

ATTACHMENT 1

Factors for Consideration (California Government Code §56668)

Factor	Review Comments
<p>(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.</p>	<p>The affected territory, consisting of nine parcels and comprising an unincorporated County island completely surrounded by territory in the City of Santa Rosa, is located within the City's sphere of influence and Urban Growth Boundary. Seven of the nine parcels are developed with residential and/or commercial uses. No additional development is proposed at this time. Consistent with the City's General Plan, an additional 34 residential units could be constructed upon build-out. Separate environmental analysis would be required prior to any proposed development.</p>
<p>(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services that would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.</p>	<p>Based on analysis in the General Plan 2035, the City has determined that it can serve the affected territory. Currently, two of the nine subject parcels are connected to the City utility system, with the remainder using wells and septic systems. Upon development, connection to the City's utility system would be required, and additional environmental analysis would be required to determine other impacts of such development.</p>
<p>(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.</p>	<p>The affected territory is located within the City's Sphere of Influence and voter-approved Urban Growth Boundary and is contiguous to the City on all sides. The parcels comprise an unincorporated</p>

<p>(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. <i>(Note: Section 56377 encourages preservation of agricultural and open-space lands.)</i></p>	<p>County island surrounded by the City; Elimination of this island will support greater efficiency and effectiveness in provision of public services and reduce confusion among the public and government agency staff about agency responsibilities.</p>
<p>(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.</p>	<p>The proposal is consistent with Commission policies. The affected territory is within the City's Sphere of Influence and contiguous to the City boundary. Annexation is a logical extension of City boundaries and a means of eliminating an island of unincorporated territory surrounded by the City; this will support greater efficiency and effectiveness in the provision of public services.</p> <p>The affected territory is contiguous to the City boundary, within the City's Sphere of Influence and Urban Growth Boundary, and, as such, has been planned for annexation and urban uses. The parcels are not under a Williamson Act contract or considered to be agricultural land.</p>
<p>(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p>	<p>The parcels that comprise the affected territory have specific boundary lines that are certain and identifiable.</p>
<p>(g) A regional transportation plan adopted pursuant to Section 65080.</p>	<p>Annexation of the affected territory would not affect or be affected by Plan Bay Area, the Regional Transportation Plan for the San Francisco Bay Area, in that the Plan focuses growth in Priority</p>

<p>(h) The proposal's consistency with city or county general plans.</p>	<p>Development Areas (PDA). The affected territory is not within the City's PDA.</p>
	<p>The City states that the proposal is consistent with its General Plan. In that the affected territory is within the "urban service area" boundary for the City as defined in the Sonoma County General Plan, the proposal is consistent with the County General Plan. Both Plans call for elimination of unincorporated islands.</p>
<p>(i) The sphere of influence of any local agency that may be applicable to the proposal being reviewed.</p>	<p>The affected territory is located within the City of Santa Rosa's sphere of influence and is not located within the sphere of influence of any other agency.</p>
<p>(j) The comments of any affected local agency or other public agency.</p>	<p>The Sonoma County Permit and Resource Management Department commented that the proposal is consistent with the County General Plan and is encouraged to proceed.</p>
<p>(k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.</p>	<p>Provision of services was analyzed in the City's General Plan 2035 EIR. The City states that it can provide public services to the parcels within the annexation boundary. The City's pre-zoning is consistent with existing development and will appropriately implement the General Plan for future development. Future development would be subject to City fees including for sewer and water charges, utility taxes and garbage fees. Building and development fees will also be charged for development permits.</p>
<p>(l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.</p>	<p>The City's analysis of the level of service which it can provide was conducted as part of the Environmental Impact Report for the Santa Rosa General Plan 2035. It</p>

	<p>was determined that an adequate water supply is available to serve the affected territory. Water service lines are available in Middle Rincon Road and Highway 12.</p>
<p>(m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.</p>	<p>Annexation of the affected territory will not affect the City or the County's achieving their respective fair share of the regional housing needs. At build-out, an additional 34 units would be permitted under the City's General Plan land-use designations and zoning districts. The City's Housing Element does not designate the affected territory for affordable or high-density housing.</p>
<p>(n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.</p>	<p>The owner of seven of the nine properties within the annexation boundary has initiated the subject proposal and consents to annexation. No other comments from owners, voters or residents of the affected territory have been received.</p>
<p>(o) Any information relating to existing land use designations.</p>	<p>The land-use designations for the affected territory in the Santa Rosa General are Retail and Business Services and Low-Density Residential. The City pre-zoned the affected territory to the Single-Family Residential and General Commercial zoning districts, respectively, consistent with the land-use designations.</p>
<p>(p) The extent to which the proposal will promote environmental justice. As used in the law, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.</p>	<p>The proposal makes no representations or exclusions of peoples of any race, culture and/or income with respect to location of public facilities and public services.</p>

ATTACHMENT 2

Resolution No. _____

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

December 5, 2018

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings of Fact as a Responsible Agency, Pursuant to CEQA Guidelines Section 15183, Approving a Reorganization of Territory Designated as Northeast Santa Rosa Reorganization No. 17-003 (7 Eleven Inc.) Involving Annexation to the City of Santa Rosa and Detachment from Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Services), and Waiving Protest Proceedings for the Proposal (File No. 2018-13)

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 The 7 Eleven Corporation (“the Applicant”) filed an 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 consisting of annexation to the City of Santa Rosa (“the City”) and detachment from Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Services) of an unincorporated County island consisting of nine parcels (APNs 182-540-020 - - 028) of approximately 7.9 acres (“the Proposal”). The territory that is the subject of the Proposal is generally located at the northwest corner of the intersection of Middle Rincon Road and State Highway 12, in northeast Santa Rosa (“the Affected Territory”). 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 issued a certificate of filing on November 6, 2018. Following issuance of the certificate of filing, the Executive Officer set the Proposal for consideration by the Commission and provided notice thereof as provided in the Cortese-Knox-Hertzberg Act.

1.2 The Executive Officer considered the Final Environmental Impact Report (“Final EIR”) that the City certified in 2009 for the Santa Rosa General Plan 2035, which reviewed the City’s land-use designations, and the City’s pre-zoning ordinance for the Proposal, which stated that the consistency between the land-use designation and zoning district was encompassed within the scope of the EIR, and no additional environmental review was necessary. The Executive Officer determined that the

Commission would comply with California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines by acting as a responsible agency for the Proposal.

1.3 The Executive Officer reviewed the Proposal and prepared a report analyzing the Proposal (“the Executive Officer’s Report”) and recommending its approval. 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.

1.4 The Commission conducted a duly noticed public hearing on the Proposal on December 5, 2018. At the hearing, the Commission heard and received all relevant oral and written testimony and evidence presented or filed and considered the Executive Officer’s Report, the Plan for Services, and the environmental effects of the Proposal as shown in the Final EIR and the City’s ordinance. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission closed the public hearing, discussed the Proposal and the environmental effects of the Proposal and voted to approve the Proposal, as set forth herein.

1.5 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 Commission finds that the City is the lead agency and the Commission is a responsible agency for the Proposal pursuant to CEQA.

2.2 As the lead agency, the City approved the Santa Rosa General Plan 2035 on November 3, 2009, in City Council Resolution No. 27509, which is incorporated by reference herein. The City certified an Environmental Impact Report at that time for the Santa Rosa General Plan 2035. Subsequently, for the Proposal, the City determined that the rezoning for the Affected Territory is consistent with the land-use designations and densities in the Santa Rosa General Plan 2035.

2.3 Section 15183 of the State CEQA Guidelines mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR is certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. As the lead agency, the City determined that there are no project-specific impacts which are peculiar to the Proposal or its site; the City thus determined that no additional environmental review is required or permitted.

2.4 The Commission has reviewed and considered the Proposal and the Final EIR and concurs with the finding of the City, as lead agency, that further environmental review is not required or permitted, pursuant to CEQA Guidelines section 15183.

2.5 The Commission, as a responsible agency, further finds that it 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 only has jurisdiction to approve reorganization of the Affected Territory. This decision to reorganize places the Affected Territory under the jurisdiction of the City, as lead agency and as agency with police power to regulate land use.

2.6 The Commission finds that the rezoning for the Affected Territory was considered and analyzed in the Santa Rosa General Plan 2035 Final EIR consistent with approved land-use designations and densities. There are no project-specific impacts peculiar to the project or its site that were not considered and analyzed in the Final EIR, and no additional environmental review is required.

2.7 The Commission has considered the potential environmental effects of the Proposal 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 makes the following findings and determinations with respect to the Proposal:

a. The Affected Territory is within the sphere of influence of the City of Santa Rosa, is contiguous to its boundary, and is within the City's Urban Growth Boundary.

b. The reason for the Proposal is to allow access to City services and eventual development at densities consistent with the City's General Plan land-use designations. No development is proposed at this time.

c. The Affected Territory is an unincorporated island completely surrounded by territory within the City. Elimination of the unincorporated island will promote greater efficiency and effectiveness in the provision of public services and reduce confusion among public and private individuals and entities.

d. The City has stated that it can provide services to the Affected Territory upon annexation.

e. Annexation of the Affected Territory is consistent with the Sonoma County General Plan.

3.3 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 §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 further environmental review is not required, pursuant to State CEQA Guidelines section 15183. The Executive Officer is directed to file a notice of determination in accordance with the provisions of CEQA and the State CEQA Guidelines.
3. The Proposal is approved, subject to the following condition:
 - (a) In accordance with the provisions of the California Health and Safety Code Section 13845(f) and in response to the request from the Kenwood Fire Protection District (“District”), the District board of directors will be increased from three members to five members. This change shall be implemented pursuant to District policies and California elections procedures subsequent to the effective date of the reorganization.
4. The boundary of the Affected Territory shall be as shown and described in Exhibit “A” to this resolution, attached hereto and incorporated herein by this reference.
5. The Proposal is assigned the following short-form designation: Northeast Santa Rosa Reorganization No.17-003 (7 Eleven Inc.).
6. The regular County assessment roll shall be utilized for the Proposal.
7. The Affected Territory shall not be taxed for existing bonded indebtedness and contractual obligations.
8. 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.
9. The Commission shall waive protest proceedings for the Proposal in compliance with this resolution and Section 56663(c).
10. The Executive Officer is authorized and directed to mail certified copies of this resolution in the manner provided by law.

11. 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.

12. 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 the expiration of the one-year time period, the Commission authorizes an extension of time for completion of the Proposal.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Commission on the 5th day of December 2018 and ordered adopted by the following vote:

COMMISSIONERS:

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

ORDINANCE NO. ORD-2018-009

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA PREZONING THE PROPERTIES LOCATED AT 43, 77, AND 91 MIDDLE RINCON ROAD AND 4785, 4801, 4847, AND 4865 HIGHWAY 12 TO THE R-1-6 (SINGLE-FAMILY RESIDENTIAL) AND CG (GENERAL COMMERCIAL) ZONING DISTRICTS; ASSESSOR'S PARCEL NUMBERS 182-540-020, -021, -022, -023, -024, -025, -026, -027, -028; FILE NO. ANX17-003

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on the evidence and records presented, that the R-1-6 (Single-family Residential) zoning district is appropriate for Assessor's Parcel Numbers (APNs) 182-540-020, -021, -022, -023, -027, and -028 and that the CG (General Commercial) zoning district is appropriate for APNs 182-540-024, -025, and -026. The Council further finds and determines that:

The proposed Prezoning is consistent with the goals and policies of all elements of the City's General Plan in that the proposed zoning districts would maintain the densities envisioned in the General Plan. City staff has determined that the proposed Prezoning and subsequent annexation of the subject site would be a logical extension of the City limits and services. Requisite staff have reviewed the proposal and found that adequate services are available to serve the site; and

The proposed Prezoning would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that no new development is proposed and any future development accommodated by this Prezoning action would be subject to the appropriate level of review; and

The site is physically suitable including absence of physical constraints, access and compatibility with adjoining land uses, and provision of utilities for the proposed Prezoning to the R-1-6 (Single-family Residential) and CG (General Commercial) zoning districts.

Section 2. All conditions required by law have been satisfied and all findings with relation thereto have been made. Title 20 of the Santa Rosa Code is amended by amending the "Zoning Map of the City of Santa Rosa," as described in Section 20-20.020, so as to change the classification of Assessor's Parcel Nos. 182-540-020, -021, -022, -023, -027, and -028 to the R-1-6 (Single-family Residential) zoning district and APNs 182-540-024, -025, and -026 to the CG (General Commercial) zoning district.

Section 3. In addition to any other conditions that are deemed appropriate or necessary, any development approval for this property shall be expressly conditioned to require the applicant to fulfill the following condition:

Sewer connections for this development, or any part thereof, will be allowed only in accordance with the requirements of the California Regional Water Quality Control

Board, North Coast Region, in effect at the time that the building permit(s) for this development, or any part thereof, are issued.

Section 4. Environmental Determination. The proposed Rezoning amendment has been reviewed in compliance with the California Environmental Quality Act (CEQA) and pursuant to CEQA Guidelines Section 15183, the proposed zoning is consistent with the densities established in the Santa Rosa General Plan 2035, for which an Environmental Impact Report (EIR) was certified, and there are no project-specific impacts which are peculiar to the project or its site. No additional environmental review is required.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on May 1, 2018.

IN COUNCIL DULY PASSED this 8th day of May, 2018.

AYES: (5) Mayor Coursey, Vice Mayor Rogers, Council Members Combs, Sawyer, Tibbetts

NOES: (0)

ABSENT: (2) Council Members Olivares, Schwedhelm

ABSTAIN: (0)

ATTEST: 
City Clerk

APPROVED: 
Mayor

APPROVED AS TO FORM:


City Attorney



CERTIFICATION
SANTA ROSA CITY COUNCIL
ORDINANCE NO. ORD-2018-009

STATE OF CALIFORNIA)
COUNTY OF SONOMA) ss.
CITY OF SANTA ROSA)

I, **STEPHANIE A. WILLIAMS**, Deputy City Clerk of the City of Santa Rosa, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law and Santa Rosa City Charter Section 8, was duly introduced on May 1, 2018, and adopted by the City Council of Santa Rosa at a regular meeting of said Council held on May 8, 2018, by the following vote:

AYES: (5) Mayor Coursey, Vice Mayor Rogers, Council Members Combs, Sawyer, Tibbetts

NOES: (0)

ABSENT: (2) Olivares, Schwedhelm

ABSTAIN: (0)

Stephanie A. Williams

Stephanie A. Williams, Deputy City Clerk
City of Santa Rosa, California

RESOLUTION NO. 18-19-01

DATED: July 25, 2018

A RESOLUTION BY THE BOARD OF DIRECTORS OF THE KENWOOD FIRE PROTECTION DISTRICT, COUNTY OF SONOMA, STATE OF CALIFORNIA, REQUESTING THAT THE LOCAL AGENCY FORMATION COMMISSION OF SONOMA COUNTY APPLY A CONDITION TO A SUBSEQUENT REORGANIZATION THAT WILL INCREASE THE NUMBER OF BOARD MEMBERS OF SAID DISTRICT FROM THREE TO FIVE MEMBERS.

WHEREAS the Kenwood Fire Protection District (hereinafter the District) is legally organized under the Fire District Law of California, and

WHEREAS the District was formed in 1946, and

WHEREAS, until 1993, the District was staffed operationally solely by community volunteers, and

WHEREAS, since 1993 the district has increasingly employed paid staff, both full time and part-time, alongside volunteers, in operational roles, and

WHEREAS, the current approved number of elected District Board (hereinafter the governing body) members is three (3), and

WHEREAS, the scope and demands of director responsibilities has increased over time, and

WHEREAS, it is desirable that there be a broader representation of community interests and views on the elected governing body, and

WHEREAS, for practical and sensible governance by the governing body, including maintenance of a decision making quorum at all times; the ability to form ad-hoc committees to study and report on complex issues without violation of Brown Act rules, and the anticipated future complex negotiations leading to operational consolidation with adjacent fire agencies, it is desired to increase the number of elected members from three to five, and

WHEREAS, according to Health and Safety Law # 13842 pertaining to the composition of Fire District Boards of Directors, which states that "except in the case where a county board of supervisors or a city council has appointed itself as the district board, a district board may have three, five, seven, nine, or eleven members"

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of Kenwood Fire Protection District does hereby request that the Sonoma LAFCO condition a future reorganization to increase the size of the governing body, and

BE IT FURTHER RESOLVED that it is requested that the condition require that the size of the governing body be increased to five immediately.

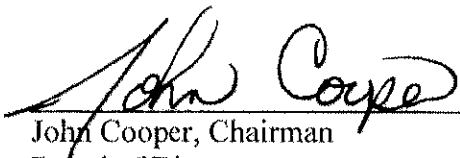
IN SPECIAL SESSION THE FOREGOING RESOLUTION was introduced at a meeting of the Board on July 25, 2018 by Director Kempers, who moved its adoption, seconded by Director McIntosh, and ordered adopted by the following vote:

Director	Dennis McIntosh
Director	Jim Kempers
Chair	John Cooper

AYES: 3 NOES: 0 ABSENT OR NOT VOTING: 0

WHEREUPON, the Chair declared the foregoing resolution adopted, and **SO ORDERED**.

ATTEST:



John Cooper, Chairman
Board of Directors
Kenwood Fire Protection District



Daren Bellach
Clerk of the Board of Directors