

Draft Resolution No

111 Santa Rosa Avenue, Ste. 240
Santa Rosa, CA 95404

April 7, 2021

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings and Determinations, Certifying Review and Consideration of the Information Contained in the Mitigated Negative Declaration and Approving a Reorganization of Territory Designated as: Cloverdale Reorganization 030-2019 (Baumgardner Ranch) Involving Annexation to the City of Cloverdale and Detachment from County Service Area 41 (Multi-Services) and Waiving Protest Proceedings for the Proposal (File No. 2021-06)

RESOLVED, that the Local Agency Formation Commission of the County of Sonoma (“the Commission”) hereby finds and determines as follows:

1. Proposal and Procedural History

1.1. Nancy Neat, representative of the Baumgardner Family, (“the Applicant”) filed an application (the Application) with the Executive Officer of the Commission (“the Executive Officer”) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code section 56000 et seq. (“the Cortese-Knox-Hertzberg Act”), proposing a reorganization involving annexation to the City of Cloverdale (the City) and detachment from the County Service Area No. 41 (Multi-Services) (“the Proposal”).

1.2. The Proposal consists of four parcels (APNs 117-040-084, -053, *087 and -086) totaling approximately 31 acres, generally located south of Sandholm Lane, north of Kelly Road and west of S Cloverdale Blvd. in unincorporated Sonoma County (“the Affected Territory”).

1.3. As part of the Application, the Applicant included a plan for providing services within the Affected Territory (“the Plan for Services”). The Application and the Plan for Services were submitted to the Executive Officer pursuant to the Cortese-Knox-Hertzberg Act. The Executive Officer accepted the Application for filing and set the Proposal for consideration by the Commission as provided in the Cortese-Knox-Hertzberg Act.

1.4. The Executive Officer reviewed the Proposal and written comments received thereon and prepared a report analyzing the Proposal and recommending its approval (“the Executive Officer’s Report”). Upon completion, the Executive Officer furnished copies of the Executive Officer’s Report to all persons entitled to copies under the Cortese-Knox-Hertzberg Act.

1.5. The Commission considered the Executive Officer's Report and the Proposal at its meeting of April 7, 2021. At the meeting, the Commission heard and received all relevant oral and written testimony and evidence presented or filed and considered the Executive Officer's Report and the information contained in the Mitigated Negative Declaration. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission considered the Proposal and the environmental effects of the Proposal as shown in the Mitigated Negative Declaration, and voted to approve the Proposal, as set forth herein.

1.6. The Commission has reviewed and considered this resolution and hereby finds that it accurately sets forth the intentions of the Commission with respect to the Proposal.

2. CEQA Compliance

2.1. The City, acting as lead agency, adopted a Mitigated Negative Declaration ("the Mitigated Negative Declaration") as the environmental document for the parcels located at 28195 & 28193 Old Redwood Highway (APNS 117-040-053 & -084).

2.2. Based on the City's actions, the Executive Officer determined that the Commission would comply with the California Environmental Quality Act ("CEQA") by acting as a responsible agency in its consideration of the Proposal.

2.3. The Commission concurs with the City and the Executive Officer and finds that the City is the lead agency for the Proposal under CEQA, and the Commission is a responsible agency in its consideration of the Proposal.

2.4. The Commission has reviewed and considered the information contained in the Mitigated Negative Declaration prepared by the City and has considered the environmental effects of the Proposal as shown therein, prior to reaching its decision on the Proposal, and has reached its own independent conclusions on whether and under what conditions to approve the Proposal. Prior to reaching its decision on the Proposal, the Commission also reviewed and considered the sphere of influence for the City established by the Commission ("the City's Sphere of Influence"), the "urban service area" boundary for the City established in the Sonoma County General Plan ("the City's Urban Service Area Boundary"), the Cloverdale General Plan ("the City's General Plan"), the urban growth boundary for the City enacted by the voters of the City ("the City's Urban Growth Boundary"), and the following ordinance, resolutions, and agreements of the City (collectively "the City's Ordinance and Resolutions"):

(a) Resolution No 009-2020 of the City of Cloverdale Planning Commission recommending to the City Council approval of a conditional use permit and the adoption of an ordinance pre-zoning approximately 4.55 +/- acres of developed land

located at 28277 and 28243 Old Redwood Highway, (APNs 117-040-086 & -087) to the General Industrial (M-1) Zoning District

(b) Ordinance No. 736-2020 of the City of Cloverdale City Council amending Title 18, "Zoning," of the City Municipal Code, pre-zoning certain properties containing approximately 4.55 acres of land located at 28277 & 28243 Old Redwood Highway to the General Industrial (M-1) Zoning District (APNS 117-040-086 & 087) (Adopted August 26, 2020)

(c) Resolution No. 078-2020 of the City of Cloverdale City Council approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prepared in accordance with the California Environmental Quality Act for the Baumgardner Ranch Annexation & Pre-zoning Project on approximately 28.42 +/- Acres of undeveloped land located at 28195 & 28193 Old Redwood Highway (APNS 117-040-053 & -084)

(d) Resolution No. 079-2020 of the City Of Cloverdale City Council approving a Precise Development Plan, Design Review, General Plan Amendment, Tentative Map And Pre-zoning approximately 28.42 +/- acres of land located at 28195 & 28193 Old Redwood Highway (APNs 117-040-053 &-084) to the "Planned Development (P-D)" Zoning District

(e) Ordinance No. 737-2020 of the City of Cloverdale City Council amending Title 18, "Zoning," of the City Municipal Code, pre-zoning certain properties containing approximately 28.42 acres of land located at 28193 & 28195 Old Redwood Highway to the Planned Unit Development (P-D) Zoning District (APNs 117-040- 053 & 084) (Adopted September 9, 2020)

2.5. The City found the pre-zoning, conditional use permit, and annexation of the parcels located at 28277 & 28243 Old Redwood Highway (APNs 117-040-086 & -087) exempt from CEQA pursuant to CEQA Guidelines Section 15319(a) Annexations of Existing Facilities and Lots for Exempt Facilities. This section exempts from the provision of CEQA annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The City also found the proposed annexation to be exempt from CEQA under Section 15061(b)(3) (Common Sense Exemption) as it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. The Commission concurs with this determination. The Commission further finds that adding APNs 117-040-086 & -087 to the parcels considered in the Mitigated Negative Declaration changes none of the analysis in that document, as no additional development is reasonably foreseeable on these added parcels, and the project involves no new uses or construction.

2.6. The Commission, as a responsible agency, has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of a project that it decides to carry out, finance, or approve. The Commission finds that, with respect to its decision herein, the Commission has jurisdiction only to approve reorganization of the Affected Territory (i.e., the Proposal). This decision to reorganize places the Affected Territory under the jurisdiction of the City, which, as lead agency and as agency with police power to regulate land use, has the power to implement the feasible alternatives or mitigation measures to mitigate or avoid the potentially significant environmental effects of the Proposal.

2.7. The Commission has reviewed and considered the information contained in the Mitigated Negative Declaration and the City's Ordinances and Resolutions prior to reaching its decision on the Proposal. The Commission finds that, in doing so, it has fully discharged its responsibilities under CEQA for the Proposal.

3. Cortese-Knox-Hertzberg Act Compliance

3.1. The Commission finds that the Affected Territory is within the City's Sphere of Influence and the City's Urban Service Area Boundary. The Commission therefore determines that the Proposal is consistent with the City's Sphere of Influence and the Sonoma County General Plan.

3.2. The Commission finds that the Affected Territory is within the City's Urban Growth Boundary; is contiguous to the City's current limits; is a logical extension of the City boundary; is consistent with the land-use designations in the City's General Plan; and has been pre-zoned by the City.

3.3. The Commission finds that the purpose of the Proposal is to obtain municipal services for development purposes in an area that is contiguous to and surrounded by the City.

3.4. The Commission finds that the City can provide municipal services to the Affected Territory.

3.5. The owners of the properties initiated and have consented to the Proposal. Pursuant to Government Code Section 56662, the Commission determines that, since no affected local agency has submitted a written demand for notice and hearing during a 10-day period following provision of notice and the affected territory has been determined to be uninhabited pursuant to Government Code Section 56079.5, the Proposal qualifies for waiver of Protest Proceedings.

3.6. Based on the foregoing findings and determinations and the record of these proceedings, the Commission finds and determines that the Proposal is consistent with the intent of the Cortese-Knox-Hertzberg Act and the purposes of the Commission, as expressed in Government Code sections 56001 and 56301. The Commission further finds, therefore, that approval of the Proposal is appropriate.

NOW, THEREFORE, based on the foregoing findings and determinations and the record of these proceedings, and pursuant to the Cortese-Knox-Hertzberg Act, the Commission hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Commission finds that the Proposal will not have any significant environmental impacts. The Commission certifies that it has reviewed and considered the information contained in the Mitigated Negative Declaration prepared by the City and has considered the environmental effects of the Proposal. The Executive Officer is authorized to file a notice of determination in accordance with the provisions of CEQA and the State CEQA Guidelines.
3. The Proposal is approved.
4. The Commission shall waive protest proceedings for the Proposal in compliance with this resolution and Section 56663(c) of the California Government Code.
5. The boundaries of the Affected Territory shall be as shown and described in Exhibit "A" to this resolution, attached hereto and incorporated herein by this reference.
6. The Proposal is assigned the following short-form designation: Cloverdale Reorganization 030-2019 (Baumgardner Ranch)
7. The regular county assessment roll shall be utilized for the Proposal.
8. The Affected Territory shall not be taxed for existing bonded indebtedness and contractual obligations.
9. The property tax transfer to the City shall be in accordance with the master property tax exchange agreement adopted by the County of Sonoma and the cities in Sonoma County, as described in Sonoma County Board of Supervisors Resolution No. 89-0270.
10. The effective date of the reorganization shall be the date of the recordation of the certificate of completion.
11. The Executive Officer is directed to file a certificate of completion for the Proposal after receipt of all final materials, as required. If a certificate of completion for the Proposal has not been filed within one year after the adoption of this resolution, the

Proposal shall be deemed abandoned unless, prior to expiration of the one-year time period, the Commission authorizes an extension of time for completion of the Proposal.

12. The Clerk of the Commission is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Clerk of the Commission, 111 Santa Rosa Avenue, Ste. 240, Santa Rosa, CA, 95404.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Commission on the 7th day of April 2021 and ordered adopted by the following vote:

COMMISSIONERS:

AYES

NOES:

ABSTAIN:

WHEREUPON, the Chair declared the foregoing resolution adopted and

SO ORDERED.

Mark Bramfitt, Executive Officer

The within instrument is a true and correct copy of the original on file in this office.

ATTEST:

BY: _____
Clerk