

Draft Resolution

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

March 3, 2021

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings and Determinations Related to Information Contained in the Municipal Service Review and Sphere of Influence Study for the Town of Windsor and its Subsidiary Water District, Determining Exemption from the California Environmental Quality Act, Adopting the Determinations of the Municipal Service Review and Sphere of Influence Study, and Amending the Sphere of Influence of the Subject Agency.

RESOLVED, that the Local Agency Formation Commission of the County of Sonoma (“the Commission”) hereby finds and determines as follows:

1. Procedural History

1.1 The Town of Windsor (“the Subject Agency”) requested that the Commission prepare a Municipal Service Review (“MSR”) to determine the feasibility of amending the sphere of influence (“SOI”) of the Town pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code section 56000 et seq. (“the Cortese-Knox-Hertzberg Act”). The Town also requested that the study encompass the operations of its subsidiary water district.

1.2 The Executive Officer considered the request and prepared, using consultant services, a municipal service review and sphere of influence study (“the MSR/SOI Study”).

1.3 The Executive Officer determined that the Commission would comply with California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines by acting as the lead agency in its consideration of the MSR/SOI Study and proposed amendment of the Sphere of influence of the Subject Agencies (together “the MSR/SOI Study and Sphere of Influence Amendments”). The Executive Officer further determined that the MSR/SOI Study and Sphere of Influence Amendments is exempt pursuant to State CEQA Guidelines Sections 15306 and 15061(b)(3).

1.4 Following the preparation of the MSR/SOI Study, the Executive Officer set the matter for consideration by the Commission and provided notice thereof as provided in the Cortese-Knox-Hertzberg Act.

1.5 The Executive Officer considered written comments received on the MSR/SOI Study and prepared a staff report (“the Executive Officer’s Report”) which

included a recommendation for the MSR/SOI Study and Sphere of Influence Amendments. The Executive Officer furnished copies of the Executive Officer's Report to all persons entitled to copies under the Cortese-Knox-Hertzberg Act.

1.6 The Commission conducted a noticed public hearing to consider the MSR/SOI Study and Sphere of Influence Amendments on March 3, 2021. At the hearing, 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 MSR/SOI Study and Sphere of Influence Amendments. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission closed the public hearing and adopted the determinations in the MSR/SOI Study and voted to amend the spheres of influence ("the Sphere of Influence) of the Subject Agency.

1.7 The Commission has reviewed and considered this resolution and hereby finds that it accurately sets forth the intentions of the Commission regarding the determinations of the MSR/SOI Study and Sphere of Influence Amendments.

2. CEQA Compliance

2.1 The Commission concurs with the Executive Officer and finds that the Commission is the lead agency for the preparation of the MSR/SOI Study and Sphere of Influence Amendments, pursuant to CEQA and the state CEQA Guidelines.

2.2 The Commission finds and determines that preparation of a Municipal Service Review consists largely of the collection of data and research through reports and/or interviews with those knowledgeable about the Agency studied, resulting in conclusions and recommendations. When such activities "do not result in a serious or major disturbance to an environmental resource," pursuant to Section 15306 of the State CEQA Guidelines, is exempt from CEQA.

2.3 The Commission finds and determines that amendment to the Sphere of Influence of the Subject Agency is exempt from CEQA pursuant to Section 15061 (b)(3) of the State CEQA Guidelines, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is not a possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

2.3 Amendment to the Sphere of Influence of the Subject Agency will not result in a physical change to the environment in and of itself. Any future actions for change of organization would be further subject to separate environmental determination.

2.3 The Commission has considered the potential environmental effects of the MSR/SOI Study and Sphere of Influence Amendments prior to reaching its decision.

The Commission finds that, in doing so, it has fully discharged its responsibilities under CEQA.

3. Cortese-Knox-Hertzberg Act Compliance – Municipal Service Review

3.1 The Cortese-Knox-Hertzberg Act directs LAFCOs to review and update Agency Spheres of influence, as necessary, every five years and further to conduct municipal service reviews prior to, or in conjunction with such updates. With regard to the Agency's Request, the Commission makes the following determinations:

3.2 Growth and population projections for the affected area:

- a. The growth in the Town of Windsor is governed by its 2040 General Plan which was adopted in 2018 and the voter approved Urban Growth Boundary.
- b. The population in 2020 is estimated as 28,356 and is expected to grow to approximately 34,000 by 2040. That represents approximately 1% per year.

3.3 The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence:

- a. There are three potential DUC's in the area. Two are partially within Town limits and receive Town services. The outside areas are likely on wells for water and septic systems for sewer. Fire is provided by the Sonoma County Fire District.

3.4 The present and planned capacity of public facilities adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence:

- a. The Town of Windsor provides municipal services through a number of methods. It provides parks, recreation, and public works directly. It contracts for law enforcement, solid waste, animal control. Mass transit is provided through a JPA. Water and wastewater are provided by the Windsor Water District, a subsidiary district.
- b. The Town of Windsor currently maintains five community and 14 neighborhood parks in
- c. Windsor totaling roughly 110 acres. In addition, the Parks Department maintains seven public facilities (58,000 square feet) including three recreation facilities: the Huerta Gymnasium,
- d. Windsor Senior Center, and Windsor Community Center. The Town has adopted park standards which identify a need for 135.7 acres of parkland. The town currently has 109.8 acres of parks and is short 25.9 acres. As the population is anticipated to grow to 33,600 in 2040,

park standards dictate Windsor will need a total of 168 acres of parkland, 58.2 acres more.

- e. The Public Works Department has the responsibility for design, construction, maintenance, and operation of the Town's public works system. The Public Works utilities maintenance division is responsible for operating and maintaining the sewer system and recycled water systems. The Street Maintenance Division is responsible for maintenance of 78 miles of streets and roads, 19 signalized intersections, over 2,200 streetlights and graffiti abatement. One measure of street maintenance is the pavement condition index or PCI. The average PCI for the Town is 78 or satisfactory.
- f. The Town contracts with the Sonoma County Sheriff for law enforcement services. In 2018 Windsor Police responded to 13,890 calls for service and in 2019 12,743 calls for service. The average response time to crimes in progress, priority 1 calls, was 5 minutes and 35 seconds in 2018. The acceptable range is 6-8 minutes based on a sampling of like cities within the League of California Cities. The Police Department employs 24 full time employees, not all sworn positions. The Police Department has a ratio of 0.8 sworn positions per 1,000 residents, which is less than the average ratio of 1.4 sworn officers per 1,000 residents maintained by the League of California Cities.
- g. Animal Control services are provided to Windsor by contract with North Bay Animal Services (NBAS). The full animal services include animal control/field services, shelter including veterinary services, and administrative including marketing and outreach.
- h. The Town has an exclusive 10-year solid waste agreement for residential and commercial garbage, recycling, and organic waste services with Sonoma County Resource Recovery. Solid waste is processed at one of two facilities, the Healdsburg Transfer Station for solid waste and green waste and the Windsor refuse facility for recycling materials.
- i. Sonoma County Transit provides bus service through three routes, local, intercity, and SMART. Local service is through Route 66 or the Windsor Shuttle. Route 60 provides intercity service that connects Windsor with Healdsburg and Cloverdale to the north, and downtown Santa Rosa to the south. Route 56, the SMART Rail Connector Service, is scheduled to commence commuter rail service operations in the Town in 2021.

For the subsidiary Windsor Water District:

- j. The Windsor Water District serves as the water provider within the Town's water service area. The Windsor Water District is a subsidiary district of the Town. The service area had approximately 9,247 municipal connections in 2019.

- k. The Town's potable water supply has been provided primarily from its wells in the Russian River Well Field. The Russian River Well Field includes five wells each with a capacity of approximately 1,300 gallons per minute. Other sources are through a Sonoma County Water Agency (SCWA) Russian River water right, and a connection to the SCWA's aqueduct from which the Town purchases wholesale water.
- l. The Town has sixteen storage locations on seven sites that provide a combined 5.4 million gallons of storage capacity (16.6 AF). The Town maintains four booster pump stations each with a capacity ranging from 100 to 280 gpm. Town has nearly 120 miles of distribution piping.
- m. Total water supply includes potable, recycled water, and raw water for total of approximately 4,900 AFY. The Town has water rights for up to 7,400 AFY. Based on current population projections, projected available water supply, and continued water conservation programs, the Town is projected to have adequate water supplies through 2040. The water supply is projected to be adequate in average, single-dry and multiple-dry water year drought conditions.
- n. The Town provides wastewater collection and treatment through the Windsor Water District to 8,980 connections. The current permitted capacity of the WRF for average dry weather flow conditions is 1.9 MGD, but the treatment design capacity is 2.25 MGD. The current maximum permitted peak week wet weather capacity is 7.2 MGD. The Town produces an average of about 560 MG of recycled water each year. In conjunction with the General Plan update the Town commissioned a Water Reclamation Facility Modernization Study to assess impact of the General Plan in 2040. The Modernization Study concluded that sufficient hydraulic capacity remains for projected flows through 2040.

3.5 Financial ability of agencies to provide services:

- a. The Town adopts a two year budget, the most recent being FY 2019/20 -FY 2020/21. Overall, the FY2019-21 budget includes \$134 million in appropriations that includes \$102 million operating budget, \$5 million for debt service and \$26.6 million for capital improvements. The total includes both governmental activities as well as enterprise activities, water, and wastewater.
- b. The primary revenue source for the Town's General Fund for the three year period FY 2015/16-FY 2017/18 was property tax, 36%, followed by sales tax, 19%. The Windsor Water District's revenues are based solely on charges. The Towns largest general fund expenses were for law enforcement. While the primary expense for the Windsor Water District was salaries. A comparison of revenues and expenses for water and wastewater services for the five year period FY14 – FY18 showed wastewater revenues were consistently behind expenses, indicating the need for a rate adjustment. Subsequently, the Town

completed a rate study with new rates that became effective July 1, 2020.

- c. The Town has developed a five year Capital Improvement Plan (CIP) for fiscal years 2019-2024. The CIP is a planning tool that identifies the Town's long-range capital needs and prioritizes them over a five-year period. In the current two year budget the Town allocated nearly \$17 million for capital improvement projects. Most of that, about \$13 million, will go toward transportation. For water and wastewater services, the current budget allocated \$7 million.
- d. The Town established a separate fund, the Debt Service Fund, to account for the payment and accumulation of resources related to general long-term debt principal and interest. The FY 2019-21 budget has allocated \$5 million for debt service, which represents approximately 5% of the operating budget.
- e. The Town's OPEB liabilities decreased from FY 2017 to FY 2018. In FY 2017 general fund obligations were \$471,000 and in FY 2018 \$436,100. Water and wastewater OPEB obligations in FY 2018 were reported as \$453,900.
- f. The Town became the successor agency to the Windsor Redevelopment Agency. The Town is responsible for seeing that the debt obligations are paid. The most recent budget allocated nearly \$3 million to retire the debt of the RDA.

3.6 Accountability for community service needs, including governmental structure and operational efficiencies:

- a. The Town is a general law city governed by a five member Town Council. Beginning in November 2020, the Town will transition from at-large to district-based elections. There will be four district seats and one at-large mayor position. The at-large mayor will be a two-year term.
- b. The Town Council meets on the 1st and 3rd Wednesday of the month. Meetings are noticed and held according to the Brown Act. Due to COVID-19 outbreak, meetings are held virtually, following the guidelines contained in the Governor's executive orders that modify the Brown Act. In-person Council and Commission meetings are broadcast live on cable television.
- c. The Windsor Water District is a subsidiary district of the Town, providing water and wastewater services to Town residents and a couple areas adjacent to Town limits. As a subsidiary district its board of directors consists of the Town Council and its manager is the Town Manager.
- d. The Town invites citizen participation through several boards and commissions. They include the Planning Commission, Parks and Recreation Commission, Public Art Advisory Commission, and Senior Citizens Advisory Commission. Members of these bodies are appointed by Council members.
- e. The Town employs 100 full time staff and as many as 44 part time and seasonal staff.

- f. Over the last 15 years the Town has received over 20 awards including healthy community, best land use design, environmentally conscientious and best place to work.
- g. The Town has entered into an out of area service agreement to provide water and wastewater services to the Lytton Rancheria.
- h. The Sphere of Influence has historically been contiguous with the voter-approved Urban Growth Boundary. At present the Town's SOI includes areas outside Town limits up to the Urban Growth Boundary. There are currently two annexations pending, one in southeast Windsor off of Shiloh Road (approximately 16.7 acres), and one in eastern Windsor off of Pleasant Avenue (approximately 2 acres).

3.7 Status of, and opportunities for, shared facilities:

- a. The Town contracts with the Sonoma County Sheriff for law enforcement and Sonoma County Resource Recovery for solid waste services for more efficient services and cost savings.
- b. The Town is part of several JPAs for their sustainable groundwater management authority, SCWMA for recycling, and Sonoma County Transit for transit services.
- c. Management efficiencies are exhibited through planning activities that include an updated general plan, a parks and recreation master plan, a plan to upgrade its wastewater treatment facility, and its two-year budget.

3.8 Matters related to effective or efficient service delivery, as required by Commission policy:

- a. Since the UGB was updated in 2017, the SOI should reflect the change. There are three policies with the potential to result in effective or efficient service delivery. They include the SOI policy, the out of area service policy, and the change of organization policy.

10. Cortese-Knox-Hertzberg Act Compliance – Sphere of Influence

The Commission is ordering an amendment to the Town of Windsor's sphere of influence to include all territory within its current Urban Growth Boundary. Additionally, the Commission is ordering that the sphere of influence for the Town's subsidiary water district be amended to include all territory within the Town's Urban Growth boundary, as well as to the two existing service areas of the District that are outside of the Town's Urban Growth Boundary.

10 With regard to requirements of the Cortese-Knox-Hertzberg Act for amendments of the Sphere of Influence of the Subject Agencies, the Commission makes the following determinations:

10.1 The present and planned land uses in the area, including agricultural and

open space lands:

- a. The land use map shows the area in the SOI on the west boundary is designated Estate Residential which is 0.2- 3.0 dwelling units per acre, or low density residential. The area on the northwest boundary is also low to very low density residential. It includes some open space and mixed use. The area on the eastern boundary is also low density residential or rural residential. The area on the southeast boundary is designated boulevard mixed use and residential. The area added to the 2017 UGB is designated light industrial.

10.2 The present and probable need for public facilities and services in the area:

- a. Should any of these areas be developed they would need municipal services provided by the Town and the Windsor Water District. They already receive law enforcement from the County and fire protection from the Sonoma County Fire District.

10.3 The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide:

- a. The MSR has demonstrated the Town has sufficient water and wastewater capacity to serve the area. Since the Town contracts for law enforcement and solid waste expansion of services would require a contract amendment.

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 has reviewed and considered the information contained in the final MSR/SOI Study for the Town of Windsor and its subsidiary water district.
3. The Commission adopts the determinations made in the MSR/SOI Study for the Subject Agency and approves the amendments to the Spheres of Influence recommended in the MSR/SOI Study.
4. The Executive Officer is directed to file a Notice of Exemption, in accordance with CEQA and the State CEQA Guidelines.

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 March 2021 and ordered adopted by the following vote:

Commissioners:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared the foregoing resolution adopted and

SO ORDERED.

Mark Bramfitt, Executive Officer

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

ATTEST:

BY: _____
Clerk