

RESOLUTION NO. RES-2022-092

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A UTILITY CERTIFICATE FOR WATER SERVICE FOR ECO FARM HOLDINGS, INC., AN UNINCORPORATED PROPERTY, LOCATED AT 369 TODD ROAD, ASSESSOR'S PARCEL NUMBER 134-101-023 (FILE NO. UC21-003)

WHEREAS, on May 28, 2002, the Council of the City of Santa Rosa, by Resolution (Resolution No. 25260) granted a utility certificate (File No. UC02-004) for water services to the unincorporated property with a contaminated well, located at 369 Todd Rodd, Assessor's Parcel Number 134-101-023 (Project Site); and

WHEREAS, the extension of services approved by the utility certificate is limited to the specific use of "auto body shop" on the Project Site; and

WHEREAS, on January 28, 2020, the Sonoma County Permit & Resource Management Department granted a limited five-year term Use Permit for an indoor cannabis nonvolatile manufacturing, distribution, and transportation operation, totaling 10,192-square-feet, within three existing industrial structures (Cannabis Project), located at the Project Site; and

WHEREAS, one of the conditions of the Cannabis Project approval requires that the applicant/operator obtain a City of Santa Rosa Utility Certificate prior to building permit issuance for the change of use and to provide fire suppression to the existing buildings at the Project Site; and

WHEREAS, on September 9, 2021, an application requesting a utility certificate for water service for the Cannabis Project was filed with the City Planning and Economic Development Department; and

WHEREAS, Council Policy 300-02, *Utility Certificates for the Extensions of Water or Sewer Service to Unincorporated Areas*, sets forth the circumstances under which the City will consider approving the extension of water or sewer services to property situated outside of the City limits and the conditions that will be attached to any approval which is granted; and

WHEREAS, the Council Policy allows connections to City utilities outside of the City limits to existing uses where a health hazard exists with respect to the use's existing water system and the requested connection to the City's water would remove the hazard; and

WHEREAS, the approved Cannabis Project is consistent with the City's General Plan, a public health hazard exists with respect to the existing contaminated wells on the Project Site, and granting the connection to the new Cannabis Project use would remove the health hazard; and

WHEREAS, the proposed action complies with provisions of the California Environmental Quality Act in that granting of a Utility Certificate qualifies for a Class 1

Categorical Exemption, under CEQA Guidelines Section 15301, in that the project includes negligible or no expansion to an existing use.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa, based on the above findings and determination, hereby approves the proposed Utility Certificate for water service for Eco Farm Holdings, Inc. an indoor cannabis nonvolatile manufacturing, distribution, and transportation operation, totaling 10,192-square-feet, within three existing industrial structures on a 2.50-acre parcel at 369 Todd Road, Assessor’s Parcel Number 134-101-023.

BE IT FURTHER RESOLVED by the Council that this entitlement would not be granted but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions is invalid, this entitlement would not have been granted without requirement other valid conditions for achieving the purposes and intents of such approval. The approval of this project is contingent upon compliance with all the conditions listed below:

1. An Annexation Covenant prepared by the City must be executed by the property owner(s) of the Project Site prior to the water connection. The property owner(s) must submit to Utilities Engineering a copy of the applicable grant deed and any additional information requested to show proof of title.
2. Any water service extensions may serve existing development only.
3. The project must comply with the conditions attached as Engineering Development Services “Exhibit A,” dated September 27, 2021.
4. The applicant shall obtain a revised Out-of-Service-Area Agreement for the new use from LAFCO.

IN COUNCIL DULY PASSED this 10th day of May, 2022.

AYES: (7) Mayor C. Rogers, Council Members Fleming, MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (1) Vice Mayor Alvarez

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – Utility Certificate 369 Todd Rd #B UC21-003