

RESOLUTION NO. 3487-18

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
AMENDING THE 2040 GENERAL PLAN LAND USE DIAGRAM TO DESIGNATE
APN 066-310-029 AS PUBLIC/QUASI-PUBLIC
(FILE NO. 18-24)**

WHEREAS, in 2000 the Town purchased APN 066-310-029 (“Parcel”) in order to provide a buffer between the Town’s Russian River well field and vineyards located to the east of the well fields. The Parcel also includes the control building for the well fields; and

WHEREAS, on July 8, 2018, the Town Council directed staff to initiate a General Plan amendment to pre-establish a land use designation for the Parcel and pre-zoning of the Parcel to make the Parcel eligible for annexation, which would give the Town land use authority over the Parcel and exempt the parcel from parcel tax; and

WHEREAS, the use of the Parcel for public utility purposes is consistent with the uses intended in the proposed Public/Quasi-Public General Plan land use designation; and

WHEREAS, the General Plan amendment has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities) which exempts annexations of existing public structures and Section 15061(b)(3) (General Rule), which states that CEQA applies only to projects which have the potential to have a significant effect on the environment. The General Plan amendment would establish a land use designation for the parcel, which is required prior to pre-zoning. The use of the property would not change, and no development is proposed; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the General Plan amendment and pre-zoning on October 9, 2018 at which time all interested persons had an opportunity to be heard; and

WHEREAS, the Planning Commission adopted Resolution No. 663-18 recommending that the Town Council amend the 2040 General Plan Land Use Diagram (Figure LU-1b) to pre-designate APN 066-310-029 as Public/Quasi Public; and

WHEREAS, the Town Council held a duly noticed public hearing on the rezoning on November 7, 2018 at which time all interested persons had an opportunity to be heard.

NOW, THEREFORE BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this Resolution; and

BE IT FURTHER RESOLVED THAT based on the evidence presented, the Town Council approves the amendment to the 2040 General Plan Figure LU-1b: General Plan Land Use Diagram Non-Contiguous Incorporated Lands, which will designate APN 066-310-029 as Public/Institutional. The Public/Institutional land use designation shall become effective upon annexation.

PASSED, APPROVED AND ADOPTED this 7th day of November 2018, by the following vote:

**AYES: COUNCILMEMBERS FUDGE, MILLAN, SALMON, VICE MAYOR
FOPPOLI AND MAYOR OKREPKIE**
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



BRUCE OKREPKIE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

Attachment:

- **Exhibit A - General Plan Amendment Parcel Information and Map**

EXHIBIT A

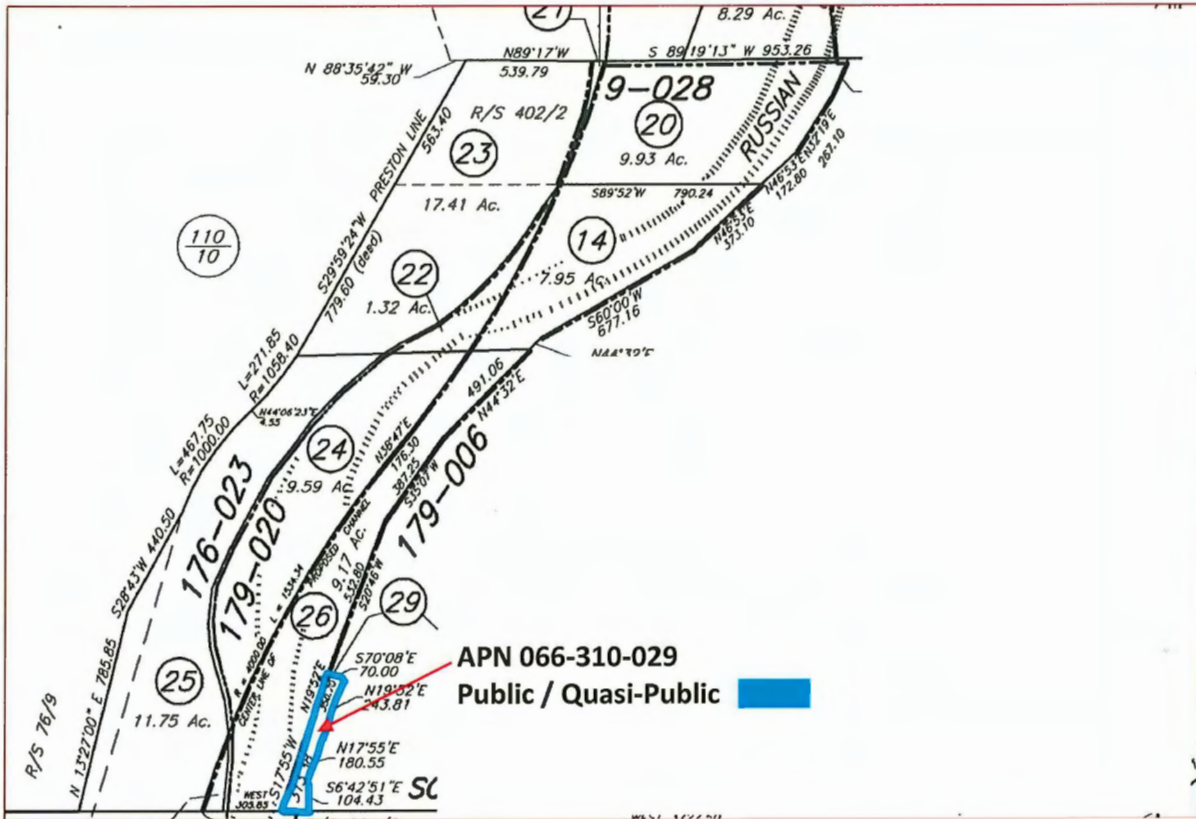
APN 066-310-029 GENERAL PLAN AMENDMENT LAND USE DESIGNATIONS
(FILE NO. 18-24)

Address	APNs	Size (acres)	Use	General Plan Land Use	Prezoning Designation
Fontana Rd	066-310-029	0.93	Buffer between vineyard operations and well sites	Public/Quasi-Public	Public/Institutional

General Plan Land Use and Prezoning Location Exhibit



GENERAL PLAN AMENDMENT LAND USE EXHIBIT



RESOLUTION NO. 3488-18

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
INITIATING PROCEEDINGS WITH THE LOCAL AGENCY FORMATION
COMMISSION OF THE COUNTY OF SONOMA FOR AMENDMENT OF THE
SPHERE OF INFLUENCE AND REORGANIZATION OF TERRITORY CONSISTING
OF ASSESSOR'S PARCEL NUMBER 066-310-029
(FILE NO. 18-24)**

WHEREAS, the Town Council desires to initiate proceedings with the Local Agency Formation Commission of the County of Sonoma ("LAFCO"), pursuant to the Cortese-Knox-Hertzberg Local Reorganization Act of 2000 (Government Code Section 56000 et seq.) ("the Cortese-Knox-Hertzberg Act"), for an amendment of the sphere of influence of the Town of Windsor ("Town") and a reorganization consisting of annexation of a 0.93 acre parcel (APN 066-310-029) ("the affected territory") to the Town and detachment of that same parcel from County Service Area No. 41 (Multi-Services) ("the proposal"); and

WHEREAS, the affected territory is outside the sphere of influence of the Town, making it ineligible for annexation to the Town without amendment of the sphere of influence; and

WHEREAS, in 2000 the Town purchased the affected territory in order to provide a buffer between the Town's Russian River well field and vineyards located to the east of the well field and as the location for the control building for the well fields; and

WHEREAS, the reason for the application is to give the Town land use authority over the affected territory and exempt the affected territory from property tax. No change in use or development of the affected territory would occur as a result of the proposal; and

WHEREAS, on July 8, 2018, the Town Council directed staff to initiate a General Plan amendment to pre-establish a land use designation for the affected territory and rezoning of the affected territory to make the affected territory eligible for annexation, which would give the Town land use authority over the affected territory and exempt the affected territory from property tax; and

WHEREAS, the use of the affected territory for public utility purposes is consistent with the uses intended in a Public/Quasi-Public General Plan land use designation; and

WHEREAS, the affected territory is uninhabited, as defined in the Cortese-Knox-Hertzberg Act, and a description of the affected territory is set forth in Exhibit "A," attached hereto and incorporated herein by this reference; and

WHEREAS, the proposal has been determined to be exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities) which exempts annexations to a city or special district of areas containing existing public structures developed to the density allowed by the current zoning or rezoning of either the gaining or losing

government 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 affected territory includes a public facility 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. The proposal is also exempt pursuant to Section 15061(b)(3) (General Rule), which 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 proposal would result in the annexation of the affected territory to the Town of Windsor. The existing use of the affected territory would continue. 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; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the General Plan amendment on October 9, 2018 at which time all interested persons had an opportunity to be heard and adopted Resolution No. 663-18 recommending the Town Council approve the proposed General Plan amendment and rezoning; and

WHEREAS, the Town Council held a duly noticed public hearing on November 7, 2018 on the General Plan amendment, rezoning, and reorganization and amendment to the Sphere of Influence, at which time all interested persons had an opportunity to be heard, and adopted Resolution No. 3486-18 amending the 2040 General Plan Land Use Diagram to pre-designate the affected territory Public/Quasi-Public, introduced an ordinance to prezone the affected territory Public/Institutional, and adopted Resolution No. 3487-18 to initiate proceedings with LAFCo to amend the Sphere of Influence and to reorganize of the territory consisting of APN 066-310-029.

NOW, THEREFORE BE IT RESOLVED that:

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. This resolution is hereby adopted, and staff is authorized to submit an application to LAFCO requesting the initiation of proceedings for the proposal, pursuant to the Cortese-Knox-Hertzberg Act.

PASSED, APPROVED AND ADOPTED this 7th day of November 2018, by the following vote:

**AYES: COUNCILMEMBERS FUDGE, MILLAN, SALMON, VICE MAYOR
FOPPOLI AND MAYOR OKREPKE**

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



BRUCE OKREPKE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

Attachment:

- **Exhibit A - Annexation Exhibit**

ORDINANCE NO. 2018-331

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
AMENDING THE ZONING MAP TO PRE-ZONE THE TOWN-OWNED PARCEL
IDENTIFIED AS APN 066-310-029 AS PUBLIC/INSTITUTIONAL
(FILE NO. 18-24)**

WHEREAS, in 2000 the Town purchased APN 066-310-029 (“Parcel”) in order to provide a buffer between the Town’s Russian River well field and vineyards located to the east of the well fields. The Parcel also includes the control building for the well fields; and

WHEREAS, on July 8, 2018, the Town Council directed staff to initiate a General Plan amendment and pre-zoning of the Parcel to make the Parcel eligible for annexation, which would give the Town land use authority over the Parcel and exempt the Parcel from parcel tax; and

WHEREAS, the use of the Parcel for public utility purposes is consistent with the uses intended in the proposed Public/Quasi-Public General Plan land use designation; and

WHEREAS, the Town Council adopted Resolution No. 3487-18 amending the 2040 General Plan Figure LU-1b, which designated the Parcel Public/Quasi-Public; and

WHEREAS, the pre-zoning would apply the Public/Institutional zoning designation to the non-contiguous Parcel located outside of the Town and the Town’s Urban Growth Boundary as shown on Exhibit A attached hereto and incorporated herein by reference, which is consistent with and implements the Public/Quasi-Public General Plan land use designation; and

WHEREAS, the pre-zoning has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities) which exempts annexations of existing public structures and Section 15061(b)(3) (General Rule), which states that CEQA applies only to projects which have the potential to have a significant effect on the environment. The project does not have the potential to have a significant effect on the environment since there would be no change of use and no development as a result of the pre-zoning; and

WHEREAS, the Planning Commission conducted a noticed public hearing on the proposed pre-zoning on October 9, 2018, at which time all interested parties had an opportunity to be heard; and

WHEREAS, the Planning Commission adopted Resolution No. 663-18 recommending that the Town Council adopt an ordinance to pre-zone the Parcel as shown in Exhibit A attached hereto and incorporated by reference; and

WHEREAS, the Town Council conducted a noticed public hearing on the proposed pre-zoning on November 7, 2018, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

The above recitals are true and correct and adopted as findings.

SECTION 2. Findings.

The Town Council finds that:

1. The pre-zoning designations are consistent with the 2040 General Plan land use designation(s) of the parcels.
2. The pre-zoning will not be detrimental to the public interest, health, safety, convenience or welfare of the Town as described in the staff report.
3. The pre-zoning is exempt from the provisions of the California Environmental Quality Act.
4. The pre-zoning allows the Town to apply to the Local Agency Formation Commission for annexation to the Town. The zoning does not become effective until property has been annexed to the Town.

SECTION 3. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable. The Town Council of the Town of Windsor hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 4. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days following its adoption.

SECTION 5. Publication or Posting.

The Town Clerk of the Town of Windsor shall cause this Ordinance to be published, or to be posted in at least three (3) public places in the Town of Windsor, in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 5th day of December 2018, by the following vote:

**AYES: COUNCILMEMBERS FUDGE, MILLAN, SALMON,
VICE MAYOR FOPPOLI AND MAYOR OKREPKE**
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



BRUCE OKREPKE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

Attachment:

- **Exhibit A – Pre-zoning Exhibit**