

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

**September 7, 2022**

**Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings and Determinations, Adopting Mitigated Negative Declaration as a Responsible Agency and Approving a Reorganization of Territory Designated as: Cloverdale Reorganization 039-2019 (Dry Creek Rancheria) Involving Annexation to the City of Cloverdale and Detachment from County Service Area 41 (Multi-Services) and Rains Creek Water District and Waiving Protest Proceedings for the Proposal (File No. 2022-07)**

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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 The Dry Creek Rancheria Band of Pomo Indians (Applicant) filed an application (Application) with the Executive Officer of the Commission (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 involving annexation to the City of Cloverdale (City) and detachment from the County Service Area No. 41 (Multi-Services) and Rains Creek Water Company (“the Proposal”).

1.2 The Proposal consists of six parcels (APNs 117-040-102, 117-040-032, 117-040-074, 117-040-073 and 117-040-070) totaling approximately 87 acres, Generally southwest of Dutcher Creek south, north of Kelly Road and west of S Cloverdale Blvd. in unincorporated Sonoma County (Affected Territory).

1.3 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 July 11, 2022. Following issuance of the certificate of filing, the Executive Officer set the Proposal for consideration by the Commission and provided notice thereof as provided in the Cortese-Knox-Hertzberg Act.

1.4 The Executive Officer reviewed the Proposal and written comments received thereon and prepared a report analyzing the Proposal and recommending its approval (“the Executive Officer’s Report”). 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 Executive Officer's Report and the Proposal at its meeting of September 7, 2022. At the meeting, 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 information contained in the Mitigated Negative Declaration. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission considered the Proposal and the environmental effects of the Proposal as shown in the Mitigated Negative Declaration, 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 City, acting as lead agency under the California Environmental Quality Act ("CEQA") for the Project, adopted a Mitigated Negative Declaration (MND) as the environmental document for the Proposal.

2.2 Based on the City's action, the Executive Officer determined that the MND was adequate for consideration of the Proposal.

2.3 As a responsible agency, the Commission has reviewed and considered the information contained in the Mitigated Negative Declaration prepared by the City and has considered the environmental effects of the Proposal as shown therein, prior to reaching its decision on the Proposal, and has reached its own independent conclusions on whether and under what conditions to approve the Proposal. Prior to reaching its decision on the Proposal, the Commission also reviewed and considered the sphere of influence for the City established by the Commission ("the City's Sphere of Influence"), the "urban service area" boundary for the City established in the Sonoma County General Plan ("the City's Urban Service Area Boundary"), the Cloverdale General Plan ("the City's General Plan"), the urban growth boundary for the City enacted by the voters of the City ("the City's Urban Growth Boundary"), and the following ordinance, resolutions, and agreements of the City (collectively "the City's Ordinance and Resolutions"):

(a) Resolution No 007-2021 of the City of Cloverdale Planning Commission recommending to the City Council approval of a Design Review, General Plan Amendment and the adoption of an ordinance Rezoning approximately 87.11 +/- acres of land located at 28165 Old Redwood Highway (APN 117-040-055), 28001 Highway 101 (APN 117-040-032), 235 Kelly Road (APN 117-040-073) & APNs 117-040-070; -074 & -102 to the Single-Family Residential (R-1), Two-family Residential (R-2), General Commercial (G-C) And General Industrial (M-1) Zoning Districts

(b) Resolution 006-2021 of the City of Cloverdale Planning Commission recommending to the City Council that a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prepared in accordance with the California Environmental Quality Act be approved for The Bi' Du Khaale Senior Housing, Annexation & Prezoning Project on approximately 46.96 +/- acres of undeveloped land located at 235 Kelly Road (APN 117-040-073 & -074)

(c) Resolution 091-2021 of the City of Cloverdale City Council approving a Design Review, General Plan Amendment and Prezoning approximately 87.11 +/- acres of land located at 28165 Old Redwood Highway (APN 117-040-055), 28001 Highway 101 (APN 117-040-032), 235 Kelly Road (APN 117-040-073) & APNS 117-040-070; -074 & -102 to The Single-Family Residential (R-1), Two-Family Residential (R-2), General Commercial (G-C) and General Industrial (M-1) Zoning Districts.

(d) Resolution 092-2021 of the City of Cloverdale City Council approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prepared in accordance with the California Environmental Quality Act for the Bi' Du Khaale Senior Housing, Annexation & Prezoning Project on approximately 46.96 +/- acres of undeveloped land located at 235 Kelly Road (APN 117-040-073 & -074)

(e) Ordinance 743-2021 of the City of Cloverdale amending Title 18, "Zoning," of the City Municipal Code, prezoning certain properties containing approximately 87.11 +/- acres of land located at 28165 Old Redwood Highway (APN 117-040-055), 28001 Highway 101 (APN 117-040-032), 235 Kelly Road (APN 117-040-073) & APNS 117-040-070; -074 & -102 to the Single-Family Residential (R-1), Two-Family Residential (R-2), General Commercial (G-C) and General Industrial (M-1) Zoning Districts.

(f) Resolution No. 055-2022 of the City Council of the City of Cloverdale correcting a mapping error on the Urban Growth Boundary (UGB) map associated with 28165 Old Redwood Hwy (APN 117-040-055)

2.3 The Commission, as a responsible agency, 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 has jurisdiction only to approve reorganization of the Affected Territory (i.e., the Proposal). This Proposal places the Affected Territory under the jurisdiction of the City, which, as lead agency and as agency with police power to regulate land use, has the power to mitigate or avoid the potentially significant environmental effects of the project.

2.4 The Commission has reviewed and considered the information contained in the Mitigated Negative Declaration and the City's Ordinance and Resolutions prior to

reaching its decision on the Proposal. The Commission concurs with the findings in the Mitigated Negative Declaration, and 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 and the City's Urban Service Area Boundary. The Commission therefore determines that the Proposal is consistent with the City's Sphere of Influence and the Sonoma County General Plan.

3.2 The Commission finds that the Affected Territory is within the City's 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 pre-zoned by the City.

3.3 The Commission finds that the purpose of the Proposal is to obtain municipal services for development purposes in an area that is contiguous to and surrounded by the City.

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

3.5 The Commission finds that the Affected Territory is uninhabited, within the meaning of Government Code Section 56079.5, in that fewer than 12 registered voters reside within.

3.6 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 sections 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 the Proposal will not have any significant environmental impacts. The Commission has reviewed and considered the information contained in the Mitigated Negative Declaration prepared by the City and has considered the environmental effects of the Proposal as shown therein. The Executive Officer is authorized to file a notice of determination in accordance with the provisions of CEQA and the State CEQA Guidelines.
3. The Proposal is approved.
4. The Commission waives protest proceedings for the Proposal in compliance with this resolution and Section 56663(c) of the California Government Code.
5. The boundaries 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: 039-2019 (Dry Creek Rancheria)
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 Executive Officer is authorized and directed to file a notice of determination in accordance with the provisions of CEQA and the State CEQA Guidelines. The Executive Officer is further authorized to mail of this resolution in the manner provided by law.
11. The effective date of the reorganization shall be the date of the recordation of the certificate of completion.
12. The Executive Officer is directed to file a certificate of completion for the Proposal after receipt of all final materials, as required. 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 7th day of September, 2020 and ordered adopted by the following vote:

**COMMISSIONERS:**

AYES:

NOES: ABSTAIN:

**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