

Draft Resolution No. _____

111 Santa Rosa Ave Ste 240
Santa Rosa, CA 95404

March 1, 2023

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings and Determinations, Determining Exemption from the California Environmental Quality Act, and Approving a Change of Organization Designated as Sonoma Valley County Sanitation District Annexation No. 22-0344 (DeNova Homes) Consisting of Annexation to the Sonoma Valley County Sanitation District and Waiving Protest Proceedings for the Proposal (File No. 2022-09)

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 Trent Sanson, as Chief Petitioner representing Civic Park Hummingbird Cottages, LLC, ("the Applicant") filed Application No. 2022-09 Sonoma Valley County Sanitation District Annexation No. 22-0344 ("the Application") with the Executive Officer of the Commission ("the Executive Officer") proposing a change of organization consisting of annexation to the Sonoma Valley County Sanitation District ("District") of one parcel, totaling approximately 1.5 acres, located at 19910 5th Street W (APN 128-161-001) ("the Proposal"). The territory that is the subject of the Proposal is generally located on the southeastern corner of West McArthur Street and 5th Street West in the City of Sonoma ("the Affected Territory"). As part of Application, the Applicant included a plan for providing services ("Plan for Services") within the Affected Territory. The Application and Plan for Services were submitted to the Executive Officer pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) Title 5 of the Government Code ("the Cortese-Knox-Hertzberg Act").

1.2 The District and City of Sonoma ("City") determined that the Proposal was exempt from the California Environmental Quality Act ("CEQA"). The Executive Officer concurs with this determination.

1.3 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 prepared a report on the Proposal, including his recommendation thereon ("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 Proposal at its meeting on March 1, 2023. At the meeting, the Commission received all relevant oral and written testimony and evidence presented or filed and considered the Executive Officer's Report and the Proposal. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission 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 Commission concurs with the District and finds and determines that the Proposal is exempt under the State CEQA Guidelines Section 15301(b) in that the Proposal involves connecting to existing sanitation facilities with negligible expansion of use and Section 15303(d) in that the Proposal involves the extension of the sanitation facilities of a reasonable length to serve the construction of limited new structures, the number of which are the maximum allowable on any legal parcel.

2.2 The Commission concurs with the City and finds that the proposed development project is exempt under State CEQA Guidelines Section 15332 as it is consistent with City's General Plan and applicable policies, zoning designation and regulations; is located within the City's boundary and is less than five acres completely surrounded by urban uses, the site has no value as habitat for endangered, rare or threatened species; will not result in significant effects relating to traffic, biological resources, air and water quality and noise; and the site can be adequately served by all required utilities and public services.

2.3 The Commission finds that the exceptions to categorical exemptions set forth in State CEQA Guidelines Section 15300.2 to not apply to the project.

2.2 The Commission has considered the potential environmental effects of the Proposal prior to reaching its decision on the Proposal. The Commission 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 makes the following findings and determinations with respect to the Proposal:

a. The Affected Territory is within the sphere of influence of the Sonoma Valley County Sanitation District.

b. The purpose of the annexation is to allow connection to the District's sanitary sewer system.

c. Annexation of the Affected Territory to the District is consistent with the Sonoma County General Plan, in that the parcel is within the “urban service area” boundary for the District in the Sonoma County General Plan and connection to the District’s public sanitary sewer system will allow reliable access to public sewer.

d. The District indicates that it has capacity within its sanitary sewer system to serve the Affected Territory.

e. 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.

f. The owner of the subject parcel has initiated, and has provided written consent to, the Proposal.

g. In reviewing the proposal, the Commission considered the factors as set forth in Sections 56668 and 56668.3 of the California Government Code.

3.2 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 purpose of the Commission, as expressed in Government Code sections 56001 and 56301. The Commission further finds, therefore, that it is appropriate to approve the Proposal.

NOW, THEREFORE, based on the foregoing findings and determinations and the record of these proceedings, 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 Proposal is approved.

3. The Proposal is exempt from provisions of CEQA, under Sections 15301(b), 15303(d) and Section 15332 of the State CEQA Guidelines.

4. The Proposal is assigned the following short-form designation: “File No. 2022-09: Sonoma Valley County Sanitation District Annex No. 22-0344 (DeNova Homes).”

5. The boundary of the Affected Territory shall be as set forth in the Proposal and as shown in Exhibit “A,” attached hereto and incorporated herein by this reference.

6. The Affected Territory shall not be taxed for existing bonded indebtedness or contractual obligations and shall be subject to the District’s prevailing sanitary sewer connection and use charges.

7. Pursuant to Government Code Section 56662, since all of the owners of the Affected Territory have provided to the Commission written consent to the Proposal, the Commission shall waive protest proceedings for the Proposal.

8. 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.

9. The effective date of the reorganization shall be the date of the recordation of the certificate of completion.

10. 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 Ave Ste 240, Santa Rosa, CA 95404.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Commission on the 1st day of March 2023 and ordered adopted by the following vote:

Commissioners:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chairman declared the foregoing resolution adopted, and

SO ORDERED
ATTEST:

BY: _____
Mark Bramfitt, Executive Officer

The within instrument is a correct copy of the original on file in this office.

ATTEST:

BY: _____
Clerk