

THE WITHIN INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

Date: December 10, 2019

DEC 13 2019

Item Number: 38

Resolution Number: 19-0546

SHERYL BRATTON, Clerk/Secretary

BY 
DEPUTY CLERK/ASST. SECRETARY

2/3 Vote Required

**Resolution Of The Board Of Directors Of The Sonoma Valley County Sanitation District
Supporting Annexation Of Assessor Parcel Numbers (APN) 128-161-013, 128-162-002, 128-
162-022, 128-162-023, 128-162-028, 128-161-039, 128-161-002, And 128-161-003 To The
Sonoma Valley County Sanitation District. (First Supervisorial District.)**

Whereas, owners of six (6) parcels located at 20489 Harrington Drive (owners Richard A Zanotti and Geraldine Zanotti, APN 128-161-013); 20460 Harrington Drive (owners Graham Coman Crawford and Susan E. Ostapak, APN 128-162-002); 20396 Harrington Drive (owners Kenneth J. Philpot and Angela M. Steel, APN 128-162-022); 20378 Harrington Drive (owner Stanley E. Roualdes and Deborah B. Roualdes, as trustees of the Roualdes Family Trust, APN 128-162-023); 20400 5th Street West (owners Gavin Pierce and Carrie Pierce, APN 128-161-002); and 20330 5th Street West (owners Jimmy A. Stenvers and Susan Stenvers, and Gavin Pierce and Carrie E. Pierce, as Tenants in Common, APN 128-161-003) (collectively "Owners") have requested to the County of Sonoma Permit and Resource Management Department (Permit Sonoma) to be annexed into the Sonoma Valley County Sanitation District (District); and

Whereas, Permit Sonoma staff has determined that the above listed parcels are located outside the District boundary and are not entitled to connect to, or use of, District facilities until such time as the parcels have been annexed to the District; and

Whereas, the owners of five (5) parcels, APNs 128-162-022, 128-162-023, 128-161-013, 128-161-002, and 128-161-003, have provided written and notarized authorization to Permit Sonoma granting Graham Crawford, owner of the sixth above listed parcel, APN 128-162-002, authorization to sign the Indemnification Agreement for this District Annexation Application for all six (6) parcels, and to represent Owners in this District Annexation process; and

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A. D. COUNTY OF SONOMA
APPROVED BY THE BOARD OF SUPERVISORS
DATE: 03/15/2021

Whereas, the Local Agency Formation Commission (LAFCO) supports the annexation of, and intends to, annex two additional parcels into the District, 20368 Harrington Drive (APN 128-162-028) and 20353 Harrington Drive (APN 128-161-039), under the provisions of existing Outside Service Area Agreements (OSAA) adopted under Resolution Numbers 00-1073 and 03-0053, respectively, stating that the "OWNER agrees to annex or support proceedings to annex or proceedings that would lead to the annexation of PARCEL to DISTRICT or CITY and to waive all rights to protest such annexation proceedings for PARCEL to DISTRICT or CITY whenever such annexation proceedings are commenced."; and

Whereas, the eight (8) parcels indicated above (Parcels) are within the District's Urban Services Area boundary, as shown on the Sonoma County General Plan 2020 Land Use Element map, and Sphere of Influence ; and

Whereas, Permit Sonoma staff has determined that Parcels are located within the Sonoma Urban Service Area as depicted on the General Plan Land Use Map and therefore the proposed annexation is not contrary to the policies of the Public Facilities and Services Element of the General Plan, and concluded that the proposed annexation of the Parcels into the District is consistent with the Sonoma County General Plan; and

Whereas, Permit Sonoma Environmental Review Division staff, upon review has indicated that they "do not have any comments on this project"; and

Whereas, Permit Sonoma staff has determined that the Parcels are not located in the service area of any other district or jurisdiction having the ability to provide public sewer service; and

Whereas, annexation of the parcels will reduce the size of a non-sanitation district "island" encompassed by the District; and

Whereas, District staff has determined that there is sufficient sewage collection and treatment capacity to provide sufficient number of Equivalent Single-family Dwelling billing unit (ESD) of public sewer service to each Parcel when annexed for the uses allowed under the current General Plan; and

Whereas, District staff recommends the District Board of Director's resolution of support for annexation of the Parcels; and

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Whereas, the District's General Manager has determined that support of approval of the annexation is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15016(b)(3), Review for Exemption, as supporting the proposed annexation which Permit Sonoma staff has determined is not contrary to the policies of the Public Facilities and Services Element of the Sonoma County General Plan, would not have a significant effect on the environment; and

Whereas, the District's General Manager has determined that public sewer service to each annexed parcel, upon LAFCO's approval of the annexation of the Parcels, is exempt from CEQA pursuant to 15301(b), Existing Facilities as it represents additional connections to an existing public facility that involves negligible or no expansion of an existing or former use; and

Now, Therefore, Be It Resolved that the Board of Directors hereby finds, determines, certifies, and declares as follows:

1. The above recitals are true and correct.
2. This Board determines that support of the annexation of all eight (8) parcels, will not have a significant impact on the environment and is exempt from CEQA pursuant to Section 15016(b)(3) Review for Exemption, and Section 15301(b) Existing Facilities, as the proposed annexation has been determined to be consistent with the County of Sonoma General Plan and because the additional connections to an existing public facility that involves negligible or no expansion of use.
3. The owners of the six of the Parcels (APNs 128-162-022, 128-162-023, 128-161-013, 128-161-002, 128-161-003, and 128-162-002) requesting annexation shall submit a collective application to LAFCO for review and approval of annexation of the Parcels to the District, and LAFCO intends to add Parcels APNs 128-162-028 and 128-161-039 receiving sewer service via existing OSAA to the application, pursuant to requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
4. The annexation of the Parcels will not be effective until it has been approved by LAFCO and a LAFCO Certificate of Completion has been recorded with the Sonoma County Recorder's Office.
5. New sewer connections shall be subject to provisions of Sonoma County Sanitation District Sanitation Code and Sonoma County Water Agency Sanitation Standards.

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6. The Owners of parcels not currently connected to the sewer system, must pay sewer Connection and Service fees required for all uses on each parcel, based on the current method of calculations per District Ordinances in effect at the time of connection to sewer.

Be It Further Resolved that the District Board of Directors does hereby support annexation of the Parcels to the District.

Directors:

Gorin: Aye

Rabbitt: Aye

Harrington: Absent

Ayes: 2

Noes: 0

Absent: 1

Abstain: 0

**So
Ordered.**

THE WITHIN INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

PRMD

Resolution No. 00-1073

ATTEST: **SEP 12 2000**

Sonoma County Administration Building
Santa Rosa, California

EEVE T. LEWIS, Secretary
Sonoma Valley County
SANITATION DISTRICT
BY *E. Morrissey* ASST. SECTY.

September 12, 2000, 19

RESOLUTION OF THE BOARD OF DIRECTORS, SONOMA VALLEY
COUNTY SANITATION DISTRICT, AUTHORIZING LEONARDO M.
MACEDONIO (APN 128-162-028, 20368 HARRINGTON DRIVE, SONOMA,
CA) TO CONNECT TO THE SONOMA VALLEY COUNTY SANITATION
DISTRICT SEWER SYSTEM, AND AUTHORIZING THE CHAIR TO EXECUTE
AN OUTSIDE SERVICE-AREA AGREEMENT

WHEREAS, Leonardo M. Macedonio, hereinafter "OWNER", owns Assessor's Parcel Number
128-162-028, hereinafter "PARCEL", located at 20368 Harrington Drive, Sonoma, CA 95476; and

WHEREAS, the PARCEL is located outside the boundary of the Sonoma Valley County
Sanitation District, hereinafter "DISTRICT", and is not entitled to connection to or use of DISTRICT
facilities; and

WHEREAS, the PARCEL is within the Sphere of Influence of both DISTRICT and the City
of Sonoma, hereinafter "CITY", and is within the Urban Service Boundary for the County of
Sonoma, hereinafter "COUNTY" as shown on COUNTY's General Plan Land Use Map; and

WHEREAS, OWNER desires to connect a single-family residence to a public sewer system
to alleviate a public health hazard.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sonoma Valley
County Sanitation District hereby finds, declares, determines and orders as follows:

1. The foregoing recitals are true and correct.
2. It has been determined by the Sonoma County Permit and Resource Management
Department, hereinafter "PRMD", that the on-site septic system for the existing single family
residence on the PARCEL does not meet the code requirements designed to protect contaminated
groundwater from discharging directly into the groundwater aquifer, and that connection to an
adjacent or close by public sewer system is possible and desirable.
3. According to the Well and Septic Section Registered Environmental Health Specialist,
who is authorized to function as the County Health Officer on these issues, the existing septic
system on the PARCEL is operating in such a manner that it constitutes a hazard to the public health
and safety. The only viable alternative to alleviate this situation is to extend sewer service from the
DISTRICT through an outside service area agreement because the PARCEL will not support a
conventional on-site-septic system, and is not subject at this time to annexation to the DISTRICT or
CITY.

4. The PARCEL is not subject to subdivision now or during the duration of the proposed outside service area agreement. Therefore, the extension of sewer service to the PARCEL does not increase the potential for development within the subject territory. Thus, there is no need to require a scenic easement in this case since the purpose of such a requirement is to prevent further development, which would not occur in any event.

5. The DISTRICT has capacity to provide the requested sewer service.

6. The proposed agreement for the sewer service to the PARCEL is consistent with the provisions of the Sonoma County General Plan and with DISTRICT policies and resolutions, including, but not limited to DISTRICT Resolution No. 98-0735 dated June 9, 1998.

7. The PARCEL is not located in the service area of any other city/district having the ability to provide the requested sanitary sewer service.

8. OWNER agrees to annex or support proceedings to annex or proceedings that would lead to the annexation of PARCEL to DISTRICT or CITY and to waive all rights to protest such annexation proceedings for PARCEL to DISTRICT or CITY whenever such annexation proceedings are commenced.

9. The proposed Agreement is exempt from the provisions of the California Environmental Quality Act pursuant to section 15301(b) of the CEQA Guidelines (Title 14 of the California Code of Regulations).

10. The DISTRICT's approval of the proposed outside service area agreement with OWNER for the PARCEL is conditioned upon the review and approval of the agreement by the Executive Officer of the Sonoma Local Agency Formation Commission, hereinafter "LAFCO". The proposed agreement is based on and appears to be consistent with the criteria adopted by LAFCO for outside service area agreements in a case such as this.

11. The Board of Directors of the Sonoma Valley County Sanitation District authorizes sewer service to be provided to the PARCEL pursuant to the proposed outside service area agreement.

BE IT FURTHER RESOLVED that it is in the interest of DISTRICT to provide sewer service to the PARCEL in that it reasonably increases DISTRICT'S revenue base with a minimal commitment of treatment and disposal capacity, and that such service will not disadvantage properties within DISTRICT boundaries.

BE IT FURTHER RESOLVED that the Chair of the Board of Directors of the Sonoma Valley County Sanitation District is hereby authorized and directed to execute an agreement with OWNERS to serve the PARCEL with sewer service that is limited to one (1) single-family dwelling.

BE IT FURTHER RESOLVED that staff is directed to file a Notice of Exemption following approval by LAFCO.

DIRECTORS:

BARNETT: absent CALE: aye REILLY: aye

AYES: 2 NOES: ABSENT: 1 ABSTAIN:

SO ORDERED.

RECORD AT THE REQUEST OF:

Sonoma Valley County Sanitation District
2150 W. College Avenue,
Santa Rosa, California 95401

OCT - 6 2000

00-102771

WHEN RECORDED RETURN TO:

COUNTY OF SONOMA
BOARD OF SUPERVISORS
575 ADMINISTRATION DRIVE, RM 100A
SANTA ROSA, CALIFORNIA
95403

CONFORMED COPY
NOT COMPARED
WITH ORIGINAL
SONOMA COUNTY

OUTSIDE SERVICE AREA AGREEMENT

The following is an Agreement between the Sonoma Valley County Sanitation District, hereinafter referred to as "DISTRICT" and Leonardo M. Macedonio, hereinafter referred to as "OWNER" of Assessor Parcel No. 128-162-028, hereinafter referred to as "PARCEL", located at 20368 Harrington Drive, Sonoma, California.

WHEREAS, the PARCEL is located outside the boundary of DISTRICT and is not entitled to connection to or to use of DISTRICT facilities; and

WHEREAS, the PARCEL is within the Sphere of Influence of both DISTRICT and the City of Sonoma, hereinafter referred to as "CITY", and is within the Urban Service Boundary for the County of Sonoma, hereinafter referred to as "COUNTY" as shown on COUNTY's General Plan Land Use Map; and

WHEREAS, OWNER has requested, and the Sonoma County permit and Resource Management Department, hereinafter referred to as "PRMD", has recommended that the DISTRICT enter into a contract to provide a sanitary sewer connection for a single-family dwelling on PARCEL to eliminate a potential health problem due to a failing private on-site waste disposal system; and

WHEREAS, DISTRICT has determined that it has capacity to provide the requested sewer service.

NOW, THEREFORE, BE IT RESOLVED that DISTRICT agrees to provide sanitary sewer service to PARCEL, subject to the terms and conditions set forth herein:

1. OWNER or any successor in interest shall be limited to one (1) equivalent single-family dwelling unit (ESD) sewer connection to PARCEL.

2. OWNER agrees to limit development of PARCEL to a single residential unit and a garage not equipped for sanitary waste disposal.

3. OWNER agrees to obtain the requisite permits and pay the applicable connection fees, inspection fees, and any other fees established by PRMD and/or DISTRICT ordinances governing construction and connection of the sewer line.

4. OWNER has deposited with DISTRICT, pursuant to DISTRICT ordinance No. 50, a sum of \$1,500.00, estimated to equal the cost for providing the engineering, legal charges, and recording fees which may be incurred by DISTRICT in preparing and examining maps, legal descriptions, and other documents in relation thereto.

5. OWNER agrees to pay in accordance with DISTRICT ordinances, as they currently exist or may be amended, revised or enacted in the future, all annual services fees or charges.

6. OWNER agrees to submit this Agreement to the Executive Officer of the Sonoma Local Agency Formation Commission, hereinafter referred to as "LAFCO", for review and approval at the earliest available date. This agreement is conditioned upon approval by the LAFCO Executive Officer.

7. OWNER agrees to annex or support proceedings to annex, or proceedings that would lead to the annexation of PARCEL to DISTRICT, and to waive all rights to protest such annexation proceedings for PARCEL to DISTRICT whenever such annexation proceedings are commenced.

8. If PARCEL is annexed to DISTRICT or CITY in the future, this Agreement shall be terminated as condition of such annexation, and PARCEL shall be subject to all regulations, conditions, and annexation fees established by DISTRICT with respect to sanitary sewer service.

9. OWNER agrees he is completely responsible for the installation, operation and maintenance of the portion of the sewer line from the present terminus point of DISTRICT sewer main to OWNERS' residential unit. OWNER further agrees to accept all responsibility for loss or damage to any person or entity, and to defend, indemnify, hold harmless and release DISTRICT, its officers, agents and employees, from and against any and all actions, claims, damages, liabilities or expenses that may be asserted by any person or entity, including OWNER, arising out of or in connection with the performance of OWNER hereunder, whether there is concurrent negligence on the part of DISTRICT, but excluding liability due to the sole active negligence or sole willful misconduct of DISTRICT.

10. OWNER represents and PRMD has confirmed that the PARCEL is not subject now and will not be subject to subdivision during the duration of this Agreement. DISTRICT has relied on this representation and would not have entered into this Agreement if the PARCEL could now or in the relevant future be subdivided.

11. This Agreement shall not be effective until such time as a copy of the Agreement is recorded with the County Recorder's Office as notice to any future purchasers of or successors in interest to the specified PARCEL.

12. Nothing contained in this agreement shall be construed to create and the parties do not intend to create any rights in third parties.

13. This writing is intended both as the final expression of the agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

WITNESS WHEREOF, "DISTRICT" has executed this Agreement as of the date written below.

SONOMA VALLEY COUNTY
SANITATION DISTRICT

By: *Paul Rully*
Chair, Board of Directors

Date: 9/18/2000

ATTEST:

By: *Eve L. Lewis*
Clerk and ex-officio Clerk of the
Board of Directors

OWNER:

By: *Leonardo Macedonio*
Leonardo M. Macedonio

Date: 8-29-00

APPROVED AS TO FORM;

By: *Stephanie M. Kelly*
County Counsel

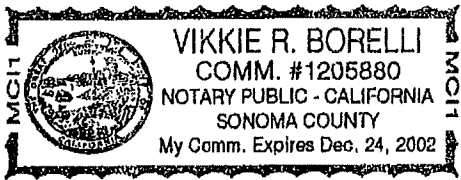
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Sonoma } ss.

On October 2, 2000 before me, Vikki Borelli Notary,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Leonardo Macedonio,
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.
Vikki Borelli
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

