



## MINUTES FOR SEPTEMBER 16, 2009 MEETING

**COMMISSIONERS PRESENT:** Commissioners Marty McClelland, Cliff Clendenen, Patrick Whitchurch, Jeff Farley, Bonnie Neely and Alternates Virginia Graziani, Jeff Leonard and Bob McPherson.

**COMMISSIONERS ABSENT:** Special District Representatives Kevin McKenny, Jeff Pauli, and County Supervisor Jill Duffy.

**STAFF PRESENT:** George Williamson, Contract Executive Officer; Alisha Oloughlin, Contract LAFCo Staff; and Jeff Guttero, Legal Counsel.

The meeting was called to order at 9:00 a.m. in the Humboldt County Board of Supervisors Chambers, Chairman McClelland presiding.

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES FOR MAY 20, 2009**

**THE MOTION WAS MADE** by Commissioner Neely, and seconded by Commissioner Farley, to approve the May 20, 2009 minutes as submitted.

**THE MOTION PASSED BY A VOTE OF 6-0-0.**

5. **PUBLIC HEARINGS**
  - A. **City of Blue Lake- Sphere of Influence (SOI) Reduction**

**Marty McClelland** opened the Public Hearing.

**Bob Brown** presented a letter from the City of Blue Lake to Humboldt LAFCo dated July 29, 2009. Mr. Brown noted that the City requests that its Sphere of Influence (SOI) amendment and reduction be postponed until the next mandated Municipal Service Review and SOI update, giving the County adequate time to complete their general plan update process. In addition, Mr. Brown noted that the Resources Conservation District is updating their soils maps. Mr. Brown expressed that the City was concerned that the Humboldt County General Plan projected growth in the Glendale area, which could impact Blue Lake. He noted that Blue Lake residents fear that the City will lose its rural character and that the current SOI serves as a de-facto urban growth boundary.

**Bob Brown** presented a map of the City of Blue Lake containing some highlighted areas within the City's current SOI. Mr. Brown noted that the City has pre-zoned areas within their existing SOI and requested that if the City's SOI is reduced, that the highlighted areas remain within the City's SOI. Mr. Brown stated that the City has pre-zoned some areas within the SOI that are proposed for removal, and that the existing pre-zoning was established to preserve agricultural lands, and to prevent sprawl and development. Mr. Brown noted that the City may need to annex lands in the future and that they are currently in the process of analyzing the City's projected future growth.

**John LaBoyteaux**, Humboldt Farm Bureau (HFB) Board Member, noted that the general stance of the HFB is to keep land as agricultural in the County, rather than including agricultural land

within a District's SOI, which is considered a precursor for development. He stated that the soils around the City of Blue Lake are of the Ferndale Series (floodplain soils), and are the best soils in the County. Mr. LaBoyteaux noted that there are many small European-style farmers around Blue Lake that benefit from such soils. He stated that he supports a SOI reduction for the City of Blue Lake as a means of protecting the best agricultural soils in the County.

**Portia Brambell**, Executive Director of the North Coast Growers Association (NCGA), noted that there are many small-scale farmers located in and outside of the City of Blue Lake, and the NCGA supports the preservation of the agricultural lands in and around the City.

**Bonnie Neely** suggested that there be a continuance on the City of Blue Lake MSR/SOI proposal until the next Commissioner's meeting.

**Virginia Graziani** seconded Ms. Neely's suggestion to continue the City's MSR/SOI proposal and asked the Commission to consider the option of allowing those areas within the City's current SOI, that are already pre-designated by the City as Low or Medium Density, to remain in the SOI, revising the SOI boundary to exclude areas designated as having prime agricultural soils.

**Clif Clendenen** noted that the County encourages the protection of agricultural lands and asked Mr. Brown what the City of Blue Lake anticipates will happen to such lands are their City and if the City has a Capital Improvement Program (CIP) in place for future City expansion.

**Bob Brown** responded that the CIP update has not yet occurred.

**Patrick Whitchurch** suggested a continuance until on the City of Blue Lake MSR/SOI proposal until the next meeting. He noted that is sounds like the City wants to protect open space and agricultural lands around the City. Mr. Whitchurch also noted that he would like to know if the City has any future plans to annex these areas.

**Bonnie Neely** asked Mr. Brown when the City of Blue Lake's General Plan was last updated.

**Bob Brown** responded that the City is in the process of updating their Plan section by section, and that the last complete update took place in 1985.

**Marty McClelland** noted that the Commission was in need of additional information, such as the County's anticipated plans for the Blue Lake area, updated mapping information, and the City's service capabilities.

**Bonnie Neely** asked Mr. Brown what the City of Blue Lake's status is in regards to Regional Water Quality Control Board (RWQCB) and if there are any issues present, how the City plans to address them?

**Bob Brown** responded that the City received a letter from the RWQCB in July. The City has been ordered to undertake corrective action and they are currently under negotiation with the Board to resolve to issue.

**Bonnie Neely** noted that she would like to look at the City's capacity to expand water services.

**Clif Clendenen** suggested that the Commission coordinate with County staff on the General Plan update and new mapping and a continuance until January 2010 was suggested.

**John LaBoyeaux**, responded that the County will continue to use the current surveys. Mr. LaBoyeaux noted that under the Williamson Act, the quality of the soils, and therefore the agricultural designations of the lands around Blue Lake, will not change with the new update.

**Marty McClelland** stated that the item was to be continued at the next meeting.

**B. Miranda Community Services District Municipal Service Review and SOI Update**

**Marty McClelland** closed the Public Hearing.

**THE MOTION WAS MADE** by Commissioner Neely and seconded by Commissioner Farley, to adopt Resolution 09-24 approving the Miranda Community Services District Municipal Service Review and Sphere of Influence Update.

**THE MOTION WAS PASSED BY A VOTE OF 6-0-0.**

**6. BUDGET STATUS REPORT**

**George Williamson** presented the updated Budget Status Report. Mr. Williamson noted that the Commission is well within budget and even with the reduced budget, Staff will be capable of completing the work of the Commission. Mr. Williamson stated that the balance is to go into the contingency fund.

**BY ORDER OF THE CHAIR**, with the concurrence of the Commission, the September, 2009 Budget Status Report was received and filed as presented by staff.

**7. COMPLIANCE WORK PLAN**

**George Williamson** presented the updated Compliance Work Plan noting that staff has made good progress on MSRs, and that the remaining MSRs are scheduled to be completed before the calendar year and Mr. Williamson noted that the Cities of Arcata and Blue Lake will remain active, the City of Eureka and the Garberville Sanitary District's MSR and SOI reviews are scheduled for the November meeting.

**Marty McClelland** noted that some of the Compliance Work Plan contact information is outdated and requested that it be updated.

**BY ORDER OF THE CHAIR**, with the concurrence of the Commission, the Compliance Work Plan was received and filed as presented by staff.

**8. COMMISSIONERS HANDBOOK UPDATE**

**George Williamson** commented that Humboldt LAFCo staff has recently updated LAFCo's CEQA Compliance Documents and they have been posted on the LAFCo website.

**Marty McClelland** requested that any proposed changes to existing Humboldt LAFCo policy be placed on the next meeting agenda and that a paragraph be added within the Commissioners Handbook discussing LAFCo's role as the lead agency.

**9. INFORMATIONAL AND ONGOING ITEMS**

**A. Scotia Community Services District Formation**

**George Williamson** noted that there is no change in status to report at this time and this item is rescheduled for the November meeting.

**B. Humboldt County Community Development Department Services Staff Presentation**

**Cybelle Immitt and John Miller**, County Planning Staff, presented a slide show informing the Commission of the County's efforts to implement a Fire Protection Plan for Humboldt County (with a focus of Southern Humboldt) and to form a Fire Safe Council. County staff would like to coordinate with LAFCo to pursue a path together. County staff's current status is information gathering and working with willing fire departments of the LAFCo application process. Ms. Emmitt noted that in order to receive LAFCo's approval, the districts' first need to provide evidence of revenue and a public special election will be necessary for the use of public funds.

**Clif Clendenen** asked County staff what would be required and what would be the options available if a fire department was to pick a boundary now and then decide to change that boundary in the future.

Ms. Immitt responded that that was a question for LAFCo because of their familiarity with the annexation process. Ms. Immitt noted that many fire departments are resistant to and/or are not yet ready for change and that change is likely to occur in phases. Ms. Immitt noted the importance of LAFCos guidance and support in this matter.

**Bonnie Neely** commented that she supported the County's efforts and without this kind of support and interaction, this type of action will not happen.

**George Williamson** commented that LAFCo staff is willing to assist the County in their efforts. Mr. Williamson noted that such a process would be similar to gathering information necessary to complete MSR's and that with proper guidance and persistence, fire district's can begin to recognize that district reorganization is a manageable process and in their best interests.

**Patrick Whitchurch** noted that fire protection is a basic fundamental and that the County is on the right track. Mr. Whitchurch commented that LAFCo must be involved in such a process.

**Jeff Farley** asked County staff what type of activities may be supported by Title 3 (Special Counties Project) funding.

**Cybelle Immitt**, responded that secure schools funding is obtained from timber revenues on County lands and that some of that money can be utilized for the formation of Fire Safe Councils, fuel reduction plans and fire safe issues. Ms. Immitt noted that the County has approximately \$90,000 left in funding for this project and it will be used on a first come, first serve basis. If successful, the County hopes to track fire districts' successes and to create a structure that other fire district's can follow and proceed with on their own.

**Marty McClelland** noted that incorporating current districts and current MSR's for the basis of those districts

**THE MOTION WAS MADE** by Commissioner Neely and seconded by Commissioner Farley, to authorize LAFCo staff to work with County staff in their fire district reorganization and consolidation efforts.

**THE MOTION WAS PASSED BY A VOTE OF 6-0-0.**

### **C. City of Eureka/ Humboldt Community Services District MSR and SOI Update**

**George Williamson** updated the Commission on the City of Eureka's MSR/SOI update progress and presented slides showing three areas of SOI (Humboldt Hill, Freshwater, and Indianola) being reviewed.

**Tim Gill**, Principal Manager of Forest-Gill Inc. presented a letter with attachments summarizing the City of Eureka's current wastewater service capacity. Mr. Gill noted that the Humboldt Community Services District (HCSD) is the district with the wastewater capacity to serve his (Ridgewood Village) project. He stated that he didn't see the need for the City's SOI to extend into the HCSD area, when the HCSD has all the services and the capacity necessary to serve such areas. Mr. Gill noted that the City's Plant has been over its allowable capacity two of the past six years and that the Plant has a remaining capacity of only 100,000 gallons. Mr. Gill stated the based only upon projects that the City has already approved, the City will need additional capacity to serve those, let alone future projects. He noted that the City had opted not to expand their wastewater treatment plant at this time, thus directly affecting the City's SOI and possibilities of future annexation. Mr. Gill requested that the Commission consider removing from the City's SOI, the areas that are within the HCSD's service area.

**Marty McClelland** asked if the HCSD's MSR addresses the District's capacity to serve the Eureka SOI area.

**Bonnie Neely** commented that information shows that the City doesn't have the capacity to serve the areas that are currently within the City's SOI and that are already being serviced by the HCSD.

**Jeff Leonard** stated that if the Commission was concerned about adequate capacity, City Staff could clear-up any concerns.

#### **10. Inquiries, Correspondence, and Referrals**

##### **A. Letter from LACO Associates regarding the Garberville Sanitary District's extension of water service to serve Kimtu Mutual Water Service customers**

**Randall Rouda**, Representing Kimtu Water Company Customers asked what Humboldt LAFCo's policy once an application for annexation is being pursued. Mr. Rouda requested advice on formatting and the application process.

**Clif Clendenen** made note that the issue of service extension to Kimtu Meadows was previously brought before the County Board of Supervisors (BOS) and it was determined by the Board that the extension was to only serve Kimtu Meadows Subdivision and there would be a separate and complete process if there were to be any additional connections to the line.

**Marty McClelland** asked if when utilizing an out-of-agency service agreement, a service may be extended outside of a district's SOI.

**Jeff Guttero**, LAFCo Legal Counsel, noted that a change in a district's SOI cannot be required when there is documented evidence which illustrates a public health and safety threat. Mr. Guttero added that a change in the existing SOI can be encouraged, not required.

**Marty McClelland** asked if the proposed project's water line was sized to serve only Kimtu Meadows customers, or whether there would be excess capacity. Mr. McClelland added that Tooby Flat is zoned Agricultural Exclusive and the proposed project may have a cumulative effect on areas such as this.

**George Williamson** informed the Commission that the proposed water line is 8" and will therefore have the capacity to carry far more water than necessary for Kimtu residents. Mr. Williamson added that the California Department of Public Health released an Initial Study (IS) for the proposed water line extension project and that LAFCo Staff has commented on the IS. In



their comments,

the cumulative growth impact be analyzed and addressed.

LAFCo staff requested that the

**Marty McClelland** asked if the water line is only intended to serve Kimtu, why is an 8" line necessary.

**Mark Bryant**, Garberville Sanitary District (GSD) Administrator, responded that the purpose of the 8" line is for fire flow.

**Marty McClelland** asked why an elevated tank above the subdivision would not work.

**Mark Bryant** stated that the option was eliminated in part due to cultural resources sensitivity on an adjacent hillside where the tank would be located. He added that the District acquired the water company recently and the cumulative effects of the water line extension will be left to County planning. He added that further action along the line that may result in potential growth will require LAFCo approval. Mr. Bryant noted that the pipeline will supply fire flow and supply 20 residents with water.

**George Williamson** informed the Commission that Staff is encouraging the District to apply for an out-of-agency service agreement due to the public safety threat and to amend the SOI to include Kimtu Meadows Subdivision.

**Virginia Graziani** noted that there are other residents located between GSD and Kimtu Meadows Subdivision that have independent water systems and that do not want to be annexed to the District, nor do they want to receive water service from the District.

**Marty McClelland** informed Mr. Rouda of the direction to amend the SOI to include those residents of Kimtu Meadows, without changing the district boundary and request an out-of-agency service agreement.

**Mark Bryant** stated that the application for the Kimtu extension project coincides with the County General Plan amendment process.

**Marty McClelland** stated that if it is public knowledge that as a result of this project, expansion will occur in other areas, than the cumulative impacts need to be addressed.

**11. Public Appearances:** (none)

**12. Adjournment:** 10:55am