

**Resolution No. \_\_\_\_\_**

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

**June 2, 2021**

**Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings and Determinations Pursuant to CEQA Guidelines Section 15183, Approving a Reorganization of Territory Designated as Southeast Santa Rosa Reorganization No. 19-001 (Prushko) Involving Annexation to the City of Santa Rosa and Detachment from the Sonoma County Fire District and County Service Area No. 41 (Multi-Services), and Waiving Protest Proceedings for the Proposal (File No. 2021-09)**

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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. Ronald and Linda Prushko (“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 Sonoma County Fire District and County Service Area No. 41 (Multi-Services) (“the Proposal”). The affected territory consists of two parcels (APNs 044-101-002- and 043-143-018) totaling approximately 5.3 acres. The territory is generally located east of Highway 101 and south of Bellevue Ave on the western side of Santa Rosa Ave, in southeast Santa Rosa (“the Affected Territory”).

1.2. 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 May 11, 2021. Following issuance of the certificate of filing, the Executive Officer set the Proposal for consideration by the Commission.

1.3. 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 rezoning 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.

1.4. The Executive Officer reviewed and analyzed the Proposal and prepared a report (“the Executive Officer’s Report”) 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.

1.5. The Commission considered the Proposal, 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 at its meeting of June 2, 2021. At the meeting, the Commission heard and received all relevant oral and written testimony and evidence presented or filed. All interested persons were given the opportunity to hear and be heard. The Commission considered the Proposal and the environmental effects of the Proposal, 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 Commission has reviewed and considered the General Plan 2035 EIR as prepared by the City, prior to reaching its decision herein. The Commission has reached its own independent conclusions on whether and under what conditions to approve the Proposal. The Commission has reviewed and considered the sphere of influence for the City established by the Commission (the SOI), the urban service area boundary for the City in the Sonoma County General Plan (the USB), and the urban growth boundary for the City enacted by the voters of the City (the UGB). Prior to reaching its decision herein, the Commission has also reviewed and considered the following resolutions and ordinances of the City:

Ordinance 2020-009: Ordinance of the Council of the City of Santa Rosa Prezoning the Properties Located at 3111 and 3119 Santa Rosa Avenue into the CG (General Commercial) Zoning District, and the Properties Located at 3110, 3114 and 3122 into the R-3-18 (Multi-Family Residential) Zoning District; File No. Anx19- 001

2.2. On November 3, 2009, the City, as the lead agency, approved the Santa Rosa General Plan 2035 and certified the Environmental Impact Report for the Santa Rosa General Plan 2035. Subsequently, for the Proposal, the City determined that the prezoning 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 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 finds that the Affected Territory is within the City's Sphere of Influence, Urban Service Area Boundary and 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 rezoned by the City.

3.2. The Commission finds that the purpose of the Proposal is to obtain municipal services for development purposes at densities consistent with the City's General Plan land-use designations. No development is proposed at this time.

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

3.4. The Commission finds that Proposal is consistent with the Sonoma County General Plan.

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 §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.
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 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.
6. The Proposal is assigned the following short-form designation: Southeast Santa Rosa Reorg No. 19-001 (Prushko).
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. 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 2nd day of June 2021 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