

Resolution No

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

**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 Northeast Santa Rosa Reorganization No. 22-01 Including Annexation to the City of Santa Rosa and Detachment from CSA 41 (Multi-Services) and Sonoma County Fire District and Waiving Protest Proceedings for the Proposal (File 2022-10)**

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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 Nils Welin & Klas Berghede (Applicants) 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 Santa Rosa and detachment from Sonoma County Fire District and County Service Area No. 41 (Multi-Services) (the Proposal).

1.2 The Proposal consists of three parcels 2210 Brush Creek (APN 182-050-004), 2200 Brush Creek (APN 182-050-005) and 0 Bridgewood Drive (APN 182-050-014). totaling approximately 3.5 acres, generally located north of Montecito Blvd, south of Lyric Lane, west of Bridgewood Drive on the eastern side of Brush Creek Road in 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 December 29, 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 February 1, 2023. 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 urban service area boundary for the City established in the Sonoma County General Plan, the Santa Rosa General Plan, the urban growth boundary for the City enacted by the voters of the City, and the following ordinance, resolutions, and agreements of the City (collectively the City's Ordinance and Resolutions):

Resolution 12076 of the Planning Commission of the City of Santa Rosa dated November 18, 2021 recommending that the City Council amend the General Plan for the Brush Creek Minor Subdivision from Very Low Density Residential to Low Density Residential for the property located at 2210 Brush Creek Road, Assessor's Parcel Number 182-050- 004 – File Number GPAM20-003 (PRJ20- 008).

Resolution 2022-014 of the Planning Commission of the City of Santa Rosa dated July 14, 2022 recommending that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Brush Creek Minor Subdivision

located at 2210, 2200 Brush Creek Road & 0 Bridgewood Drive, Assessor's Parcel Numbers 182-050- 004, -005 and -014) File Number PRJ20-008.

Resolution 2022-015 of the Planning Commission of the City of Santa Rosa dated November 18, 2022 recommending that the City Council pre-zone the property located at 2210 Brush Creek Road, Assessor's Parcel Number 182-050- 004 into the R-1-6 (Single Family Residential) Zoning District and pre-zone the properties located at 2200 Brush Creek Road & 0 Bridgewood Drive, Assessor's Parcel Numbers 182-050-005 and -014, into the RR-20 (Rural Residential) Zoning District PRJ20-008

Resolution 2022-179 of the Council of the City of Santa Rosa dated August 23, 2022 adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Brush Creek Minor Subdivision located at 2210, 2200 Brush Creek Road & 0 Bridgewood Drive, Assessor's Parcel Numbers 182-050- 004, -005 and -014) File Number PRJ20-008

Resolution 2022-180 of the Council of the City of Santa Rosa dated August 23, 2022 amending the General Plan for the Brush Creek Minor Subdivision from Very Low Density Residential to Low Density Residential for the property located at 2210 Brush Creek Road, Assessor's Parcel Number 182-050- 004 – File Number GPAM20-003 (PRJ20- 008)

Ordinance 2022-009 of the Council of the City of Santa Rosa dated August 23, 2022 pre-zoning the property located at 2210 Brush Creek Road, Assessor's Parcel Number 182-050- 004 into the R-1-6 (Single Family Residential) Zoning District and pre-zone the properties located at 2200 Brush Creek Road & 0 Bridgewood Drive, Assessor's Parcel Numbers 182-050-005 and -014, into the RR-20 (Rural Residential) Zoning District PRJ20-008

2.4 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.

2.5 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 Commission, pursuant to Government Code Section 56663, provided mailed notice of the Commission proceedings to landowners and registered voters within the affected territory that stated should the Proposal be approved, unless written opposition was received by the conclusion of the Commission proceedings on the Proposal, it may waive protest proceedings. No landowner or registered voter within the affected territory provided written opposition to the proposal prior to close of the hearing. Pursuant to Government Code Section 56662, no affected local agency has submitted a written demand for notice and hearing during a 10-day period following provision of notice. The Commission finds that the Proposal qualifies for waiver of Protest Proceedings.

3.7 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 Sections 56662 and 56663 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: Northeast Santa Rosa Reorg No. 22-01(Welin & Klaus)

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 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.

13. 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 1th day of February, 2023 and ordered adopted by the following vote:

**COMMISSIONERS:**

AYES:

NOES:

ABSTAIN:

**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: \_\_\_\_\_  
Kasandra Bowen, Clerk