

July 3, 2019

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 1519(a) and 15061(b)(3), Approving a Reorganization of Territory Designated as Annexation to the Town of Windsor and Detachment from County Service Area No. 41 (Multi-Services), and Waiving Protest Proceedings for the Proposal (File No.19-03)

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 Town of Windsor (“the Town”) has filed a resolution of 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 CKH Act”), proposing a reorganization consisting of annexation to the Town of Windsor and Detachment from County Service Area No. 41 (Multi-Services), of a single unincorporated parcel (APN 066-310-029) of approximately 0.9 acres (“the Proposal”). The territory that is the subject of the Proposal is generally located west of Eastside Road, east of the Russian River and at the end of Fontana Road in unincorporated Sonoma County (“the Affected Territory”). As part of the Application, the Town 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 May 4, 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 Town, acting as the lead agency for the purposes of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, determined that the Proposal was exempt from CEQA. The Executive Officer determined that the Commission would comply with CEQA and the State CEQA Guidelines by acting as a responsible agency for the Proposal and determining the Proposal exempt from CEQA.

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 considered the Proposal at its meeting on July 3, 2019. At the meeting, the Commission received all relevant oral and written testimony and evidence presented or filed and considered the Executive Officer’s Report and the Proposal. All interested persons were given the opportunity to hear and be heard. The Commission 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 concurs with the Town and the Executive Officer and finds and determines that the Proposal is exempt under the State CEQA Guidelines Section 15319(a) (Annexations of Existing Facilities) and Section 15061(b)(3) (General Rule). The facts and circumstances supporting the Commission’s conclusion are as follows:

(a) State CEQA Guidelines Section 15319(a) exempts from the provisions 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 Proposal consists of annexation of a single parcel owned by the Town. The only building on the parcel is the Town’s well field control building that was developed in the County of Sonoma under the County’s zoning requirements. No change of use or additional development of the Affected Territory would occur.

(b) Section 15061(b)(3) (General Rule), states that CEQA applies only to projects which have the potential to have a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the project is exempt from CEQA. The proposal would result in the annexation of the Affected Territory to the Town of Windsor. The existing use of the Affected Territory would continue and no development or modifications would occur. Therefore, it can be seen with certainty that there is no possibility that the proposal would have a significant effect on the environment

(c) The Commission finds that the pre-zoning for the Affected Territory is consistent with the land-use designation of the Town's General Plan. No additional development is proposed.

2.2. 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 not contiguous to the Town's boundary. Section 56375 of the CKH Act allows the Commission to approve the annexation of unincorporated, noncontiguous territory to a city provided the territory is located in the same county as that in which the city is located, is owned by the city and is used for municipal purposes.

b. The Affected Territory is outside the Town's Sphere of Influence of the Town and Urban Service Area Boundary. The CKH Act does not require that territory meeting the criteria for annexation under Section 56375 be brought within a city's sphere of influence prior to annexation. The Commission previously approved the annexation of 11 noncontiguous parcels owned by the Town or the Windsor Water District and used for municipal services. The Town's sphere of influence was not amended to include these parcels.

c. The Affected Territory is in the Phase-Out Period of a Williamson Act Contract. The Phase Out is due to be complete on December 31, 2022. As required under state law, the Commission has determined that the Town shall continue to administer the terms of the contract during this period.

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

e. The purpose for the reorganization is to allow the Town to have land use authority over its municipal property and to exempt the parcel from property taxes.

f. The Affected Territory is uninhabited.

g. The owner of the subject property has provided written consent to the Proposal.

3.2 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

Item 3.2 Attachment 2

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, 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 Proposal is approved subject to the following condition: The Town is required to succeed to the rights, duties, and powers of the county pursuant to Section 51243 and to administer the terms and conditions of the Contract until the Phase-Out Period is complete on December 31, 2022.

3. The Proposal is exempt from provisions of CEQA, under Section 15319(a) and Section 15061(b)(3) (General Rule). of the State CEQA Guidelines.

4. The Proposal is assigned the following short-form designation: "File No. 19-03: Windsor Reorganization No 19-01 (Well Field Parcel)."

5. The boundary of the Affected Territory shall be as set forth in the Proposal and as shown in Exhibit "A," attached hereto and incorporated herein by this reference.

6. The Affected Territory shall not be taxed for existing bonded indebtedness or contractual obligations. .

7. Since the owners of the Affected Territory have provided written consent to the Proposal, the Commission shall waive protest proceedings for the Proposal in accordance with the provisions of the Cortese-Knox-Hertzberg Act.

8. 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 Ave Ste 240, Santa Rosa, CA 95404.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Commission on the 3rd day of July 2019 and ordered adopted by the following vote:

Commissioners:

AYES:

NOES:

ABSENT:

Item 3.2 Attachment 2

WHEREUPON, the Chairman declared the foregoing resolution adopted, and

SO ORDERED

ATTEST:

BY: _____
Mark Bramfitt, Executive Officer

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

ATTEST:

BY: _____
Clerk