

**Factors for Consideration (California Government Code §56668)**

File No.2022-07: Cloverdale Reorganization 039-2019 (Dry Creek Rancheria) Involving Annexation to the City of Cloverdale and Detachment from County Service Area No. 41 (Multi-Services) and Rains Creek Water District

**(a) Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.**

The affected territory consists of six parcels totaling approximately 87 acres. The parcel information is as follows:

Parcel No	APN	Address	Owner	Parcel Description	Current Land Use Designation	Assessed Value	Acreage
1	117-040-055	28165 Old Redwood Hwy	Cloverdale Unified School District	Vacant Unused	Light Industrial Rural Residential RR-5	\$ 0	31.08
2	117-040-102	None	Smith	Vacant Equipment and Supplies Storage	Light Industrial	\$ 181,890	1.85
3	117-040-032	None	Petaluma Butane	Vacant Unused	Light Industrial	\$ 207,157	4.27
4	117-040-074	None	Dry Creek Rancheria	Vacant Unused	Light Industrial Rural Residential RR-5	\$ 472,791	19.95
5	117-040-073	235 Kelly Rd	Dry Creek Rancheria	Vacant Unused	Rural Residential RR5	\$1,430,426	27.01
6	117-040-070	None	County of Sonoma	Road ROW	Rural Residential RR5	\$ 0	2.95

All the parcels are currently vacant with the exception of Parcel 2 which appears to be storage for heavy equipment and building materials. The territory is bounded to the northeast by Dutcher Creek Road and Highway 101, to the north by commercial and residential parcels, to the southwest by vineyards and to the southeast by vacant parcels.

The territory is primarily undeveloped oak forest, brush and grasslands. It is generally flat grasslands in the northeast and slopes upwards in the northwest and southwest to stands of oak woodland. The highest elevation is approximately 480 feet. Portions of this area may have been used for agricultural purposes in the past but is not currently under cultivation.

There are several ephemeral drainage swale systems that carry runoff from the territory as well as runoff of the irrigation water from the vineyards to the southwest.

The territory is located southeast of the Baumgardner Ranch, a proposed development that will contain 304 housing units with an estimated population of 845 residents. The owner of Parcel 5 (Developer) is proposing a 25-unit housing project with an estimated population of 70 residents. Parcels 2, 3 and 4 are pre-zoned by the City as General Commercial (G-C) and General Industrial (M-1) and will therefore not create any significant population growth.

Parcel 6 is the Kelly Road Right of Way, ownership of which will be transferred from the County to the City upon annexation.

**(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

**"Services," as used in this subdivision, refers to governmental services whether or not the services are services that would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.**

Parcels 1, 2, 3 and 4 are not currently planned for development. Parcel 6 is the Kelly Road right of way.

The Developer is proposing an affordable age-restricted housing development consisting of 24 dwelling units for Tribal elders, one non-restricted manager's unit, a common area including private roads, community garden, landscaping, a 2975 square foot Community Center and paved walking trails through a private dedicated open space. 24 of the 25 units will be leased at rent levels of 60% AMI or less, qualifying these units as low income. All these units will be subject to an affordability restriction covenant for 55 years.

The Developer will be responsible for building the southern half of Kelly Road from South Cloverdale Blvd to Road A to the specifications designated in the City's General Plan and for any modifications to the existing drainage system as specified by the conditions of approval by the City.

The Developer will be responsible for the costs bring water and sewer services to the development. This includes the extension of the existing water main from the intersection of South Cloverdale Blvd and Sandholm Lane to the site via South Cloverdale Blvd and Kelly Road and the installation of a sewer lift station at the intersection of Kelly Road and South Cloverdale Blvd. The City has stated that it has sufficient capacity to serve the affected territory.

The Cloverdale Fire Protection District (CFPD) currently serves the area and will continue to provide services after annexation. The CFPD fire station, located 1.9 miles north of the territory, is in excess of an eight-minute response time which exceeds local and national standards for fire service delivery. Consistent with the City's Municipal Code and General Plan Public Health and Safety Element, all proposed roads will provide adequate emergency vehicle access and all new construction would be required to meet California Fire Code requirements for fire detection and suppression. The Developer will be required to pay Fire Protection District development impact fees to be used for operations and for new or expanded fire protection facilities and equipment, to provide traffic signal pre-emption on any new traffic signal serving the development and to prepare a vegetation management plan for the site. The City will provide adequate water supplies to ensure sufficient water for fire protection services.

The affected territory will be served by the Cloverdale Police Department. The increase in population will most likely increase the demand for service. The Developer will be required to contribute fees proportionate to the project impacts to provide the additional police services.

The Developer will be responsible for any additional impact fees as determined by the City.

**(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.**

The affected territory is contiguous to the City and is a logical extension of the City boundary. The area has been within the City's Urban Growth Boundary (UGB) the LAFCO-determined sphere of influence and within the County General Plan's "urban service area" boundary for years and as such, growth has been anticipated in this area. The City has pre-zoned Parcels 2, 3 and 4 to the same zoning (M-1, G-C) applied to parcels to the north along South Cloverdale Blvd and within the City's boundary.

The General Plan Amendment and pre-zoning of Parcel 5 from Low Density Residential to Medium Density Residential allows for the proposed multi-family detached dwellings similar to the design of the Baumgardner Ranch development to the north. The project is keeping with the rural character of the surrounding area and will contribute to the County's open space by placing the land above the 400 ft elevation into private dedicated open space. Furthermore, the project will provide low-income and age restricted housing to a historically underserved population.

The reorganization was found by the County of Sonoma to be consistent with its General Plan.

The City has determined it has the capacity to provide services to the affected territory. The City's Conditions of Approval, made part of its Resolution 091-2021, and the adopted Mitigation Monitoring and Reporting Program provide conditions and mitigation measures to minimize the impacts of the project in areas including traffic, fire protection, law enforcement, drainage, water and sanitary system infrastructure improvements and streets.

**(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. (Note: Section 56377 encourages preservation of agricultural and open-space land.)**

The affected territory is located within the City's SOI, USB and UGB in anticipation of annexation and development. The County zoning of Agricultural and Residential and Rural Residential indicates the potential for residential development of this site. The pre-zoning for the Parcel 5, as approved by the City Council, allows for the development of much needed affordable housing while preserving approximately twenty acres of land for private dedicated open space. None of the parcels are considered to be Prime Farmland, Unique Farmland, Farmland of Statewide or Local Importance or under Williamson Act contracts. The proposal will not conflict with any Commission policies.

**(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.**

The affected territory does not contain any agricultural land as defined in Section 56016.

**(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.**

The boundaries of the reorganization area are definite and certain.

**(g) A regional transportation plan adopted pursuant to Section 65080.**

Annexation of the affected territory will not affect or be affected by Plan Bay Area, the Regional Transportation Plan for the San Francisco Bay Area, in that the Plan focuses growth in Priority Development Areas (PDA). The Proposal will not have a significant impact on Vehicle Miles Traveled.

**(h) The proposal's consistency with city or county general plans.**

The proposal has been determined to be consistent with both the City's and County's General Plans.

**(i) The sphere of influence of any local agency that may be applicable to the proposal being reviewed.**

The affected territory is within the sphere of influence of the City of Cloverdale, the Cloverdale Fire Protection District, the Cloverdale Health Care District and the North Sonoma County Health Care District. All these agencies will continue to provide services to the territory upon annexation. The territory is also within the sphere of influence of the Rains Creek Water District and will be detached from the District upon annexation.

**(j) The comments of any affected local agency or other public agency.**

The County of Sonoma, through its Permit and Resource Management Department, expressed support for the project in that it helps to alleviate the severe housing shortage while providing affordable senior housing to meet the needs of the County's changing demographics. The County determined that the proposal is consistent with the Sonoma County General Plan.

**(k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.**

The City has determined that it can provide the necessary services to the affected territory upon annexation. Costs of new infrastructure required to serve development as determined by the development plan shall be paid by the Developer.

**(l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.**

The City of Cloverdale's water production and delivery service relies on water provided from seven wells located adjacent to the Russian River. The City holds pre-1914 senior water rights to the water which it leverages for its water supply.

At its May 26, 2021, meeting, the City Council adopted its 2020 Urban Water Management Plan (UWMP) which included its Water Shortage Contingency Plan (WSCP). The WSCP develops a plan of action to identify and respond to water supply shortages. As required by law, the City also prepared a Drought Risk Assessment, which assesses the City's water supply and demand for a five-year period assuming that all years are dry and identifies actions to address any supply deficiencies.

The UWMP states that under most conditions, the City's senior water rights mean that its water demands will be met. However, multiple dry years and reductions in flows released into the river from Lake Mendocino could impact the production from the City's wells and the availability of water to other water providers and users downstream. By implementing system changes, demand management measures and conservation efforts as outlined in the UWMP and WSCP, the City states it will be able to accommodate its current and future water demands during normal, dry, and multiple dry years while supporting regional supply needs.

In May 2021, the City proclaimed a local emergency due to drought conditions within the City of Cloverdale and suspended all new and enlarged water service connections in accordance with Cloverdale Municipal Code 13.05.030. The Code states in part (emphasis added):

*...no new or enlarged connections shall be made to the city's water system except the following:*  
iv. *During Stages 3, 4, 5, and 6, new connection of property for which the applicant: has obtained all approvals required for development except potable water supply; agrees to defer installation of turf landscaping until after the suspension period; and either:*

- a. *Retrofits existing water fixtures and devices, or otherwise completes water conservation projects, sufficient to offset the anticipated use of water by the connection of the property, as determined in the sole judgment of the city engineer; or*
- b. *Pays the city a fee, if such fee has been established by the city council by resolution, that shall be used to pay for water conservation projects identified by the city. The fee established by the city council shall be in an amount sufficient to offset the anticipated use of water by the connection of the property.*

The City is currently in a Stage 4 Water Shortage. The condition stated above was made part of the City's Resolution 091-2021 approving the Project Design Review, General Plan Amendment and Pre-zoning.

**(m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.**

The City's Regional Housing Needs Assessment (RHNA) for the 6<sup>th</sup> cycle housing element beginning in January 2023 is 278 units. The City currently has approximately 578 housing units in various stages of planning including this development. The City pre-zoned Parcel 1 to Low Density Residential and Parcel 5 to Medium Density Residential to allow for the development of 25 dwelling units, 24 of which will be leased at rent levels of 60% AMI or less. All these units will be subject to an affordability restriction covenant for 55 years. These units are important to the City as much needed housing units but particularly as affordable, senior housing units.

**(n) Any information or comments from the landowner or landowners, voters, or residents of the affected territory.**

No other comments from owners, voters or residents of the affected territory have been received.

**(o) Any information relating to existing land use designations.**

Parcel No	APN	Address	Current Land Use - County	Proposed Land Use- City	Current Use
1	117-040-055	28165 Old Redwood Hwy	Light Industrial Rural Residential RR-5	Low Density Residential Conservation Feature	Vacant
2	117-040-102	None	Light Industrial	General Industry	Vacant
3	117-040-032	None	Light Industrial	General Industry	Petaluma Butane
4	117-040-074	None	Light Industrial Rural Residential RR-5	General Industry General Commercial	Vacant
5	117-040-073	235 Kelly Rd	Rural Residential RR5	Medium Density Residential Conservation Feature	Vacant
6	117-040-070	None	Rural Residential RR5	General Industry Low Density Residential Conservation Feature	Road ROW

**(p) The extent to which the proposal will promote environmental justice. As used in the law, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.**

The project includes low-income housing for senior Tribal members of the Dry Creek Rancheria Band of the Pomo Indians. It will provide conveniently located housing for tribal members served by the City. Tribal populations have historically been under-served, discriminated against, and oppressed. The project will advance environmental justice, as defined herein.

**(q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.**

The affected territory is currently located within a moderate Fire Hazard Severity Zone (FHSZ) of a State Responsibility Area. The entire City is designated as Moderate Fire Hazard in a Local Responsibility Area.

In November 2021, the City of Cloverdale completed the preparation of a Local Hazard Mitigation Plan (LHMP) and an update to its General Plan Health and Safety Element. The LHMP found that the affected territory is highly likely to experience a wildfire with catastrophic impact to human life and critical facilities and moderate amount of property damage. It states that in addition to the direct threat of fire, there are secondary factors that can impact residents of the territory due to wildfire including economic and social disruptions due to interrupted

transportation and power outages. Smoke from fires outside of the City may affect the air quality and create health impacts particularly to the more vulnerable population.

The Public Health and Safety Element of the City's General Plan and the City Municipal Code include measures that help mitigate the impacts of wildfires such as the requirement that the current development be consistent with the current California Fire Code and Building Code. The General Plan discourages growth in the highest fire hazard areas by designating these areas as Conservation Features thereby limiting housing to one unit per 160 acres. The Cloverdale Fire Protection District requires the preparation of a vegetation management plan and is preparing a Community Wildfire Protection Plan. The City has adopted and implemented emergency management, response and coordination systems and has developed designated evacuation zones and evacuation routes.