

SONOMA LOCAL AGENCY FORMATION COMMISSION

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Item 4.1

Staff Report

Meeting Date: February 1, 2023

Agenda No.

Agenda Item Title: **File No. 2022-10:** Northeast Santa Rosa Reorganization No. 22-01 Including Annexation to the City of Santa Rosa and Detachment from CSA 41 and Sonoma County Fire District

Applicant(s): Nils Welin & Klas Berghede

Proposal: Request for a reorganization involving annexation of three parcels totaling approximately 3.49 acres to the City of Santa Rosa

Location: Generally north of Montecito Blvd, south of Lyric Lane, west of Bridgewood Drive on the eastern side of Brush Creek Road in Sonoma County

General Plan: County – RR Very Low Density
City – Low Density R-1-6 (Single Family) and Very Low Density (Rural Residential)

Environmental: Mitigated Negative Declaration, prepared by City of Santa Rosa

Staff Contact: Cynthia Olson

Analysis

Background

The applicants, Nils Welin & Klas Berghede, have requested a reorganization involving the annexation of three parcels to the City of Santa Rosa. The territory, totaling approximately 3.49 acres, is in northeast Santa Rosa along the eastern side of Brush Creek Road, north of Montecito Blvd, south of Lyric Lane and west of Bridgewood Drive.

The territory is located within the City's Sphere of Influence, Urban Growth Boundary and Urban Service Area Boundary as designated in the Sonoma County 2020 General Plan. It is an unincorporated island completely surrounded by the City. Upon annexation, the territory would be detached from the Sonoma County Fire District and County Service Area No. 41 (Multi-Services).

The territory is comprised 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). The applicants, owners of 2210 Brush Creek ("2210"), propose to develop the parcel into five lots, four of which will be accessed off Lyric Lane with the remainder lot to be accessed off Brush Creek Road. The proposed Tentative Parcel Map shows lot sizes ranging from 9,665 to 16,702 square feet with a density of three dwelling units per acre.

The parcel located at 2200 Brush Creek ("2200") is currently developed with a single-family dwelling and the Bridgewood Drive parcel ("Bridgewood") is vacant. Neither of these parcels are proposed to be subdivided or developed further at this time.

The territory gently slopes downward from Brush Creek Road eastward to Rincon Creek, a narrow drainage which runs along the easternly edges of the territory. The Citywide Creek Master Plan recommends that this portion of the creek be preserved and places it within the Riparian Corridor Combining Zone subject to a minimum streamside conservation area. The vegetation consists of a mix of native, non-native and ornamental trees and shrubs.

The parcels are not zoned or designated for agricultural use and are not under a Williamson Act contract. The territory does not contain any scenic resources and is not located within or along a designated scenic corridor.

The territory is surrounded by lots within City jurisdiction. The parcels to the north and west are designated Very Low-Density Residential, the parcels to the south are designated Medium Density and Low Density Residential, and the parcels to the east are designated Low Density Residential.

Reason for Proposal

The applicant states that the reason for the application is to obtain municipal services provided by the City for development purposes on the 2210 parcel. The other two parcels were included in the reorganization at the direction of Sonoma LAFCO to eliminate a three-parcel county island. Allowing two of the three parcels to remain as an unincorporated island would not support State law or the Commission's policies on providing planned and orderly urban development with the efficient provision of public services.

City Action: Pre-Zoning and Environmental Review

At its meeting of August 23, 2022, the City Council determined that the project was consistent with the goals and policies of all elements of the City's 2035 General Plan. The City further determined that the site is physically suitable for the requested zoning designation and anticipated land uses and developments. The Council amended the City's General Plan for the property located at 2210 Brush Creek Road to Low Density Residential. At its meeting of September 13, 2022, the Council pre-zoned the 2210 parcel into the R-1-6 Single Family Residential) Zoning District and the remaining two parcels into the RR (Rural Residential) Zoning District.

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 proposed residential development. The Study identified potentially significant impacts with respect to air quality, biological resources, cultural resources, and geology/soils. As required by CEQA, the City 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. At its meeting of August 23, 2022, the City Council adopted the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the project.

The Commission is a responsible agency for the proposal pursuant to CEQA. Of the areas that the Initial Study called out as having a potential significant effect on the environment unless mitigated, none of the mitigation measures address issues concerning the annexation. Staff concurs with the findings of the Initial Study/Mitigated Negative Declaration.

Copies of the City's resolutions, ordinance and Mitigated Negative Declaration can be found as Attachment 1.

Consent of Owners and Waiver of Protest Proceedings

Not all the landowners have consented to the proposal. Prior to the August 23, 2022, City Council meeting, the owners of the parcel located at 2200 Brush Creek contacted Supervisor Gorin by email stating their opposition to the development of the neighboring parcel and to being included in the annexation. Supervisor Gorin forwarded this email to City Council Members Dianna McDonald and Victoria Flemming as well as the Sonoma LAFCO Executive Officer. The owners of the parcel did not provide additional verbal or written opposition to the project at the Council meeting, nor have they contacted LAFCO staff prior to or after mailed notification of the Commission hearing. Staff has not received comments from the other owners or registered voters residing within the affected territory.

Pursuant to Government Code Section 56663, staff provided mailed notice of the Commission proceedings to all the landowners and registered voters within the affected territory that stated "unless written opposition is received from landowners or registered voters within the affected territory before the conclusion of the Commission proceedings on the proposal, should the proposal be approved, the Commission may waive protest proceedings. There is potential for extension or continuation of any previously authorized charge, fee, assessment, or tax by the City of Santa Rosa in the affected territory."

No landowner or registered voter within the affected territory has provided written opposition to the proposal as of the date of this report. If no written opposition is received prior to the conclusion of the hearing, the Commission may waive the protest proceedings. If written opposition is received prior to the conclusion of the hearing, the Commission must direct the Executive Officer to initiate Protest Proceedings pursuant to Section 57000.

Individual Factors for Consideration

California Government Code section 56668 describes the 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 3.

Recommendation

Staff recommends that the Commission:

1. Adopt a resolution approving the reorganization and making the following findings and determinations:
 - a. The affected territory is within the sphere of influence of the City of Santa Rosa, within the City's voter-approved Urban Growth Boundary, and within the "urban service area" boundary for the City designated in the Sonoma County General Plan.
 - b. The proposal is consistent with the land-use designations in the City's General Plan and the provisions of the Sonoma County General Plan.
 - c. The affected territory is contiguous to the City boundary and has been pre-zoned by the City.
 - d. The reason for the reorganization is to obtain municipal services provided by the City for development purposes.
 - e. The City has indicated that it can provide services to the subject territory upon annexation.
 - f. The Commission has considered information contained in the Initial Study and Mitigated Negative Declaration prepared by the City of Santa Rosa.

Staff has prepared two proposed versions of the proposed resolution. If no landowner or registered voter within the affected territory has provided written opposition to the proposal as of the close of the hearing, the Commission may waive protest proceedings pursuant to Sections 56662 and 56663 of the California Government Code (Draft Resolution 3A). If written opposition is received prior to the close of the hearing, the resolution directs the Executive Officer to initiate Protest Proceedings pursuant to Section 57000 (Draft Resolution 3B).

The two versions of the resolution are found in Attachment 3.

Alternatives to Recommendation

Staff does not recommend any alternatives.

Annexation of the territory is a logical extension of the City boundary and will eliminate an unincorporated county island.

Attachments

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1. City of Santa Rosa resolutions, ordinance and Mitigated Negative Declaration and Mitigation Monitoring Program
 2. Factors for Consideration
 3. Draft Resolutions
 4. Preliminary Map