

Draft Resolution No. _____

111 Santa Rosa Ave Ste 240
Santa Rosa, CA 95404

September 4, 2024

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. 22-0008 (McNairy) Consisting of Annexation to the Sonoma Valley County Sanitation District and Waiving Protest Proceedings for the Proposal (File No. 2024-05)

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 Christopher and Darcy McNairy, as Chief Petitioners, (“the Applicant”) filed Application No. 2024-05 Sonoma Valley County Sanitation District Annexation No. 22-0008 (“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 a parcel totaling approximately 0.5 acres (APN 128-161-031) (“the Proposal”). The territory that is the subject of the Proposal is generally located north of Leveroni Road, west of Fryer Creek Drive, south of La Quinta Lane and on the southern side of Harrington Road in unincorporated Sonoma County (“the Affected Territory”). As part of the 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 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 September 4, 2024. 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 the Executive Officer and finds and determines that the Proposal is exempt under the State CEQA Guidelines Sections 15303(d) New construction or Conversion of Small Structures and 15301(b) Annexations of Existing Facilities. The facts and circumstances supporting the Commission's conclusion are as follows:

(a) The Proposal details that establish the Proposal's eligibility for exemption under State CEQA Guidelines Section 15303(d) and 15301(b) are as follows:

(1) The Proposal consists of annexation of a single parcel, totaling approximately 0.5 acres, which is developed with a single-family dwelling, an accessory dwelling unit and auxiliary structures. The Affected Territory is within the District's sphere of influence and urban service area boundary.

(2) The parcel is developed to the density allowed under the land-use designation and zoning of Rural Residential, pursuant to the Sonoma County General Plan. No additional development is proposed.

(3) Provision of sanitary sewer service from the District is intended to allow the owner of one parcel to connect to public sewer to alleviate a health or safety threat.

(b) State CEQA Guidelines Section 15303(d) New construction or Conversion of Small Structures exempts the annexation from the provisions of CEQA in that it consists of construction of limited new, small sewage improvements of reasonable length to serve the parcel.

(c) State CEQA Guidelines Section 15301(b) Existing Facilities exempts the annexation from the provisions of CEQA in that the connection to the District sewer system consists of the alteration of existing public or private structure involving negligible or no expansion of existing or former use.

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 Affected Territory is uninhabited.

(f) The owners of the subject properties have initiated, and have provided written consent to, the Proposal.

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 15303(d) and 15301(b) of the State CEQA Guidelines.

4. The Proposal is assigned the following short-form designation: "File No. 2024-05: Sonoma Valley County Sanitation District Annexation No. 22-0008 (McNairy)."

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. The affected territory is uninhabited as defined in Section 56079.5, no affected local agency has submitted a written demand for notice and hearing, and all owners of the parcel have given their written consent to the proposed reorganization. Pursuant to California Government Code Section 56662, the Commission shall make determinations upon the proposal without notice and hearing and waive protest proceedings.

8. 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 Roda Ave Ste 240, Santa Rosa, CA 95404.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Commission on the 4th day of September 2024 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