

SONOMA LOCAL AGENCY FORMATION COMMISSION

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Item 6.1

Staff Report

Meeting Date: September 7, 2022

Agenda No: Item 6.1

Agenda Item Title: 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

LAFCO File No 2022-07

Applicant(s): Dry Creek Rancheria Band of Pomo Indians

Proposal: Request for a reorganization consisting of annexation of six parcels, totaling approximately 87 acres to the City of Cloverdale and detachment from County Service Area No. 41 (Multi-Services) and Rains Creek Water District

Location: Generally southwest of Dutcher Creek south, north of Kelly Road and west of S Cloverdale Blvd. in unincorporated Sonoma County (APNs 117-040-055, 117-040-102, 117-040-032, 117-040-074, 117-040-073, 117-040-070)

General Plan: County Land Use – Rural Residential and Light Industrial
City – Low Density Residential, Medium Density Residential, General Industry and Commercial and Conservation Feature

Environmental: City of Cloverdale Initial Study/Mitigated Negative Declaration

Staff Contact: Cynthia Olson

Analysis

Background

The applicant, the Dry Creek Rancheria Band of the Pomo Indians (Applicant) are requesting an annexation of six parcels to the City of Cloverdale (City) totaling approximately 87 acres. The affected territory is generally located south of the City boundary, north of Hiatt Road and west of Highway 101. Upon annexation, the territory would be detached from County Service Area No. 41 (Multi-Services) and Rains Creek Water District but would remain within the Cloverdale Fire Protection District, Cloverdale Health Care District, and the North Sonoma County Health Care District.

The parcels are located within the City's Sphere of Influence and voter-approved Urban Growth Boundary. All parcels except for APN 117-040-073 are located within the City's Urban Service Area Boundary as designated in the Sonoma County 2020 General Plan. The County, through its Permit and Resource Management Department, has given written support for this project and found the reorganization consistent with the County General Plan.

The six parcels are identified on the preliminary map submitted with the application (Attachment 1) as follows:

Parcel No	APN	Address	Owner	Parcel Description	Current County Land Use Designation	Proposed City Land Use Designation	Acreage
1	117-040-055	28165 Old Redwood Hwy	Cloverdale Unified School District	Vacant Unused	Light Industrial Rural Residential RR-5	Low Density Residential Conservation Feature	31.08
2	117-040-102	None	Smith	Heavy Equipment Storage	Light Industrial	General Industry	1.85
3	117-040-032	None	Petaluma Butane	Vacant Unused	Light Industrial	General Industry	4.27
4	117-040-074	None	Dry Creek Rancheria	Vacant Unused	Light Industrial Rural Residential RR-5	General Industry General Commercial	19.95
5	117-040-073	235 Kelly Rd	Dry Creek Rancheria	Vacant Unused	Rural Residential RR5	Medium Density Residential Conservation Feature	27.01
6	117-040-070	None	County of Sonoma	Road ROW	Rural Residential RR5	General Industry Low Density Residential Conservation Feature	2.95

The area is primarily undeveloped oak forest, brush and grasslands. It is generally flat grasslands in the northeast and slopes upwards in the north and southwest to stands of coast live 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.

Parcels 1, 2, and 3 are currently vacant and there is no development proposed for these parcels at this time. The parcels are included in the reorganization to provide continuity between the existing City boundary and the applicant's parcels, 4 and 5, and to avoid the creation of an island of unincorporated territory. Parcel 4, owned by the applicant, is also vacant and no development on this parcel is proposed at this time. Parcel 6 is the Kelly Road ROW owned and maintained the by County of Sonoma. Upon annexation, the ownership of this parcel will transfer to the City.

Reason for Proposal

The applicant is requesting annexation in order to have access to municipal services in order to develop Parcel 5 with 24 affordable age-restricted housing units for Tribal elders. The development will include 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. The housing units will be leased at rent levels of 60% of the Area Medium Income (AMI) or less, qualifying these units as low income. All these units will be subject to an affordability restriction covenant for 55 years. The estimated increase in population from the proposed development is 70 residents.

City Actions

At its meeting of September 7, 2021, the Cloverdale Planning Commission reviewed and considered the project's design, proposed civil improvement plans, proposed land use designations, a City fiscal analysis and an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project in accordance with the California Environmental Quality Act. The Commission adopted Resolution 007-2021, including Conditions of Approval, recommending to the City Council approval of a design review, General Plan Amendment and adoption of an ordinance pre-zoning the territory. The Commission also adopted Resolution 006-2021 recommending to the City Council adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

At its meeting of October 27, 2021, the City Council adopted Resolution 091-2021 approving a Design Review, General Plan Amendment and Pre-zoning of 81 acres subject to Conditions of Approval and determined that the project was consistent with the goals and policies of all elements of the City's General Plan. The City also adopted Resolution 092-2021 approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared in accordance with the California Environmental Quality Act.

At its meeting of December 8, 2021, the City Council adopted Ordinance 743 Pre-zoning approximately 87.11+/- acres of land located at 28164 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 District

Copies of the City's actions can be found as Attachment 2.

Environmental Consideration:

The City, acting as the lead agency pursuant to the California Environmental Quality Act (CEQA), prepared an Initial Study to assess the impacts of the annexation and pre-zoning of the subject territory and the residential development proposed on one of the six parcels. The Initial Study determined that as the remaining parcels are not subject to any new development or land use change, there will be no effect on the condition of the parcels as a result of annexation and pre-zoning. Any future development of these parcels would be subject to environmental review pursuant to CEQA for any project-specific impacts.

The Study identified potentially significant impacts with respect to biological resources, transportation/circulation, cultural resources, tribal cultural resources, hazards and hazardous materials, geology/soils and noise. As required by CEQA, the City of Cloverdale prepared a Mitigation Monitoring and Reporting Program (MMRP) that identifies the Mitigation Measures as well as agencies and organizations responsible for implementing the various mitigation measures. The City determined that the project, as mitigated, will not have a significant effect on the environment.

The Commission is a responsible agency for the proposal pursuant to CEQA. None of the mitigation measures address issues concerning the annexation. Staff concurs with the findings of the Initial Study/Mitigated Negative Declaration.

The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program can be found as Attachment 3.

City's Urban Growth Boundary and Sphere of Influence

In 2018, the Commission adopted a Municipal Services Review and Sphere of Influence Study for the City. The Commission's Resolution 2639 dated March 3, 2014 stated that the sphere of influence of the City was amended to conform with the Commission's sphere of influence policy for cities which states in part:

In establishing spheres of influence for cities, the Commission's general policies are as follows:

- A. Include all properties within the incorporated city.*
- B. Include properties wholly within both the voter-approved Urban Growth Boundary and the Urban Service Boundary for the city in the Sonoma County General Plan. Include frontage roads.*

C. Include properties within a city's Urban Growth Boundary that are outside the Urban Service Boundary for the city in the Sonoma County General Plan.

While processing this reorganization, the City determined that a mapping error had occurred when the UGB was adopted in July of 2010. The Resolution did not refer to specific parcels but relied on a map on which a small (1.48 acre) triangular portion of APN 117-040-055 was left outside of the UGB line. The City, by Resolution 055-2022 dated June 8, 2022, corrected the UGB map to include this portion of the larger parcel. As the Commission relied on the City's UGB map when setting its SOI in this area, Staff is recommending that the Commission's map of the City's SOI be changed to reflect this correction to the UGB.

Consent of Owners

As all owners of properties within the annexation boundary have given their written consent to the proposed reorganization, the affected territory is uninhabited as defined in Section 56079.5 of the California Government Code and no affected local agency has submitted a written demand for notice and hearing, the Commission, pursuant to section 56662, may waive the protest hearing for the proposal.

Individual Factors for Consideration

California Government Code §56668 describes 17 factors to be considered in the Commission's review of a proposal. The review must include, but is not limited to, consideration of these factors that are outlined and addressed in Attachment 4.

Recommendation

1. Approve the reorganization, pursuant to the following findings and determinations:
 - a. The affected territory is within the sphere of influence of the City of Cloverdale, and within the City's voter-approved Urban Growth Boundary and the "urban service area" boundary of the Sonoma County General Plan and contiguous to the City boundary.
 - b. The reasons for the reorganization are to provide access to City services and support development for needed affordable housing. The City has determined that it can provide services to the affected territory upon annexation.
 - c. The proposal is consistent with the Sonoma County General Plan.
2. Regarding the Commission's responsibilities pursuant to the California Environmental Quality Act,
 - a. Consider the information contained in the Initial Study and Mitigated Negative Declaration prepared by the City of Cloverdale and make findings adopting it as a responsible agency in accordance with the provisions of CEQA and the State CEQA Guidelines.
 - b. Direct staff to file a notice of determination in accordance with CEQA and the State CEQA Guidelines.

3. Waive protest proceedings pursuant to section 56662 of the California Government Code, in that the affected territory is uninhabited, pursuant to Section 56079.5 of the California Government Code, no affected local agency has submitted a written demand for notice and hearing and all the owners of land have consented to the proposal.
4. Align the City's Sphere of Influence to the corrected Urban Growth Boundary as stated in the City's Resolution 055-2022.

Staff has prepared a draft resolution for the Commission's review and consideration (Attachment 5).

Attachments

1. Preliminary Map and Boundary Description
2. City of Cloverdale Ordinances and Resolutions
3. Mitigated Negative Declaration
4. Factors for Consideration
5. Draft Resolution