

LOCAL AGENCY FORMATION COMMISSION MENDOCINO COUNTY

The Local Agency Formation Commission convened a regular meeting on Monday, October 7, 2002 at 10:00 AM, at the City of Ukiah Council Chambers, 300 Seminary, Ukiah.

AGENDA ITEM 1—CALL TO ORDER / ROLL CALL

Chairwoman Ranker called the regular meeting of the Local Agency Formation Commission of Mendocino County to order at 10:08 AM. The following Commissioners were present and seated: Melo, Simon, and Chairwoman Ranker. Also present were alternate Commissioners Oslund and Ward as well as Executive Officer McMichael. Commissioners Delbar, Ashiku, Lucier, and alternate Commissioners Shoemaker and Orth were absent.

Commissioner Delbar called to indicate that the Supervisors were in a hearing and would not be able to attend until their meeting was completed.

Alternate Commissioner Oslund was seated immediately as the city representative.

AGENDA ITEM 2—PUBLIC EXPRESSION

No one requested the opportunity for public expression.

AGENDA ITEM 3—APPROVAL/CORRECTION/ADOPTION OF MINUTES

Upon a motion by Commissioner Melo and seconded by Commissioner Simon the minutes of September 9, 2002 were unanimously approved as submitted. (Ayes: Melo, Simon, Oslund, and Ranker; Nays: None; Abstains: None)

AGENDA ITEM 4—PUBLIC HEARING ON ADOPTION OF CEQA POLICY AND PROCEDURES

A. Commissioner Melo seconded by Commissioner Simon moved acceptance of proof of public notice. The motion was approved unanimously (Ayes: Melo, Simon, Oslund, and Ranker; Nays: None; Abstains: None)

B. Executive Officer McMichael made a presentation on the CEQA Policy and Procedures and pointed out where the changes requested at the CEQA workshop had been accomplished.

C. Chairwoman Ranker opened the public hearing a 10:16 am.

David Rapport, Attorney at Law representing Redwood Valley County Water District and Calpella County Water District was the only person in the audience. He spoke to his concerns regarding the policy for significant and adverse environmental impacts found on pages 9, 10, and 11 of the document. He had no specific criticism of any of the 14 listed items but was concerned that the statement preceding the listing of the items that read, "When evaluating environmental impacts during the Initial Study process, LAFCO will identify such impact as significant and adverse if:" followed by the listing of the 14 items, could be interpreted too strongly and adversely for a given circumstance or application.

After a lengthy discussion of the various possibilities involved in the listed items, the difference between indirect and direct environmental affects and the possible circumstances where the listed items could be applied to a given application, Executive Officer McMichael indicated that he doubted than any application would ever have the full list applicable to any given requested LAFCO action; that each item would have to be evaluated according to the circumstances of the agency's application and; that it was not a given that it would be applied in marginal cases. He further suggested that if the phrase were rewritten to read, "When evaluating environmental impacts during the Initial Study process, LAFCO *may* identify such impact as significant and adverse if:" it would appear to address the expressed concerns.

Mr. Rapport agreed that this change in phrasing would alleviate his concerns.

D. Being no other persons in the audience, Chairwoman Ranker closed the public hearing at 11:00 am.

E. Upon closure of the public hearing Commissioner Simon seconded by Commissioner Oslund moved approval of the Resolution # 2002-04 as listed below with the understanding that the change would be made to the policy regarding significant and adverse circumstances to read *"When evaluating environmental impacts during the Initial Study process, LAFCO may identify such impact as significant and adverse if:"* as discussed above and that the document would be forwarded to Commission Counsel for review. It was unanimously approved by the following roll call vote: Ayes: Melo, Simon, Oslund, and Ranker; Nays: None; Abstains: None

***LOCAL AGENCY FORMATION COMMISSION OF MENDOCINO COUNTY
RESOLUTION 2002-04***

ADOPTING CEQA POLICY AND PROCEDURES

Whereas, Public Resources Code Section 21082 requires that *all* public agencies shall adopt by ordinance, resolution, rule or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of

environmental impact reports and negative declarations pursuant to this division and;

Whereas the Local Agency Formation Commission of Mendocino County has developed Policy and Procedures that meet the requirements of Public Resources Code Section 21082 and;

Whereas, the purpose of the Policy and Procedures is to implement the requirements of the California Environmental Quality Act (CEQA) and to supplement the State CEQA Guidelines adopted by the Secretary for Resources of the State of California and;

Whereas, the Policy and Procedures required by these guidelines are intended to assist in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects and;

Whereas, these Policy and Procedures have been reviewed by the Commission and public input has been sought and accepted at a public hearing; such hearing being duly noticed to the public and all affected agencies by posting at the hearing location , publishing in a newspaper of general circulation in the county, posting on the Commission's website and by mailing to all affected agencies 21 days in advance of the hearing.

Therefore, pursuant to Public Resources Code 21082, the Local Agency Formation Commission of Mendocino County hereby adopts the aforementioned Policy and Procedures and declares that they shall be used for purposes of environmental review for any proposal before the Commission.

Passed and adopted on October 7, 2002 by the following vote, to wit:

Ayes:

Nays:

Abstain:

Dated _____ Signed _____

F. Camille Ranker,
Chairwoman, Local Agency Formation Commission

AGENDA ITEM 5—REPORTS

Executive Officer McMichael reported that he had been asked to appear before the Grand Jury about LAFCO. There were not commissioner reports.

AGENDA ITEM 6—ADJOURNMENT

Having no other business the Commission adjourned at 11:29 am.