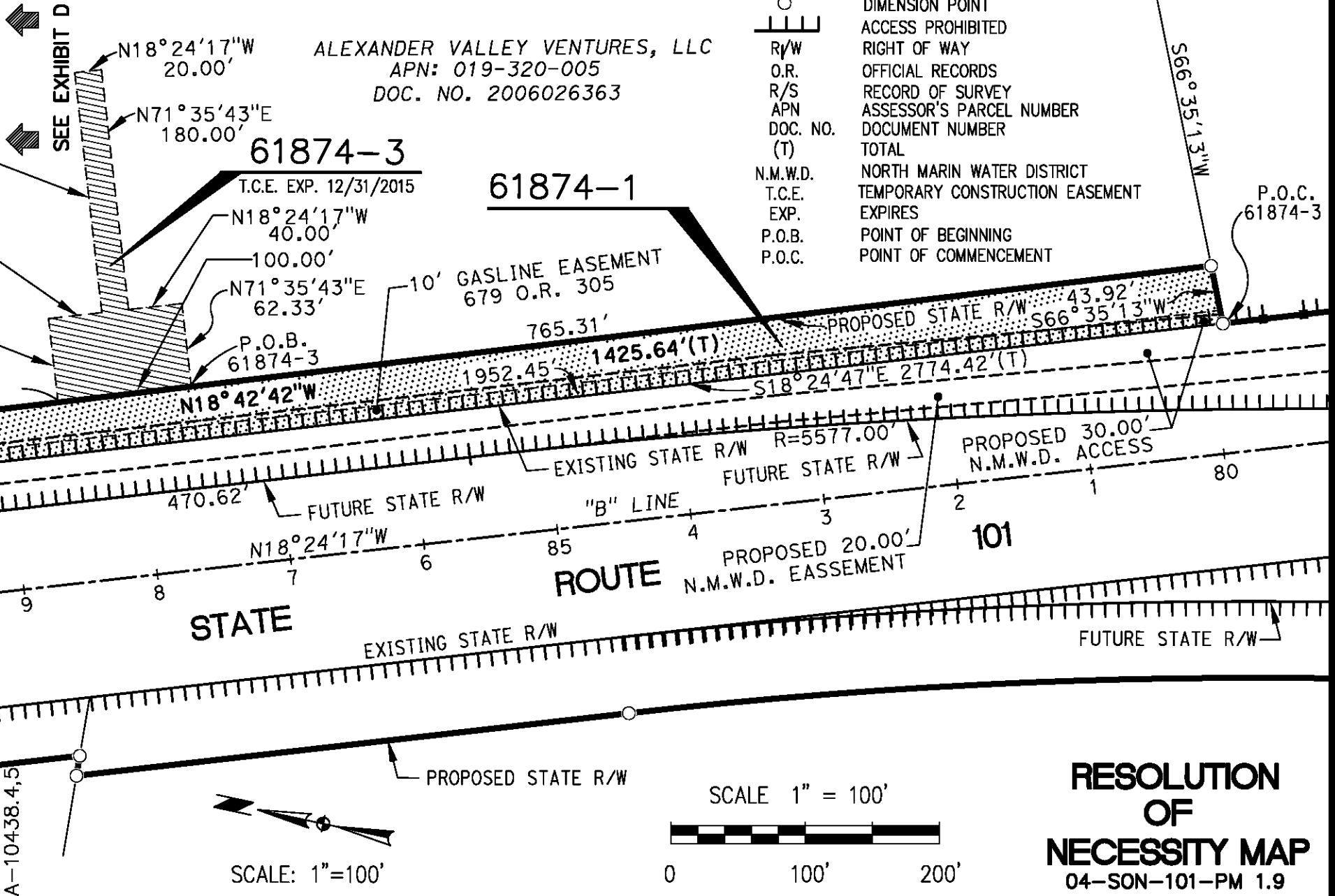
# SONOMA COUNTY

# EXHIBIT E

## LEGEND

- DIMENSION POINT
- ▬ ACCESS PROHIBITED
- R/W RIGHT OF WAY
- O.R. OFFICIAL RECORDS
- R/S RECORD OF SURVEY
- APN ASSESSOR'S PARCEL NUMBER
- DOC. NO. DOCUMENT NUMBER
- (T) TOTAL
- N.M.W.D. NORTH MARIN WATER DISTRICT
- T.C.E. TEMPORARY CONSTRUCTION EASEMENT
- EXP. EXPIRES
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

ALEXANDER VALLEY VENTURES, LLC  
 APN: 019-320-005  
 DOC. NO. 2006026363



**RESOLUTION  
 OF  
 NECESSITY MAP**  
 04-SON-101-PM 1.9

<b>County Of Sonoma Agenda Item Summary Report</b>		<b>Clerk of the Board Use Only</b> <b>Meeting Date</b> / / <b>Agenda Item No:</b> <u>31C</u> 2:10 P.M.
<b>Department:</b> County Counsel; Sonoma County Transportation Authority		<b>x 4/5 Vote Required</b>
<b>Name and Phone Number:</b> Bruce Goldstein - (707) 565-2421; Suzanne Smith – (707) 565-5373	<b>Board Date:</b> 3/20/12	<b>Deadline for Board Action:</b>
<b>AGENDA SHORT TITLE:</b> Resolution of Necessity, Highway 101 Interchange and Improvement Project, at the Marin Sonoma Narrows		
<b>REQUESTED BOARD ACTION:</b> Approve resolution authorizing acquisition and condemnation of real property necessary for public purposes for the property identified as Lands of Dorothy Everett (APN 019-320-003) , for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089. (Second Supervisorial District)		
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT - NONE</b>		
Construction is planned to start in 2012 and continue for several years, with a total cost of \$123 million.		
<b>Explanation (if required):</b> None.		
<b>Prior Board Action:</b> In June 2011, the Board accepted the delegation of authority from Caltrans and SCTA to hear Resolutions of Necessity on behalf of the State of California concerning acquisition of state highway right of way for the Highway 101 Interchange and Improvements Project at the Marin Sonoma Narrows and the Airport Boulevard Interchange.		
<b>Alternatives – Results of Non-Approval:</b> Project will not be constructed as planned and project funding may be lost by diversion to other Caltrans projects.		



**Background:** The subject of this resolution is the initiation of eminent domain to obtain legal possession of right-of-way along the west side of Highway 101 located in the Marin Sonoma Narrows. Attached for ease of reference is a right of way appraisal map.

The California Department of Transportation (Caltrans), in conjunction with the Sonoma County Transportation Authority (SCTA), is improving State Highway 101 in Sonoma County. Part of these improvements for Project MSN B-2 in the Marin Sonoma Narrows south of Petaluma include replacement of the Petaluma River Bridge and 1.1 miles of new High Occupancy Vehicle lanes, a new interchange at Petaluma Boulevard South and new frontage roads. In June 2011, the Board accepted the delegation of authority from Caltrans and SCTA to hear Resolutions of Necessity on behalf of the State of California concerning acquisition of state highway right of way for the Highway 101 Interchange and Improvements Project at the Marin Sonoma Narrows and the Airport Blvd./Fulton Road Interchange.

The majority of the necessary right of way for the MSN B-2 improvements has been acquired through voluntary negotiations, which are continuing. At this time, negotiations have not been successful with a few property owners, including 2,723 square feet, which is the subject of this Resolution. Formal offers to acquire the necessary road right-of-way were made to the property owner – but the owner has not accepted. The background for the subject property is described in the attachments, which will be addressed by Caltrans and SCTA staff at the hearing.

Due to the length of time that has elapsed since the first offers were made and because of the large number of right-of-way acquisitions to be processed for this project, staff is recommending acquiring the easements from the subject properties mentioned above through the County's eminent domain powers, with the County acting on behalf of the State of California. This will allow the acquisition process to proceed in a timely and orderly manner in order to meet project construction deadlines. A delay in obtaining all of the required right-of-way for this project within the current schedule may delay the project construction for an additional year.

After the hearing, counsel and the Caltrans/SCTA right-of-way consultant will continue to negotiate with the owner and diligently pursue satisfactory conclusions to the right-of-way acquisitions.

In order to initiate this process, the Board must now hold a hearing and then adopt the proposed Resolution of Necessity which provides the following:

1. A description of the property location and the use for which the property is to be used.
2. Certifies that an offer, in accordance with legal statutes, has been made to the owner of record.
3. Certifies that public interest and necessity require the project.

Hearing notification letters were sent to the property owner at least 15 days prior to the scheduled hearing per Section 1245.235, Code of Civil Procedure. Furthermore, the owner was afforded the opportunity to formally attend pre-condemnation meetings with Caltrans, SCTA and project engineering design staffs prior to the hearings to discuss any of their design-related issues. The owner met with Caltrans, SCTA and project engineering design staff on March 1, 2012, and has indicated they may appear at, or contest, the proposed Resolution of Necessity hearing.

**Attachments:** Proposed Resolution of Necessity with attached legal description and maps.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/12**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing Acquisition And Condemnation Of Real Property Identified as the Lands of Dorothy Everett, Necessary For Highway 101 Interchange and Improvement Project, Caltrans Project No. 264089. (4/5 Vote Required.)**

**Whereas**, on behalf of the State of California, the County of Sonoma proposes to acquire real property identified as the Lands of Dorothy Everett (APN 019-320-003) (hereinafter described in detail in the legal description and maps attached as Exhibit "A" hereto) for the Highway 101 Interchange and Improvement Project, Marin Sonoma Narrows [Caltrans Project No. 264089]); and

**Whereas**, the Project has met all the requirements of Government Code §65402 for General Plan consistency; and

**Whereas**, the Project has been reviewed and has met all the requirements of the California Environmental Quality Act,

**Now, Therefore, Be It Resolved**, on behalf of the State of California, after a duly noticed public hearing, the Board of Supervisors of the County of Sonoma resolves and finds as follows:

1. The public use for which the property is to be taken is for the purpose of improving Highway 101 at the Marin Sonoma Narrows.
2. The statute that authorizes the County to act at the request of the State of California to acquire the property by eminent domain on behalf of the State of California is Streets and Highway Code §760.
3. The general location and extent of the property to be taken, with sufficient detail for reasonable identification, is described in Exhibit "A" attached.
4. The public interest and necessity require this project.
5. This project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
6. The property described in this resolution is necessary for this proposed project.
7. The acquisition, construction, and completion by the County of the public improvements and the use of the property described in this resolution is a public use authorized

8. It is necessary under all the facts and circumstances that the real property described in this resolution be acquired in fee and easement except where a lesser estate or interest is specifically designated.

9. An offer required by Government Code §7267.2 has been made to the owner or owners of each property.

**Be It Further Resolved** on behalf of the State of California that the State of California proposes to acquire the real property herein concerned for said public improvements purposes by donation, purchase, or condemnation in accordance with the provisions of California law relating to eminent domain, and that the County Counsel of Sonoma County be and is hereby authorized and directed to institute and prosecute in the name of the State of California such suit or suits in the proper court having jurisdiction thereof, as shall be necessary to condemn said real property for such public use.

**Be It Further Resolved** on behalf of the State of California that should it appear from declarations of the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority that construction of public improvements and utilities herein concerned necessitates the taking of possession of the real property described in Exhibit "A" attached prior to final determination of the suit or suits authorized, application shall be made to the court for an order authorizing the State of California to take immediate possession of and to sue the property sought to be condemned; and that the State of California deposit probable just compensation with said court in such manner as the law may direct out of proper funds held by or provided to the State of California.

**Be It Further Resolved** on behalf of the State of California that the Director of the California Department of Transportation, the Executive Director of the Sonoma County Transportation Authority and the County Counsel acting together, be and they are hereby authorized to employ at rates of compensation standard in this area such appraisers, engineers, and other expert witnesses as they deem necessary to the preparation for trial and, upon receipt of the appropriate claim forms approved by the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority, the State of California is authorized and directed to issue and honor warrants in payment for said service.

**Supervisors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**

DESCRIPTION FOR  
RESOLUTION OF NECESSITY  
ROAD 4-SON-101-PM 2.2

APPRAISAL NO.	POST MILE
61877-1	2.2
61877-3	2.2

PARCEL 61877-1:

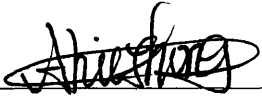
For State freeway purposes, that real property described as follows:

Portion of that parcel of land as described in the Grant Deed recorded February 27, 2003 under Recorder's Serial No. 2003037961, Official Records of Sonoma County, more particularly described as follows:

BEGINNING at the northeasterly corner of said parcel; thence along the northerly line of said parcel, N.  $87^{\circ}11'47''$  W., 45.58 feet to a point on a curve; thence from a radial line that bears N.  $56^{\circ}05'22''$  E., southerly along the curve to the right with a radius of 675.00 feet, through an angle of  $14^{\circ}08'40''$ , an arc length of 166.64 feet to the general easterly line of said parcel; thence along last said line, N.  $11^{\circ}25'24''$  W., 149.03 feet to the POINT OF BEGINNING.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature   
*Licensed Land Surveyor*

Date 02/02/2012



PARCEL 61877-3:

For State freeway purposes, that real property described as follows:

Portion of that parcel of land as described in the Grant Deed recorded February 27, 2003 under Recorder's Serial No. 2003037961, Official Records of Sonoma County, more particularly described as follows:

COMMENCING at the northeasterly corner of said parcel; thence along the general easterly line of said parcel, S. 11°25'24" E., 174.77 feet and S. 33°07'30" E., 11.79 feet to the POINT OF BEGINNING; thence continuing along said general easterly line, S. 33°07'30" E., 50.14 feet; S. 10°54'47" E., 35.44 feet; S. 88°35'47" E., 8.73 feet and S. 05°40'13" W., 165.58 feet; thence from a radial line that bears S. 85°52'15" E., northerly along a curve to the left with a radius of 675.00 feet, through an angle of 20°45'30", an arc length of 244.55 feet to the POINT OF BEGINNING.

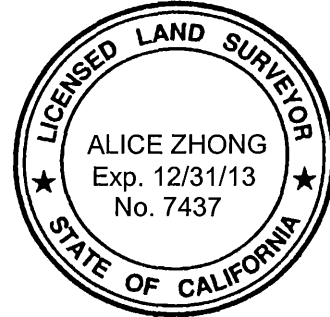
The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

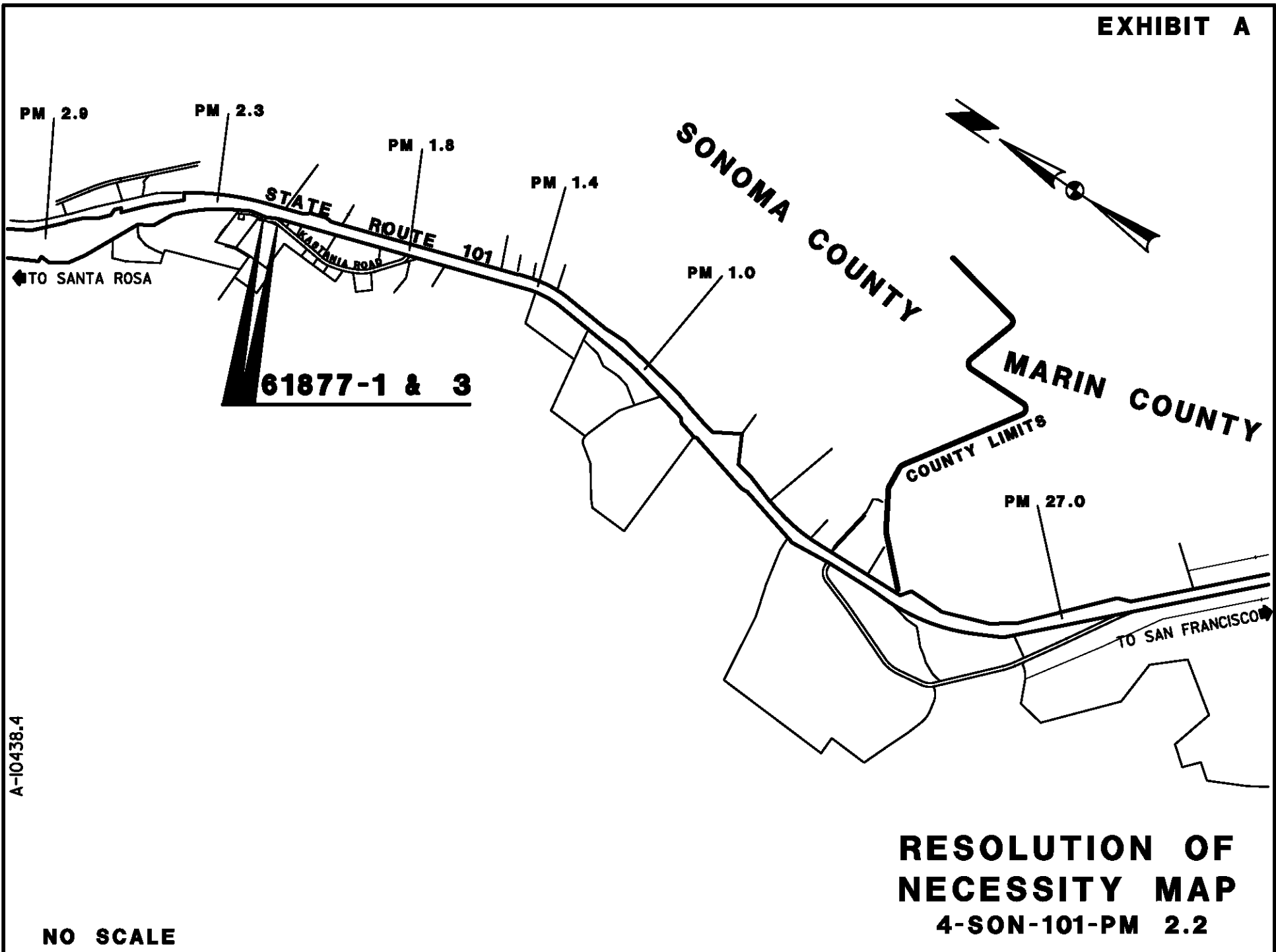


This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature   
*Licensed Land Surveyor*

Date 02/02/2012





A-10438.4

NO SCALE

**RESOLUTION OF  
NECESSITY MAP  
4-SON-101-PM 2.2**

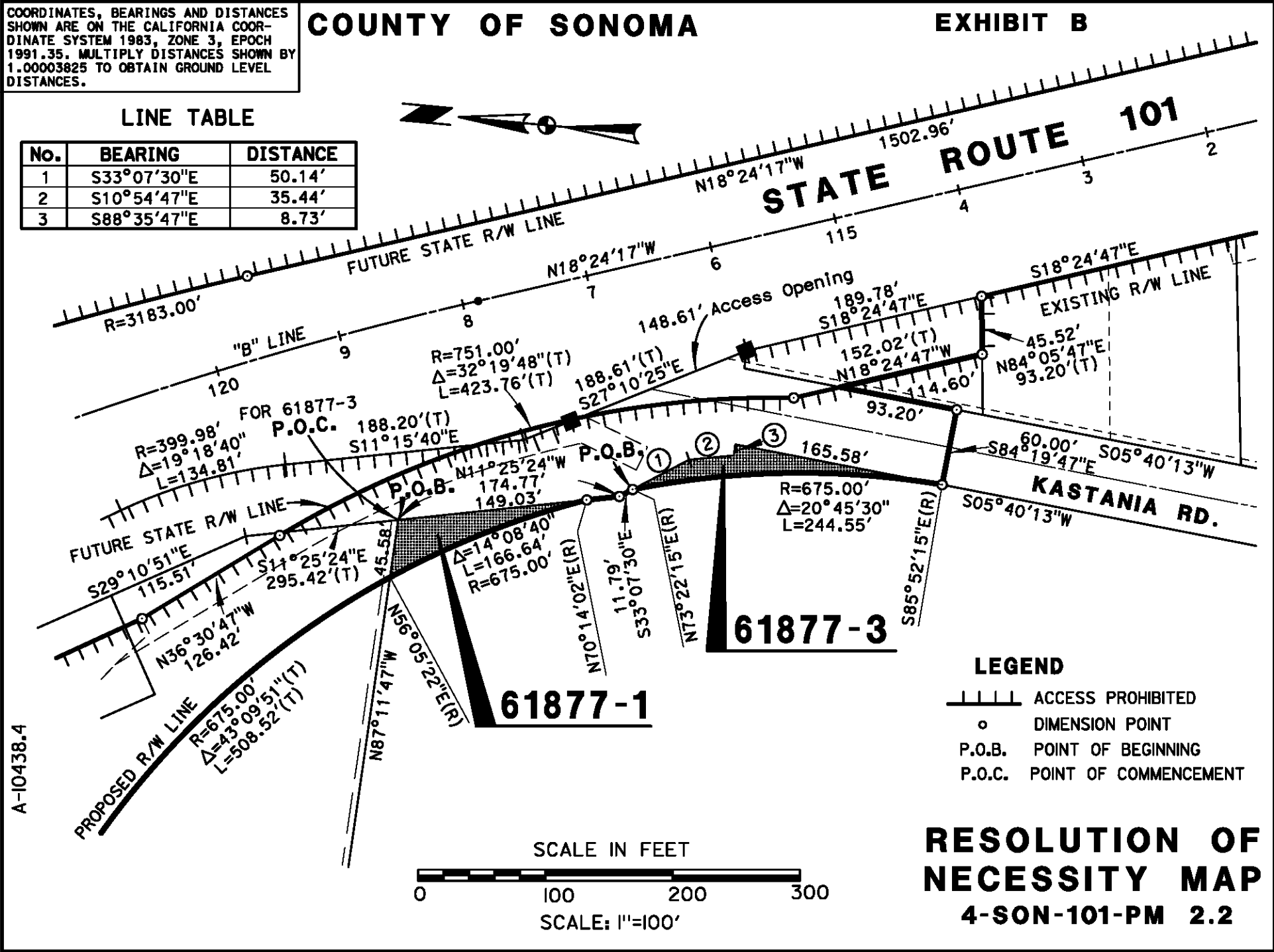
COORDINATES, BEARINGS AND DISTANCES SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM 1983, ZONE 3, EPOCH 1991.35. MULTIPLY DISTANCES SHOWN BY 1.00003825 TO OBTAIN GROUND LEVEL DISTANCES.

# COUNTY OF SONOMA

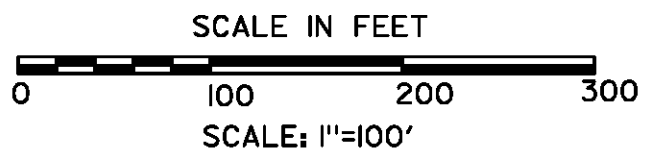
# EXHIBIT B

## LINE TABLE

No.	BEARING	DISTANCE
1	S33°07'30"E	50.14'
2	S10°54'47"E	35.44'
3	S88°35'47"E	8.73'



- LEGEND**
- |||| ACCESS PROHIBITED
  - o DIMENSION POINT
  - P.O.B. POINT OF BEGINNING
  - P.O.C. POINT OF COMMENCEMENT



**RESOLUTION OF NECESSITY MAP**  
4-SON-101-PM 2.2

A-10438.4

<h1>County Of Sonoma</h1> <h2>Agenda Item</h2> <h3>Summary Report</h3>		<b>Clerk of the Board Use Only</b> <b>Meeting Date</b> / / <b>Agenda Item No:</b> <u>31D</u> 2:10 P.M.
<b>Department:</b> County Counsel; Sonoma County Transportation Authority		<b>x 4/5 Vote Required</b>
<b>Name and Phone Number:</b> Bruce Goldstein - (707) 565-2421; Suzanne Smith – (707) 565-5373	<b>Board Date:</b> 3/20/12	<b>Deadline for Board Action:</b>
<b>AGENDA SHORT TITLE:</b> Resolution of Necessity, Highway 101 Interchange and Improvement Project, at the Marin Sonoma Narrows		
<b>REQUESTED BOARD ACTION:</b> Approve resolution authorizing acquisition and condemnation of real property necessary for public purposes for the property identified as lands of the Saberi Trust (APN 019-330-006) , for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089. (Second Supervisorial District)		
<b>CURRENT FISCAL YEAR FINANCIAL IMPACT - NONE</b>		
Construction is planned to start in 2012 and continue for several years, with a total cost of \$123 million.		
<b>Explanation (if required):</b> None.		
<b>Prior Board Action:</b> In June 2011, the Board accepted the delegation of authority from Caltrans and SCTA to hear Resolutions of Necessity on behalf of the State of California concerning acquisition of state highway right of way for the Highway 101 Interchange and Improvements Project at the Marin Sonoma Narrows and the Airport Boulevard Interchange.		
<b>Alternatives – Results of Non-Approval:</b> Project will not be constructed as planned and project funding may be lost by diversion to other Caltrans projects.		

**Background:** The subject of this resolution is the initiation of eminent domain to obtain legal possession of right-of-way along the west side of Highway 101 located in the Marin Sonoma Narrows. Attached for ease of reference is a right of way appraisal map.

The California Department of Transportation (Caltrans), in conjunction with the Sonoma County Transportation Authority (SCTA), is improving State Highway 101 in Sonoma County. Part of these improvements for Project MSN B-2 in the Marin Sonoma Narrows south of Petaluma include replacement of the Petaluma River Bridge and 1.1 miles of new High Occupancy Vehicle lanes, a new interchange at Petaluma Boulevard South and new frontage roads. In June 2011, the Board accepted the delegation of authority from Caltrans and SCTA to hear Resolutions of Necessity on behalf of the State of California concerning acquisition of state highway right of way for the Highway 101 Interchange and Improvements Project at the Marin Sonoma Narrows and the Airport Blvd./Fulton Road Interchange.

The majority of the necessary right of way for the MSN B-2 improvements has been acquired through voluntary negotiations, which are continuing. At this time, negotiations have not been successful with a few property owners, including 205.94 s.f. of access rights only, which is the subject of this Resolution. Formal offers to acquire the necessary road right-of-way were made to the property owner – but the owner has not accepted. The background for the subject property is described in the attachments, which will be addressed by Caltrans and SCTA staff at the hearing.

Due to the length of time that has elapsed since the first offers were made and because of the large number of right-of-way acquisitions to be processed for this project, staff is recommending acquiring the easements from the subject properties mentioned above through the County's eminent domain powers, with the County acting on behalf of the State of California. This will allow the acquisition process to proceed in a timely and orderly manner in order to meet project construction deadlines. A delay in obtaining all of the required right-of-way for this project within the current schedule may delay the project construction for an additional year.

After the hearing, counsel and the Caltrans/SCTA right-of-way consultant will continue to negotiate with the owner and diligently pursue satisfactory conclusions to the right-of-way acquisitions.

In order to initiate this process, the Board must now hold a hearing and then adopt the proposed Resolution of Necessity which provides the following:

1. A description of the property location and the use for which the property is to be used.
2. Certifies that an offer, in accordance with legal statutes, has been made to the owner of record.
3. Certifies that public interest and necessity require the project.

Hearing notification letters were sent to the property owner at least 15 days prior to the scheduled hearing per Section 1245.235, Code of Civil Procedure. Furthermore, the owner was afforded the opportunity to formally attend pre-condemnation meetings with Caltrans, SCTA and project engineering design staffs prior to the hearings to discuss any of their design-related issues. The owner met with Caltrans, SCTA and project engineering design staff on March 1, 2012, and has indicated they may appear at, or contest, the proposed Resolution of Necessity hearing.

**Attachments:** Proposed Resolution of Necessity with attached legal description and maps.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/12**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing Acquisition And Condemnation Of Real Property Identified as the Lands of the Saberi Trust, Necessary For Highway 101 Interchange and Improvement Project, Caltrans Project No. 264089. (4/5 Vote Required.)**

**Whereas**, on behalf of the State of California, the County of Sonoma proposes to acquire real property identified as the Lands of the Saberi Trust (APN 019-330-006) (hereinafter described in detail in the legal description and maps attached as Exhibit "A" hereto ) for the Highway 101 Interchange and Improvement Project, Marin Sonoma Narrows [Caltrans Project No. 264089]); and

**Whereas**, the Project has met all the requirements of Government Code §65402 for General Plan consistency; and

**Whereas**, the Project has been reviewed and has met all the requirements of the California Environmental Quality Act,

**Now, Therefore, Be It Resolved**, on behalf of the State of California, after a duly noticed public hearing, the Board of Supervisors of the County of Sonoma resolves and finds as follows:

1. The public use for which the property is to be taken is for the purpose of improving Highway 101 at the Marin Sonoma Narrows.
2. The statute that authorizes the County to act at the request of the State of California to acquire the property by eminent domain on behalf of the State of California is Streets and Highway Code §760.
3. The general location and extent of the property to be taken, with sufficient detail for reasonable identification, is described in Exhibit "A" attached.
4. The public interest and necessity require this project.
5. This project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
6. The property described in this resolution is necessary for this proposed project.
7. The acquisition, construction, and completion by the County of the public improvements and the use of the property described in this resolution is a public use authorized

8. It is necessary under all the facts and circumstances that the real property described in this resolution be acquired in fee and easement except where a lesser estate or interest is specifically designated.

9. An offer required by Government Code §7267.2 has been made to the owner or owners of each property.

**Be It Further Resolved** on behalf of the State of California that the State of California proposes to acquire the real property herein concerned for said public improvements purposes by donation, purchase, or condemnation in accordance with the provisions of California law relating to eminent domain, and that the County Counsel of Sonoma County be and is hereby authorized and directed to institute and prosecute in the name of the State of California such suit or suits in the proper court having jurisdiction thereof, as shall be necessary to condemn said real property for such public use.

**Be It Further Resolved** on behalf of the State of California that should it appear from declarations of the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority that construction of public improvements and utilities herein concerned necessitates the taking of possession of the real property described in Exhibit "A" attached prior to final determination of the suit or suits authorized, application shall be made to the court for an order authorizing the State of California to take immediate possession of and to sue the property sought to be condemned; and that the State of California deposit probable just compensation with said court in such manner as the law may direct out of proper funds held by or provided to the State of California.

**Be It Further Resolved** on behalf of the State of California that the Director of the California Department of Transportation, the Executive Director of the Sonoma County Transportation Authority and the County Counsel acting together, be and they are hereby authorized to employ at rates of compensation standard in this area such appraisers, engineers, and other expert witnesses as they deem necessary to the preparation for trial and, upon receipt of the appropriate claim forms approved by the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority, the State of California is authorized and directed to issue and honor warrants in payment for said service.

**Supervisors:**

Brown:	Rabbitt:	McGuire:	Carrillo:	Zane:
Ayes:	Noes:	Absent:	Abstain:	

**So Ordered.**



DESCRIPTION FOR  
RESOLUTION OF NECESSITY  
ROAD 4-SON-101-PM 1.8

APPRAISAL NO.

POST MILE

62352-1

1.8

PARCEL 62352-1:

For State freeway purposes, that real property described as follows:

Lands abutting said freeway shall have no right or easement of access thereto over and across the following described line:

BEGINNING at the southerly terminus of the course described as "northerly a distance of 94.84 feet" in that reservation of the Grant Deed (State Parcel 2276) to the State of California recorded May 24, 1946 in Volume 659, Page 329, Official Records of Sonoma County, thence along said course, N. 18°24'47" W., 94.84 feet to the northerly terminus of said course, being the terminus point of herein described line.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

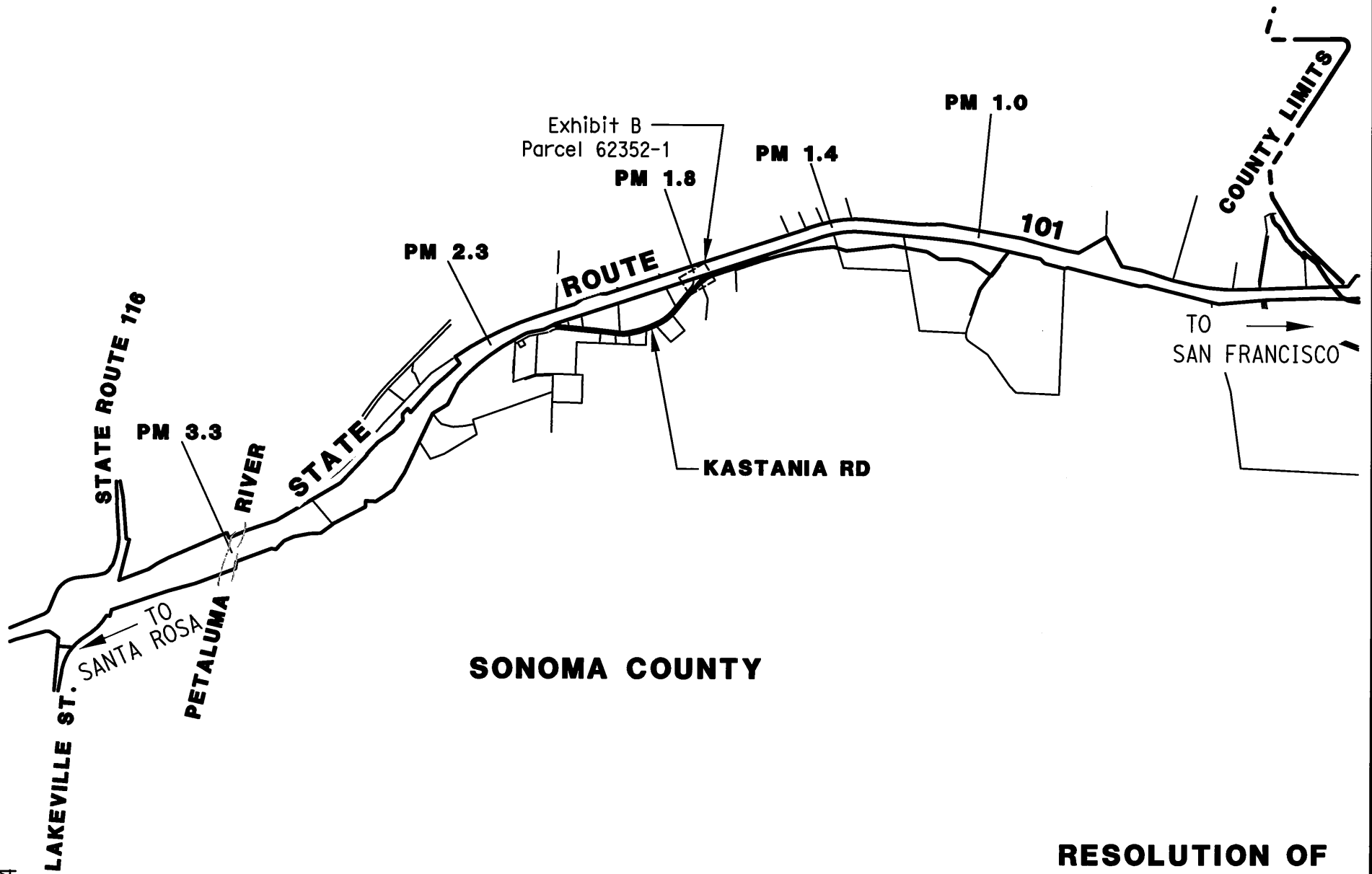
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature   
Licensed Land Surveyor

Date 01/31/2012



**EXHIBIT A**



**SONOMA COUNTY**

**RESOLUTION OF  
NECESSITY MAP**

**04-Son-101-PM 1.8**

SHEET 1 OF 2

A-1048.4



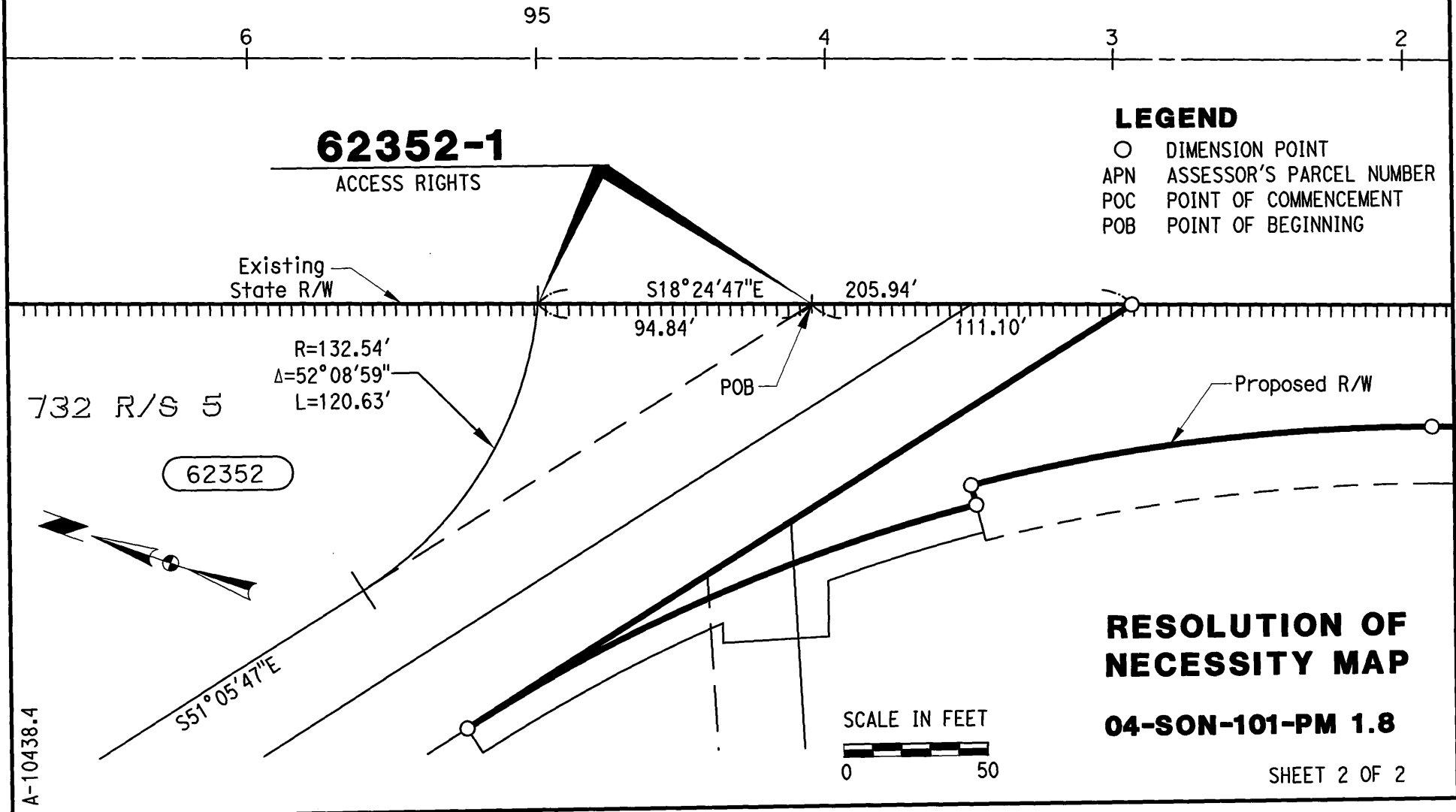
NO SCALE

DISTANCE SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3, CA-HPGN, EPOCH 1991.35. MULTIPLY DISTANCES SHOWN BY 1.0000383 TO OBTAIN GROUND LEVEL DISTANCES.

**EXHIBIT B**

**SONOMA COUNTY**

**STATE ROUTE 101**



**62352-1**

ACCESS RIGHTS

**LEGEND**

- DIMENSION POINT
- APN ASSESSOR'S PARCEL NUMBER
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING

Existing State R/W

$S18^{\circ}24'47''E$   
205.94'  
94.84'

$R=132.54'$   
 $\Delta=52^{\circ}08'59''$   
 $L=120.63'$

POB

111.10'

Proposed R/W

732 R/S 5

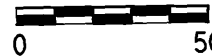
62352

$S51^{\circ}05'47''E$

**RESOLUTION OF NECESSITY MAP**

**04-SON-101-PM 1.8**

SCALE IN FEET



SHEET 2 OF 2

A-10438.4

<h1 style="margin: 0;">County Of Sonoma</h1> <h2 style="margin: 0;">Agenda Item</h2> <h3 style="margin: 0;">Summary Report</h3>		<p style="margin: 0;">Clerk of the Board Use Only Meeting Date / /</p> <p style="margin: 0;">Agenda Item No: <u>31E</u>      2:10 P.M.</p>
<p style="margin: 0;"><b>Department:</b> County Counsel; Sonoma County Transportation Authority</p>		<p style="margin: 0;"><b>x 4/5 Vote Required</b></p>
<p style="margin: 0;"><b>Name and Phone Number:</b> Bruce Goldstein - (707) 565-2421; Suzanne Smith – (707) 565-5373</p>	<p style="margin: 0;"><b>Board Date:</b> 3/20/12</p>	<p style="margin: 0;"><b>Deadline for Board Action:</b></p>
<p style="margin: 0;"><b>AGENDA SHORT TITLE:</b> Resolution of Necessity, Highway 101 Interchange and Improvement Project, at the Marin Sonoma Narrows</p> <p style="margin: 0;"><b>REQUESTED BOARD ACTION:</b> Approve resolution authorizing acquisition and condemnation of real property necessary for public purposes for the property identified as Lands of Nervani, Dolcini and Petersen (APN 019-220-037), for the Highway 101 Interchange and Improvement Project at the Marin Sonoma Narrows, Caltrans Project No. 264089. (Second Supervisorial District)</p>		
<p style="margin: 0;"><b>CURRENT FISCAL YEAR FINANCIAL IMPACT - NONE</b></p> <p style="margin: 0;">Construction is planned to start in 2012 and continue for several years, with a total cost of \$123 million.</p> <p style="margin: 0;"><b>Explanation (if required):</b> None.</p>		
<p style="margin: 0;"><b>Prior Board Action:</b> In June 2011, the Board accepted the delegation of authority from Caltrans and SCTA to hear Resolutions of Necessity on behalf of the State of California concerning acquisition of state highway right of way for the Highway 101 Interchange and Improvements Project at the Marin Sonoma Narrows and the Airport Boulevard Interchange.</p>		
<p style="margin: 0;"><b>Alternatives – Results of Non-Approval:</b> Project will not be constructed as planned and project funding may be lost by diversion to other Caltrans projects.</p>		

**Background:** The subject of this resolution is the initiation of eminent domain to obtain legal possession of right-of-way along the east side of Highway 101 located in the Marin Sonoma Narrows. Attached for ease of reference is a right of way appraisal map.

The California Department of Transportation (Caltrans), in conjunction with the Sonoma County Transportation Authority (SCTA), is improving State Highway 101 in Sonoma County. Part of these improvements for Project MSN B-2 in the Marin Sonoma Narrows south of Petaluma include replacement of the Petaluma River Bridge and 1.1 miles of new High Occupancy Vehicle lanes, a new interchange at Petaluma Boulevard South and new frontage roads. In June 2011, the Board accepted the delegation of authority from Caltrans and SCTA to hear Resolutions of Necessity on behalf of the State of California concerning acquisition of state highway right of way for the Highway 101 Interchange and Improvements Project at the Marin Sonoma Narrows and the Airport Blvd./Fulton Road Interchange.

The majority of the necessary right of way for the MSN B-2 improvements has been acquired through voluntary negotiations, which are continuing. At this time, negotiations and signed agreements have not been completed with a few property owners, including 2.751 acres (a “full take” of the property at the property owners’ request) which is the subject of this Resolution. Formal offers to acquire the entire property were made to the property owner. The background for the subject property is described in the attachments, which will be addressed by Caltrans and SCTA staff at the hearing.

Due to the length of time that has elapsed since the first offers were made and because of the large number of right-of-way acquisitions to be processed for this project, staff is recommending acquiring the easements from the subject properties mentioned above through the County’s eminent domain powers, with the County acting on behalf of the State of California. This will allow the acquisition process to proceed in a timely and orderly manner in order to meet project construction deadlines. A delay in obtaining all of the required right-of-way for this project within the current schedule may delay the project construction for an additional year.

After the hearing, counsel and the Caltrans/SCTA right-of-way consultant will continue to negotiate with the owner and diligently pursue satisfactory conclusions to the right-of-way acquisitions.

In order to initiate this process, the Board must now hold a hearing and then adopt the proposed Resolution of Necessity which provides the following:

1. A description of the property location and the use for which the property is to be used.
2. Certifies that an offer, in accordance with legal statutes, has been made to the owner of record.
3. Certifies that public interest and necessity require the project.

Hearing notification letters were sent to the property owners at least 15 days prior to the scheduled hearing per Section 1245.235, Code of Civil Procedure. Furthermore, the owners were afforded the opportunity to formally attend pre-condemnation meetings with Caltrans, SCTA and project engineering design staffs prior to the hearings to discuss any of their design-related issues. The owners declined to meet and have indicated they do not intend to appear at, or contest, the proposed Resolution of Necessity hearing.

**Attachments:** Proposed Resolution of Necessity with attached legal description and maps.

**On File With Clerk:** None.

**CLERK OF THE BOARD USE ONLY**

**Board Action (If other than "Requested")**

**Vote:**

**Resolution No.**

**County of Sonoma  
Santa Rosa, CA 95403**

**Date: 3/20/12**

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Authorizing Acquisition And Condemnation Of Real Property Identified as the Lands of the Nerviani, Dolcini and Petersen, Necessary For Highway 101 Interchange and Improvement Project, Caltrans Project No. 264089. (4/5 Vote Required.)**

**Whereas**, on behalf of the State of California, the County of Sonoma proposes to acquire real property identified as the Lands of the Nerviani, Dolcini and Petersen (APN 019-220-037) (hereinafter described in detail in the legal description and maps attached as Exhibit "A" hereto) for the Highway 101 Interchange and Improvement Project, Marin Sonoma Narrows [Caltrans Project No. 264089]); and

**Whereas**, the Project has met all the requirements of Government Code §65402 for General Plan consistency; and

**Whereas**, the Project has been reviewed and has met all the requirements of the California Environmental Quality Act,

**Now, Therefore, Be It Resolved**, on behalf of the State of California, after a duly noticed public hearing, the Board of Supervisors of the County of Sonoma resolves and finds as follows:

1. The public use for which the property is to be taken is for the purpose of improving Highway 101 at the Marin Sonoma Narrows.
2. The statute that authorizes the County to act at the request of the State of California to acquire the property by eminent domain on behalf of the State of California is Streets and Highway Code §760.
3. The general location and extent of the property to be taken, with sufficient detail for reasonable identification, is described in Exhibit "A" attached.
4. The public interest and necessity require this project.
5. This project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
6. The property described in this resolution is necessary for this proposed project.
7. The acquisition, construction, and completion by the County of the public improvements and the use of the property described in this resolution is a public use authorized



8. It is necessary under all the facts and circumstances that the real property described in this resolution be acquired in fee and easement except where a lesser estate or interest is specifically designated.

9. An offer required by Government Code §7267.2 has been made to the owner or owners of each property.

**Be It Further Resolved** on behalf of the State of California that the State of California proposes to acquire the real property herein concerned for said public improvements purposes by donation, purchase, or condemnation in accordance with the provisions of California law relating to eminent domain, and that the County Counsel of Sonoma County be and is hereby authorized and directed to institute and prosecute in the name of the State of California such suit or suits in the proper court having jurisdiction thereof, as shall be necessary to condemn said real property for such public use.

**Be It Further Resolved** on behalf of the State of California that should it appear from declarations of the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority that construction of public improvements and utilities herein concerned necessitates the taking of possession of the real property described in Exhibit "A" attached prior to final determination of the suit or suits authorized, application shall be made to the court for an order authorizing the State of California to take immediate possession of and to sue the property sought to be condemned; and that the State of California deposit probable just compensation with said court in such manner as the law may direct out of proper funds held by or provided to the State of California.

**Be It Further Resolved** on behalf of the State of California that the Director of the California Department of Transportation, the Executive Director of the Sonoma County Transportation Authority and the County Counsel acting together, be and they are hereby authorized to employ at rates of compensation standard in this area such appraisers, engineers, and other expert witnesses as they deem necessary to the preparation for trial and, upon receipt of the appropriate claim forms approved by the Director of the California Department of Transportation and the Executive Director of the Sonoma County Transportation Authority, the State of California is authorized and directed to issue and honor warrants in payment for said service.

**Supervisors:**

Brown:                Rabbitt:                McGuire:                Carrillo:                Zane:  
Ayes:                Noes:                Absent:                Abstain:

**So Ordered.**

DESCRIPTION FOR  
RESOLUTION OF NECESSITY  
ROAD 4-SON-101-PM 2.5

APPRAISAL NO.	POST MILE
61883-1	2.5
61883-2	2.5
61883-3	2.5
61883-4	2.5
61883-5	2.5
61883-6	2.5

PARCEL 61883-1:

For State freeway purposes, that real property described as follows:

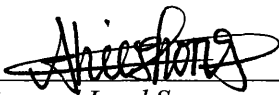
Portion of that parcel of land as described in the Grant Deed recorded December 29, 2009 under Recorder's Serial No. 2009123858, Official Records of Sonoma County, more particularly described as follows:

BEGINNING at the most westerly corner of said parcel; thence along the northwesterly line of said parcel, N.  $37^{\circ}32'13''$  E., 53.65 feet; thence from a radial line that bears S.  $13^{\circ}18'11''$  W., easterly along a curve to the left with a radius of 767.52 feet, through an angle of  $1^{\circ}39'52''$ , an arc length of 22.30 feet; thence S.  $78^{\circ}21'41''$  E., 140.23 feet; thence along a curve to the right with a radius of 332.48 feet, through an angle of  $21^{\circ}38'31''$ , an arc length of 125.59 feet; thence from a radial line that bears N.  $38^{\circ}53'06''$  E., southeasterly along a curve to the right with a radius of 328.09 feet, through an angle of  $18^{\circ}25'56''$ , an arc length of 105.55 feet; thence S.  $32^{\circ}40'58''$  E., 31.69 feet; thence along a curve to the right with a radius of 320.48 feet, through an angle of  $1^{\circ}11'59''$ , an arc length of 6.71 feet to a point on the general southeasterly line of said parcel, distant thereon N.  $66^{\circ}14'47''$  E., 177.71 feet from the most southerly corner of said parcel; thence along said general southeasterly line,

S. 66°14'47" W., 177.71 feet to said most southerly corner;  
thence along the southwesterly line of said parcel,  
N. 46°52'47" W., 322.48 feet to the POINT OF BEGINNING.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature   
*Licensed Land Surveyor*

Date 02/02/2012



PARCEL 61883-2:

For State freeway purposes, an EASEMENT to the State of California, or its assigns for wall maintenance and utility access purposes and incident thereto, upon, over and across the following described strip of land:

Portion of that parcel of land as described in the Grant Deed recorded December 29, 2009 under Recorder's Serial No. 2009123858, Official Records of Sonoma County, being a strip of land 15.00 feet wide, the southwesterly sideline of which described as follows:

COMMENCING at the most westerly corner of said parcel; thence along the northwesterly line of said parcel, N. 37°32'13" E., 53.65 feet to the POINT OF BEGINNING; thence from a radial line that bears S. 13°18'11" W., easterly along a curve to the left with a radius of 767.52 feet, through an angle of 1°39'52", an arc length of 22.30 feet; thence S. 78°21'41" E., 140.23 feet; thence along a curve to the right with a radius of 332.48 feet, through an angle of 21°38'31", an arc length of 125.59 feet; thence from a radial line that bears N. 38°53'06" E., southeasterly along a curve to the right with a radius of 328.09 feet, through an angle of 18°25'56", an arc length of 105.55 feet; thence S. 32°40'58" E., 31.69 feet; thence along a curve to the right with a radius of 320.48 feet, through an angle of 1°11'59", an arc length of 6.71 feet to a

point on the general southeasterly line of said parcel, being the terminus point of herein described southwesterly sideline.

The sidelines of said strip shall be shortened and prolonged to beginning at said general northwesterly line and terminate at said southeasterly line.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature   
*Licensed Land Surveyor*

Date 02/02/2012



PARCEL 61883-3:

For State freeway purposes, an EASEMENT to the State of California, or its assigns for waterline purposes and incidents thereto, upon, under, over and across the following described parcel of land:

Portion of that parcel of land as described in the Grant Deed recorded December 29, 2009 under Recorder's Serial No. 2009123858, Official Records of Sonoma County, more particularly described as follows:

COMMENCING at the most westerly corner of said parcel; thence along the northwesterly line of said parcel, N. 37°32'13" E., 53.65 feet to the POINT OF BEGINNING; thence from a radial line that bears S. 13°18'11" W., easterly along a curve to the left with a radius of 767.52 feet, through an angle of 1°39'52", an arc length of 22.30 feet; thence S. 78°21'41" E., 140.23 feet; thence along a curve to the right with a radius of 332.48 feet, through an angle of 0°31'59", an arc length of 3.09 feet; thence N. 56°38'19" E., 40.88 feet; thence S. 78°21'41" E., 59.18 feet; thence S. 33°21'41" E., 29.93 feet; thence N. 62°12'05" E., 20.09 feet; thence N. 33°21'41" W., 33.09 feet; thence N. 78°21'41" W., 78.68 feet; thence S. 56°38'19" W., 40.86 feet; thence N. 78°21'41" W., 137.12 feet; thence along a curve to the right with a radius of 752.52 feet, through an angle of 1°08'58"; an arc length of

15.10 feet to a point on said northwesterly line; thence along said northwesterly line, S. 37°32'13" W., 16.48 feet to the POINT OF BEGINNING.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature   
*Licensed Land Surveyor*

Date 02/02/2012





PARCEL 61883-4:

For State freeway purposes, an EASEMENT for drainage purposes and incidents thereto, upon, under, over and across the following described parcel of land:

Portion of that parcel of land as described in the Grant Deed recorded December 29, 2009 under Recorder's Serial No. 2009123858, Official Records of Sonoma County, more particularly described as follows:

COMMENCING at the most westerly corner of said parcel; thence along the northwesterly line of said parcel, N. 37°32'13" E., 53.65 feet; thence from a radial line that bears S. 13°18'11" W., easterly along a curve to the left with a radius of 767.52 feet, through an angle of 1°39'52", an arc length of 22.30 feet; thence S. 78°21'41" E., 140.23 feet; thence along a curve to the right with a radius of 332.48 feet, through an angle of 21°38'31", an arc length of 125.59 feet; thence from a radial line that bears N. 38°53'06" E., southeasterly along a curve to the right with a radius of 328.09 feet, through an angle of 2°38'01", an arc length of 15.08 feet to the POINT OF BEGINNING; thence continuing last described curve, from a radial line that bears N. 41°31'06" E., southeasterly along a curve to the right with a radius of 328.09 feet, through an angle of 2°48'50", an arc length of 16.11 feet; thence N. 64°19'42" E., 122.65 feet to the northeasterly line of

said parcel; thence along said northeasterly line,  
N. 46°02'51" W., 16.00 feet; thence S. 64°19'42" W., 122.96 feet  
to the POINT OF BEGINNING.

The bearings and distances used in the above description  
are on the California Coordinate System of 1983 (Epoch 1991.35),  
Zone 3. Multiply the above distances by 1.0000383 to obtain  
ground level distances.

This real property description has been prepared by me, or  
under my direction, in conformance with the Professional Land  
Surveyors Act.

Signature   
*Licensed Land Surveyor*

Date 02/02/2012



PARCEL 61883-5:

For State freeway purposes, a TEMPORARY EASEMENT to terminate on December 31, 2015 for construction purposes and incidents thereto, upon, over and across the following described parcel of land:

Portion of that parcel of land as described in the Grant Deed recorded December 29, 2009 under Recorder's Serial No. 2009123858, Official Records of Sonoma County, more particularly described as follows:

COMMENCING at the most westerly corner of said parcel; thence along the northwesterly line of said parcel, N.  $37^{\circ}32'13''$  E., 53.65 feet; thence from a radial line that bears S.  $13^{\circ}18'11''$  W., easterly along a curve to the left with a radius of 767.52 feet, through an angle of  $1^{\circ}39'52''$ , an arc length of 22.30 feet; thence S.  $78^{\circ}21'41''$  E., 140.23 feet; thence along a curve to the right with a radius of 332.48 feet, through an angle of  $21^{\circ}23'33''$ , an arc length of 124.14 feet to the POINT OF BEGINNING; thence continuing last described curve, from a radial line that bears N.  $33^{\circ}01'52''$  E., southeasterly along a curve to the right with a radius of 332.48 feet, through an angle of  $0^{\circ}14'58''$ , an arc length of 1.45 feet; thence from a radial line that bears N.  $38^{\circ}53'06''$  E., southeasterly along a curve to the right with a radius of 328.09 feet, through an angle of  $2^{\circ}38'01''$ , an arc length of 15.08 feet; thence

N. 64°19'42" E., 122.96 feet to a point on the northeasterly line of said parcel; thence along said northeasterly line, N. 46°02'51" W., 16.00 feet; thence S. 64°19'42" W., 124.30 feet to the POINT OF BEGINNING.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature   
*Licensed Land Surveyor*

Date 02/02/2012



PARCEL 61883-6:

For State freeway purposes, an EASEMENT to the State of California, or its assigns the right from time to time to construct, install, inspect, maintain, replace, remove, and use of electric distribution facilities, together with a right of way therefor, within the easement area as hereinafter set forth, and and also ingress thereto and egress therefrom. Said electric distribution facilities shall consist of:

Such poles, aerial wires, cables, electrical conductors with associated crossarms, braces, transformers, anchors, guy wires and cables, fixtures and appurtenances, as the State of California or its assigns deems necessary for the distribution of electric energy and communication purposes within that parcel of land described as follows:

Portion of that parcel of land as described in the Grant Deed recorded December 29, 2009 under Recorder's Serial No. 2009123858, Official Records of Sonoma County, more particularly described as follows:

COMMENCING at the most westerly corner of said parcel; thence along the northwesterly line of said parcel, N. 37°32'13" E., 53.65 feet to the POINT OF BEGINNING; thence from a radial line that bears S. 13°18'11" W., easterly along a curve to the left with a radius of 767.52 feet, through an angle

of 1°39'52", an arc length of 22.30 feet; thence S. 78°21'41" E., 206.22 feet; thence S. 57°09'43" E., 150.50 feet; thence at a right angle, N. 32°50'17" E., 30.00 feet; thence N. 57°09'43" W., 156.11 feet; thence N. 78°21'41" W., 211.84 feet; thence along a curve to the right with a radius of 737.52 feet, through an angle of 0°36'40", an arc length of 7.87 feet to a point on said northwesterly line, thence along last said northwesterly line, S. 37°32'13" W., 33.04 feet to the POINT OF BEGINNING.

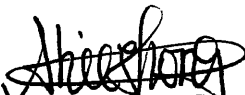
Owner further conveys to the State or its assigns the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of the State or its assigns may interfere with or be a hazard to the facilities installed hereunder, or as the State or its assigns deems necessary to comply with applicable state or federal regulations.

Owner shall not erect or construct any building or other structure or drill or operate any well within said easement area).

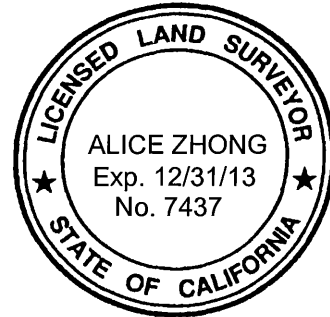
The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

The bearings and distances used in the above description are on the California Coordinate System of 1983 (Epoch 1991.35), Zone 3. Multiply the above distances by 1.0000383 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

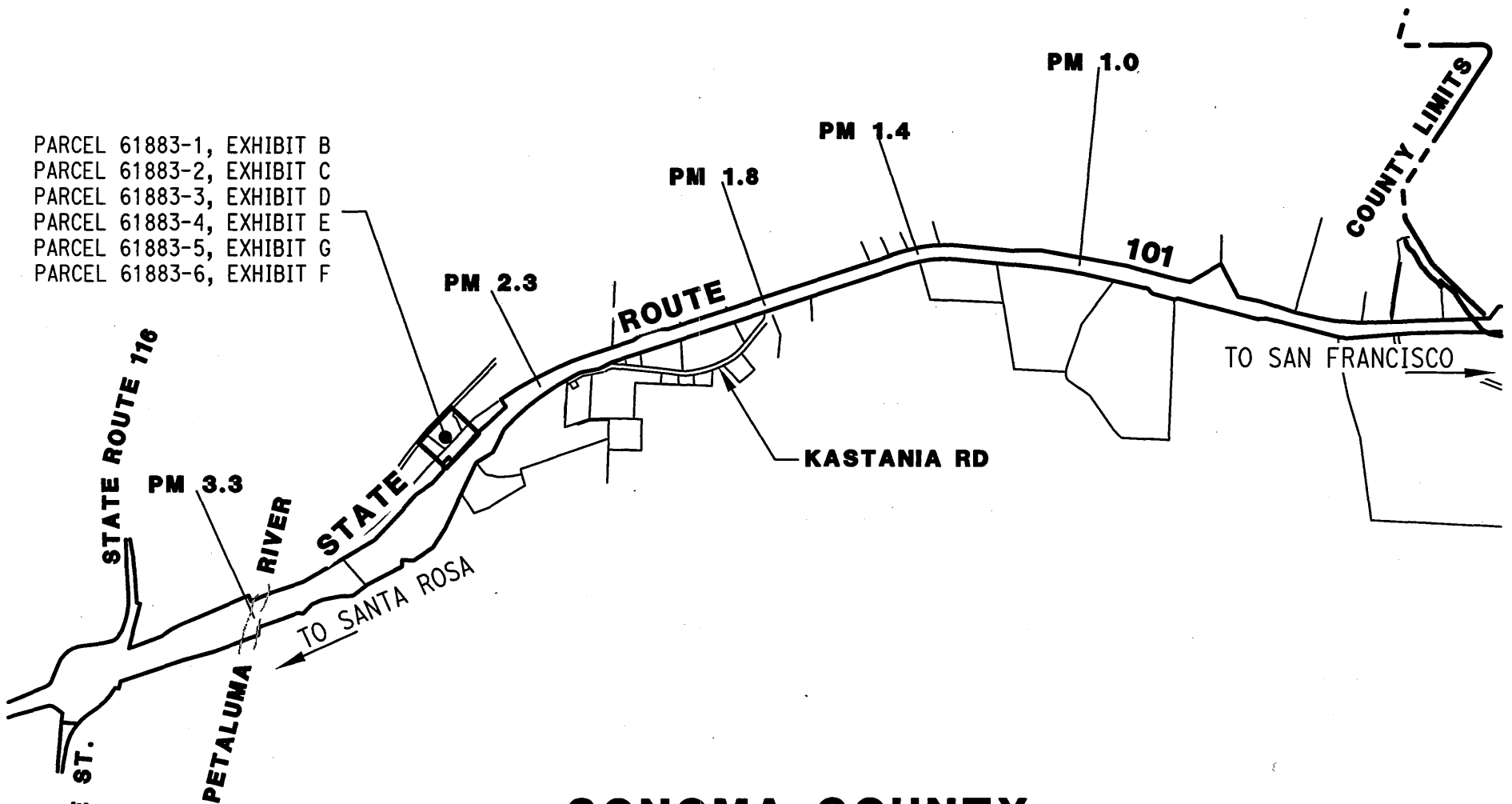
Signature   
*Licensed Land Surveyor*

Date 02/02/2012



**EXHIBIT A**

- PARCEL 61883-1, EXHIBIT B
- PARCEL 61883-2, EXHIBIT C
- PARCEL 61883-3, EXHIBIT D
- PARCEL 61883-4, EXHIBIT E
- PARCEL 61883-5, EXHIBIT G
- PARCEL 61883-6, EXHIBIT F



**SONOMA COUNTY**

A-10438.3, .3a



NO SCALE

**RESOLUTION OF  
NECESSITY MAP**

SHEET 1 OF 7

Son 101 PM 2.5

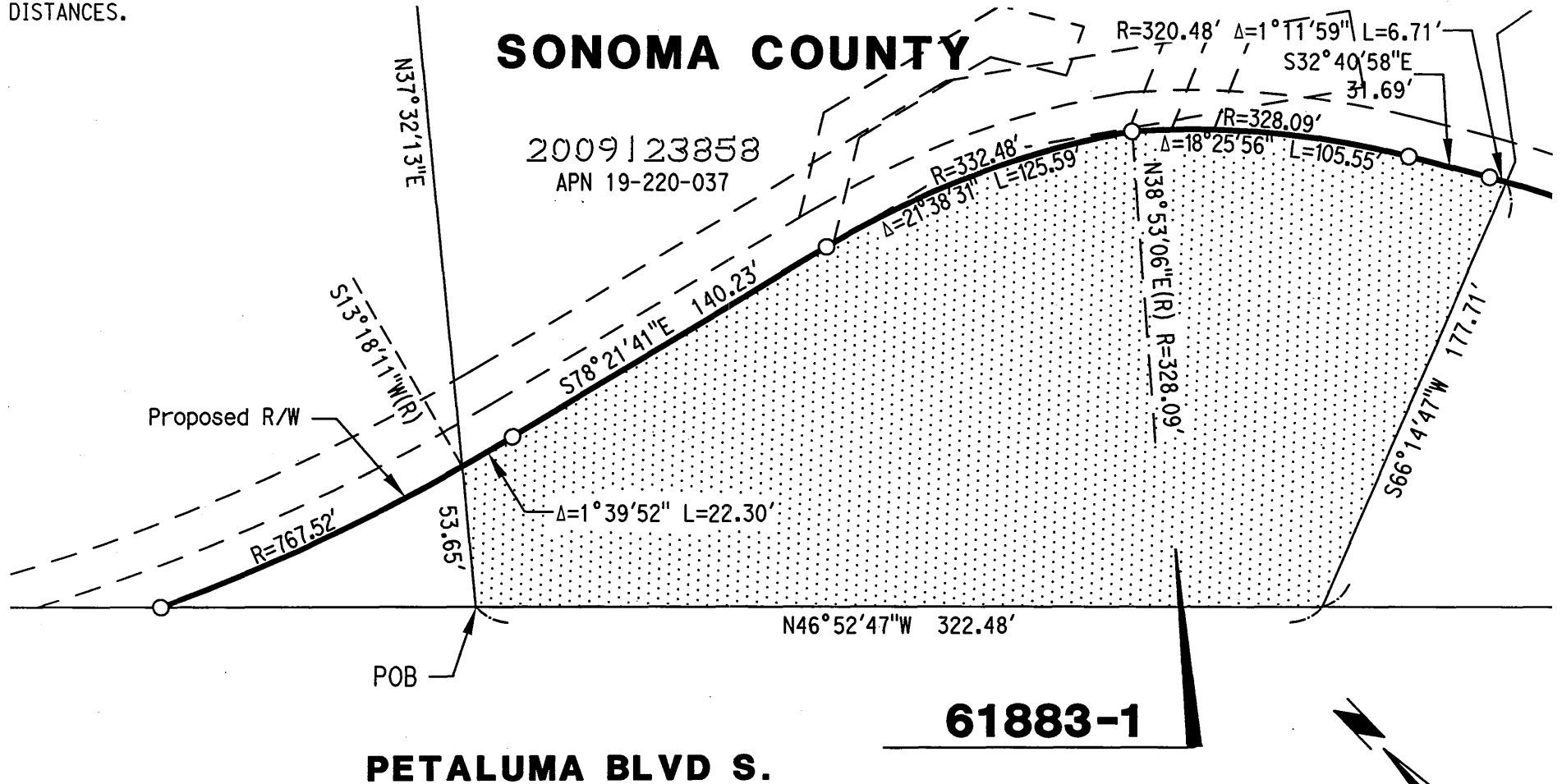


COORDINATES, BEARINGS AND DISTANCES ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3. DISTANCES ARE U.S. SURVEY FEET. MULTIPLY DISTANCES BY 1.0000383 TO OBTAIN GROUND LEVEL DISTANCES.

**EXHIBIT B**

**SONOMA COUNTY**

2009123858  
APN 19-220-037



**PETALUMA BLVD S.**

**61883-1**

**LEGEND**

- ACCESS PROHIBITED
- DIMENSION POINT
- APN ASSESSOR'S PARCEL NUMBER
- POB POINT OF BEGINNING
- (R) RADIAL BEARING

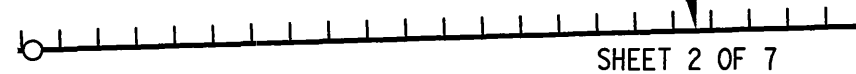
**SCALE IN FEET**



**RESOLUTION OF NECESSITY MAP**

Son 101 PM 2.5

Existing State R/W



SHEET 2 OF 7

A-10438.3a



COORDINATES, BEARINGS AND DISTANCES ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3. DISTANCES ARE U.S. SURVEY FEET. MULTIPLY DISTANCES BY 1.0000383 TO OBTAIN GROUND LEVEL DISTANCES.

**EXHIBIT D**

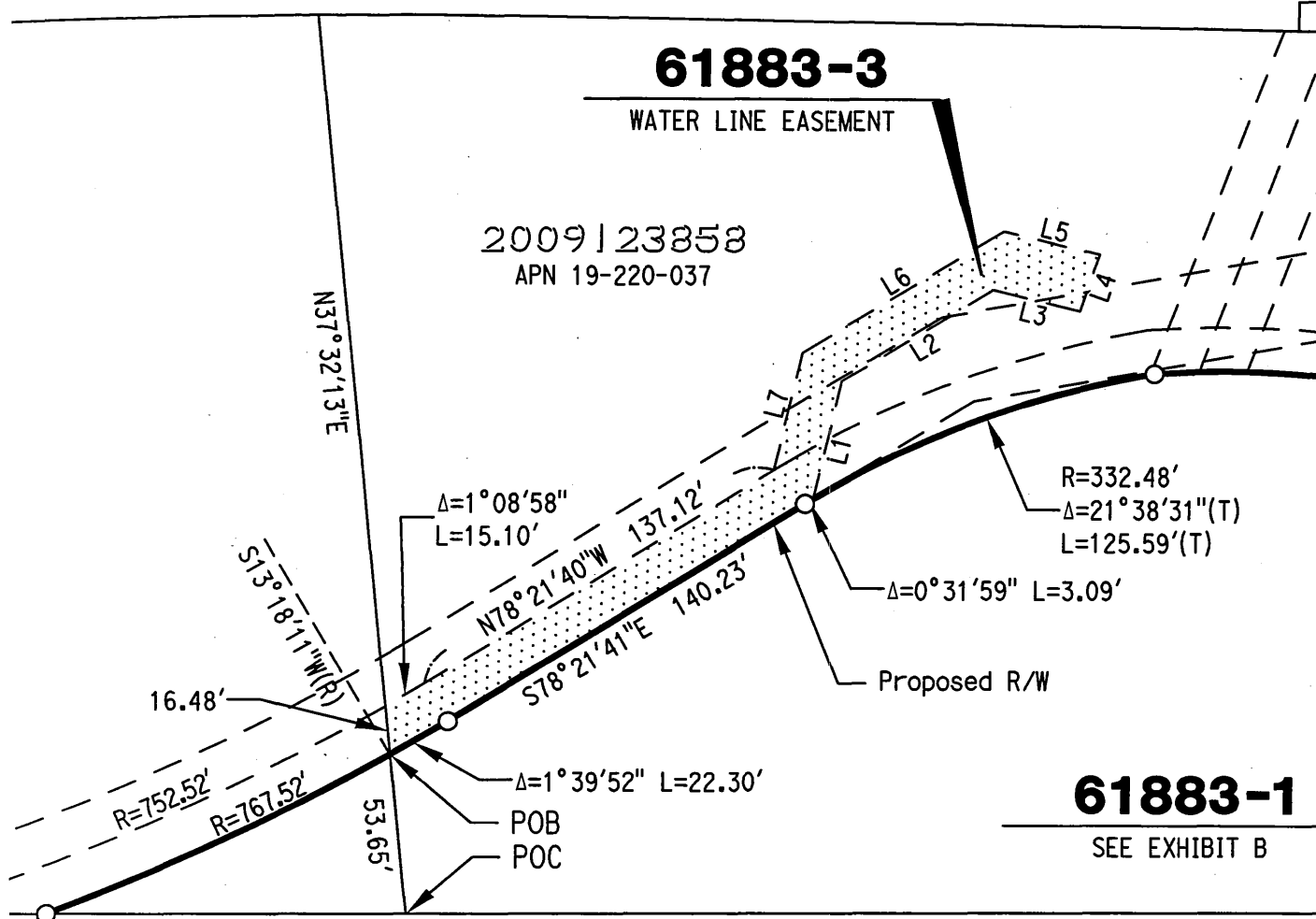
**SONOMA COUNTY**

**61883-3**

WATER LINE EASEMENT

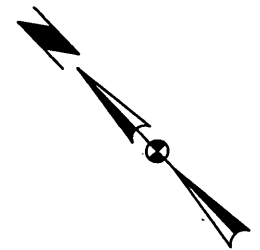
2009123858  
APN 19-220-037

Line Table		
Line #	Direction	Length
L1	N56°38'19"E	40.88'
L2	S78°21'41"E	59.18'
L3	S33°21'41"E	29.93'
L4	N62°12'05"E	20.09'
L5	N33°21'41"W	33.09'
L6	N78°21'41"W	78.68'
L7	S56°38'19"W	40.86'



**61883-1**

SEE EXHIBIT B



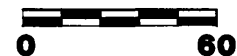
**LEGEND**

- | — | — | ACCESS PROHIBITED
- DIMENSION POINT
- APN ASSESSOR'S PARCEL NUMBER
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- (R) RADIAL BEARING
- (T) TOTAL

A-10438.3c

**PETALUMA BLVD S.**

**SCALE IN FEET**



**RESOLUTION OF NECESSITY MAP**

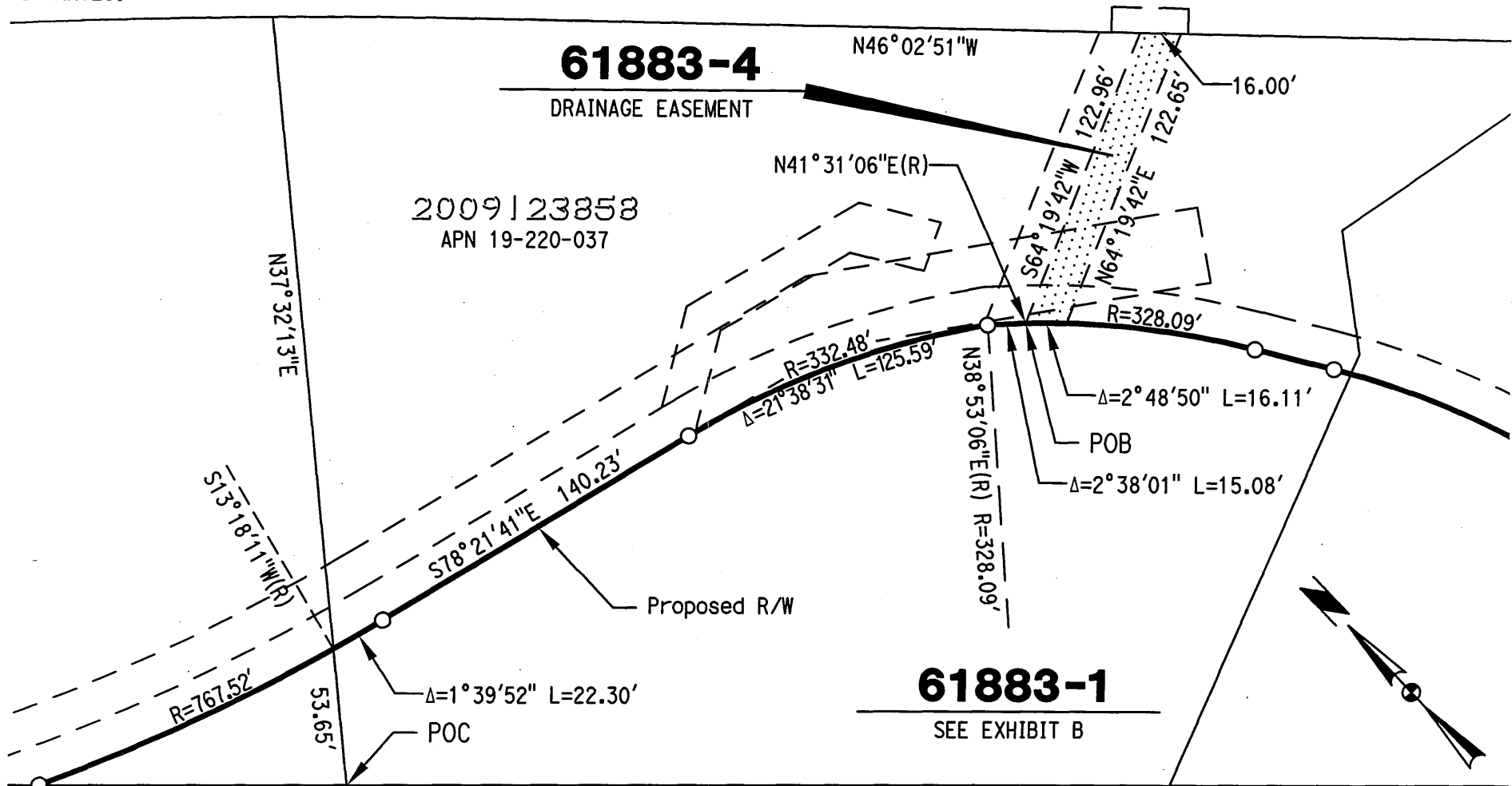
Son 101 PM 2.5

SHEET 4 OF 7

COORDINATES, BEARINGS AND DISTANCES ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3. DISTANCES ARE U.S. SURVEY FEET. MULTIPLY DISTANCES BY 1.0000383 TO OBTAIN GROUND LEVEL DISTANCES.

# SONOMA COUNTY

**EXHIBIT E**

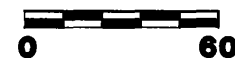


**LEGEND**

- ACCESS PROHIBITED
- DIMENSION POINT
- APN ASSESSOR'S PARCEL NUMBER
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- (R) RADIAL BEARING

**PETALUMA BLVD S.**

**SCALE IN FEET**



**RESOLUTION OF NECESSITY MAP**

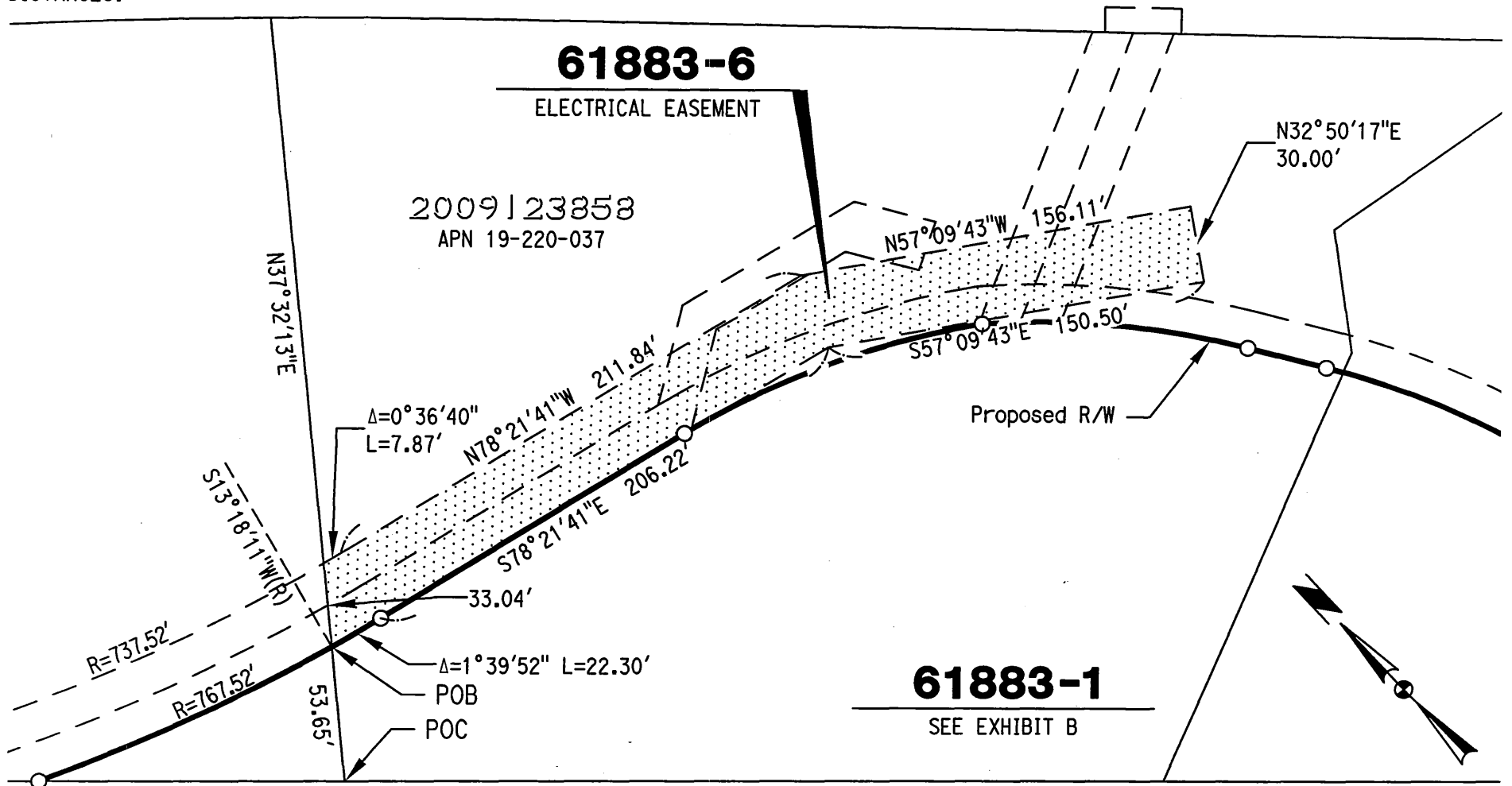
Son 101 PM 2.5

A-10438.3a

COORDINATES, BEARINGS AND DISTANCES ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3. DISTANCES ARE U.S. SURVEY FEET. MULTIPLY DISTANCES BY 1.0000383 TO OBTAIN GROUND LEVEL DISTANCES.

**EXHIBIT F**

**SONOMA COUNTY**

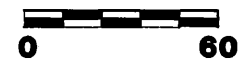


**LEGEND**

- ACCESS PROHIBITED
- DIMENSION POINT
- APN ASSESSOR'S PARCEL NUMBER
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- (R) RADIAL BEARING
- (T) TOTAL

**PETALUMA BLVD S.**

**SCALE IN FEET**



**RESOLUTION OF NECESSITY MAP**

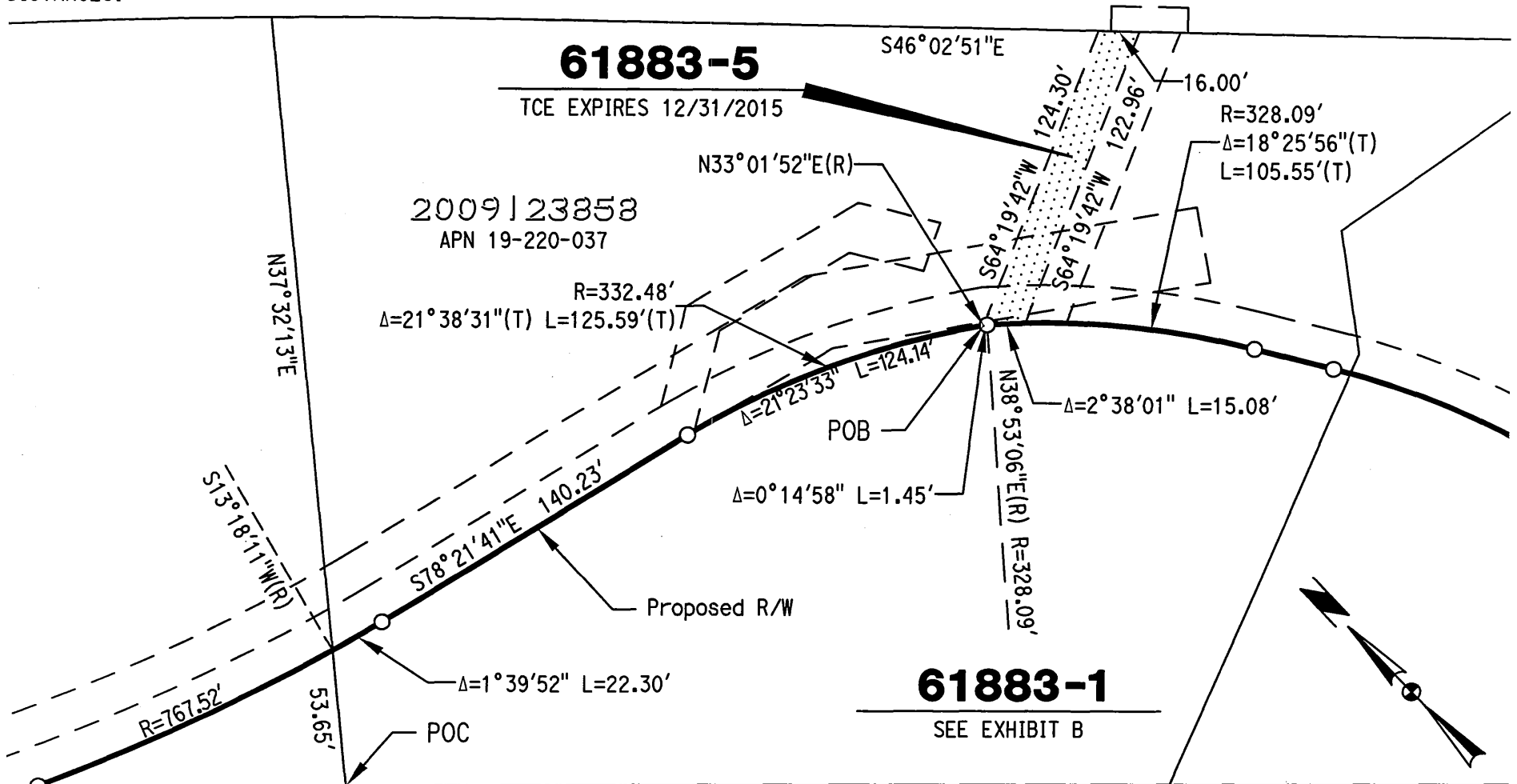
Son 101 PM 2.5

A-10438.3a

COORDINATES, BEARINGS AND DISTANCES ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3. DISTANCES ARE U.S. SURVEY FEET. MULTIPLY DISTANCES BY 1.0000383 TO OBTAIN GROUND LEVEL DISTANCES.

# SONOMA COUNTY

**EXHIBIT G**



**LEGEND**

- ACCESS PROHIBITED
- DIMENSION POINT
- APN ASSESSOR'S PARCEL NUMBER
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- (R) RADIAL BEARING
- (T) TOTAL

A-10438.3a

**PETALUMA BLVD S.**

**SCALE IN FEET**



**RESOLUTION OF NECESSITY MAP**

Son 101 PM 2.5