

**Draft Resolution**

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

**August 7, 2019**

**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 No. 2017-01 (Renner Fuel Station) Involving Annexation to the City of Cloverdale and Detachment from County Service Area No. 41 (Multi-Services), and Waiving Protest Proceedings for the Proposal (File No. 2019-05)**

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**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 City of Cloverdale (the Applicant) filed a resolution of application (the Resolution of 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 consisting of annexation to the City of Cloverdale (the City) and detachment from County Service Area No. 41 (Multi-Services) of approximately 3.2 acres consisting of a single parcel (APN 117-040-066) (the Proposal). The territory that is the subject of the Proposal is generally located along the west side of South Cloverdale Blvd., west of U.S. Highway 101, south of Sandholm Lane and north of Kelly Road, south and west of the City (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 June 25, 2019. 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 City, acting as lead agency under the California Environmental Quality Act (“CEQA”) for the Project, adopted a Mitigated Negative Declaration (the Mitigated Negative Declaration) as the environmental document for the Proposal.

1.3 Based on the City’s action, the Executive Officer determined that the Commission would comply with CEQA by acting as a responsible agency in its consideration of the Proposal.

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 August 7, 2019. 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 Mitigated Negative Declaration regarding and the Proposal.

## **2. CEQA Compliance**

2.1 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.

2.2 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 has 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. 030-2014, Adopted May 14, 2014: A Resolution of the City Council of the City of Cloverdale Allowing Submittal of a Pre-zoning and Annexation Application and Conditionally Approving a Deferred Annexation and Outside Service Agreement for 28181 Old Redwood Highway and 1313 South Cloverdale Boulevard (APNs 117-040-066 and 117-040-081) Allowing the Property to Connect to the City's Water and Sewer System
- (b) Pre-Annexation and Outside Service Area Agreement Between the City of

Cloverdale and MLRX2, LLC Concerning Real Property Identified as APNs 117-040-066 & 117-040-081 (28181 Old Redwood Highway & 1313 South Cloverdale Boulevard), Dated June 12, 2014

- (c) Resolution No. 059-2017, Adopted September 12, 2017: Resolution of the City Council Directing City Staff to File an Annexation Application for “Cloverdale Reorganization No. 2017-01 (Renner)” for the Renner Fuel Station Property Consisting of an Approximately 3.23+/- Acre Parcel of Developed Land Generally Situated West of Hwy. 101/South Cloverdale Boulevard and South of Sandholm Lane (APN 117-040-066) with the Local Agency Formation Commission
- (d) Resolution No. 060-2017, Adopted September 12, 2017: Resolution of the City Council Approving a Plot Plan Review Permit for the Renner Fueling Station Property Located at 1313 S. Cloverdale Boulevard, a 3.23 +/- Acre Property Formerly Addressed as 28181 Old Redwood Highway (APN 117-040-066)
- (e) Ordinance No. 716-2017, Adopted September 26, 2017: An Ordinance of the City of Cloverdale Amending Title 18, “Zoning,” of the City Municipal Code, Prezoning an Approximately 3.23 +/- Acre Parcel of Developed Land Generally Situated West of Hwy. 101/South Cloverdale Boulevard and South of Sandholm Lane (APN 117-040-066) Referred to as the Renner Fueling Station Property to the “General Industrial (M-1)” Zoning District

2.3 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.

2.4 The Commission has reviewed and considered the information contained in the Mitigated Negative Declaration and the City’s Ordinance 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 comply with the provisions of City Council Resolution No. 030-2014 and a Pre-Annexation and Outside Service Area Agreement Between the City of Cloverdale and MLRX2, LLC, dated June 12, 2014, requiring annexation of the Affected Territory to the City subsequent to the provision of utility services to the property by the City.

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

3.5 The Commission finds that the Affected Territory is uninhabited, in that fewer than 12 registered voters reside within. The City submitted the Resolution of Application for the Proposal and has provided written consent from the owner of the property. Pursuant to Government Code section 56662, the Commission may waive protest proceedings (Protest Proceedings) if an affected local agency has not submitted a written demand for notice and hearing during a 10-day period following provision of notice. The Commission determines that the Proposal qualifies for waiver of Protest Proceedings in that no written demand was received. The Commission orders waiver of Protest Proceedings, pursuant to Government Code section 56662.

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 certifies that it has reviewed and considered the information contained in the Mitigated Negative Declaration and has considered the environmental effects of the Proposal as shown therein. 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.

4. The Commission shall waive protest proceedings for the Proposal in accordance with the provisions of the Cortese-Knox-Hertzberg Act.

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 No. 2017-01 (Renner Fuel Station).

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 Executive Officer is authorized and directed to file a notice of determination in accordance with the provisions of CEQA and the State CEQA Guidelines. The Executive Officer is further authorized and directed to mail certified copies of this resolution in the manner provided by law.

11. 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 7<sup>th</sup> day of August 2019 and ordered adopted by the following vote:

**COMMISSIONERS:**

**WHEREUPON**, the Chair declared the foregoing resolution adopted and

**SO ORDERED.**

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Mark Bramfitt, Executive Officer

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

ATTEST:

BY: \_\_\_\_\_  
Clerk