

Resolution No. 2676

575 Administration Drive, Room 104A
Santa Rosa, CA 95403

August 2, 2017

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings of Fact as a Responsible Agency, Adopting a Statement of Overriding Considerations, Approving a Reorganization Designated as Southwest Santa Rosa Reorganization No. 17-01 (Roseland Area) Involving Annexation to the City of Santa Rosa and Detachment from Rincon Valley Fire Protection District, County Service Area No. 40 (Fire Services), and County Service Area No. 41 (Multi-Services), and Ordering Protest Proceedings for the Proposal (File No. 17-02)

RESOLVED, that the Local Agency Formation Commission of the County of Sonoma ("the Commission") hereby finds as follows:

1. Proposal and Procedural History

1.1 The City of Santa Rosa ("the City") submitted a resolution of application ("the Resolution of Application") with the Executive Officer of the Commission ("the Executive Officer") pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code §56000 et seq.) ("the Cortese-Knox-Hertzberg Act") initiating proceedings for a reorganization involving annexation to the City and detachment from the Rincon Valley Fire Protection District, Roseland Fire Protection District, County Service Area No. 40 (Fire Services), and County Service Area No. 41 (Multi-Services) ("the Proposal").

1.2 The Proposal consists of territory generally located west of U.S. Highway 101, south of Ninth Street, east of Wright Road, and north of Robles Avenue, in the southwest Santa Rosa area and generally referred to as the Brittain Lane island totaling +/-16 acres, the Roseland island totaling +/-620 acres, the Victoria Drive island totaling +/-19 acres, the West Hearn island totaling +/-34 acres, and the West Third island totaling +/-23 acres ("the Affected Territory"), as shown and described in Exhibit "A" to this resolution, attached hereto and incorporated herein by this reference. The Resolution of Application was accompanied by the Santa Rosa Roseland Area/Sebastopol Road Specific Plan providing services within the Affected Territory ("the Specific Plan").

1.3 The City, acting as lead agency under the California Environmental Quality Act ("CEQA"), prepared and certified the Final Environmental Impact Report for the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Projects ("the Final EIR") as the environmental document for the Proposal. Based on the City's

action, the Executive Officer determined that the Commission would comply with CEQA by acting as a responsible agency for the Proposal.

1.4 The Executive Officer set the Proposal for hearing and provided notice thereof as provided in the Cortese-Knox-Hertzberg Act.

1.5 The Executive Officer prepared a report analyzing the Proposal ("the Executive Officer's Report"). The Executive Officer recommended approval of the Proposal with the exception of the detachment of the Affected Territory from the Roseland Fire Protection District and the South Park County Sanitation District (together "the Districts"), in that detachment of the Affected Territory would leave other territory remaining within the Districts causing operational difficulties and impacts on residents that could be better alleviated in subsequent actions.

1.6 The Executive Officer furnished copies of the Executive Officer's Report to all persons entitled to copies under the Cortese-Knox-Hertzberg Act.

1.7 The Commission conducted a duly noticed public hearing on the Proposal on August 2, 2017. At the hearing, the Commission heard and received all relevant oral and written testimony and evidence presented or filed regarding the Proposal and considered the Executive Officer's Report and the environmental effects of the Proposal as shown in the Final EIR. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission closed the public hearing, discussed the Proposal and the environmental effects thereof as shown in the Final EIR, and determined to certify review and consideration of the information contained in the Final EIR, adopt a statement of overriding considerations, and approve the Proposal as conditioned and limited herein.

1.8 The Commission has had an opportunity to review this resolution and hereby finds that it accurately sets forth the intentions of the Commission regarding the Final EIR and the Proposal.

2. CEQA Compliance

2.1 The Commission finds that the City is the lead agency and that the Commission is a responsible agency for the Proposal under CEQA.

2.2 The City certified the Final EIR in Santa Rosa City Council Resolution No. 28874, which is incorporated by reference herein.

2.3 The Commission has reviewed and considered the environmental effects of the Proposal, as shown in the Final EIR, prior to reaching its decision herein. The Commission has reached its own independent conclusions on whether and under what conditions to approve the Proposal. The Commission has reviewed and considered the sphere of influence for the City established by the Commission ("the City's Sphere of Influence"), the urban service area boundary for the City in the Sonoma County General

Plan ("the County's Urban Service Area Boundary for the City"), the General Plan for the City ("the City's General Plan"), and the urban growth boundary for the City enacted by the voters of the City ("the City's Urban Growth Boundary"). The Commission has also reviewed and considered the following resolutions and ordinances of the City prior to reaching its decision herein:

(a) Santa Rosa City Council Resolution No. 28873, dated October 18, 2016, Certifying the Final Environmental Report for the Roseland Area/Sebastopol Road Specific Plan, Roseland Area Annexation and Associated General Plan, Zoning Code and Bicycle and Pedestrian Master Plan Amendments, and Rezoning and Pre-zoning of Parcels within the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Boundaries – File Number ST13-003 and ST14-001;

(b) Santa Rosa City Council Resolution No. 28874, dated October 18, 2016, Adopting the Roseland Area/Sebastopol Road Specific Plan and Approving a General Plan Amendment Consistent with the Specific Plan and Making Findings with Regard to Significant Impacts Identified in the Environmental Impact Report for the Roseland Area/Sebastopol Road Specific Plan and General Plan Amendment – File No. ST 14-001;

(c) Santa Rosa City Council Ordinance No. 4076, dated October 25, 2016, Amending Title 20 of the Santa Rosa City Code – Pre-zoning 1,606 Properties Located within the Boundaries of the Roseland Area/Sebastopol Road Specific Plan – File Number ST 13-003;

(d) Santa Rosa City Council Resolution No.28886, dated November 29, 2016, approving the Roseland Area Pre-Annexation Agreement with the County of Sonoma, and Adopting a Resolution of Application to the Sonoma County Local Agency Formation Commission (LAFCO) for Reorganization of Property Located in Southwest Santa Rosa in Sonoma County, CA;

(e) Santa Rosa City Council Ordinance No. 2017-002, Amending Title 20 of the Santa Rosa City Code – Pre-zoning 49 Properties Located Within the West Hearn Avenue County Island – File Number ST13-003; and

(f) First Amendment to Pre-Annexation Agreement By and Between County of Sonoma and City of Santa Rosa, dated June 6, 2017

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 over the proposed reorganization of the Affected Territory. This decision to reorganize 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 implement most of the feasible alternatives or mitigation measures to mitigate or avoid the potentially significant environmental effects

of the Proposal. The Commission further finds that there are no feasible mitigation measures or alternatives within the Commission's power that would substantially lessen or avoid any of the Proposal's significant environmental effects.

2.5 The Commission has considered alternatives and mitigation measures to reduce or avoid the significant environmental effects of the Proposal. The Commission concurs with and relies upon the City's findings in Santa Rosa City Council Resolution No. 28874 regarding the potentially significant environmental effects of the Proposal. The Commission finds that those conclusions have not been affected by any subsequent events. The Commission finds that, as identified in Resolution 28874, certain changes or alterations that would avoid or substantially lessen the significant environmental effects identified in the Final EIR are within the police power and responsibility of the City and that the City can and should adopt such measures. The Commission finds that the City, through adoption of its Mitigation Monitoring and Reporting Program and through adoption of various conditions of approval, provisions of the resolutions and ordinances listed above as well as other resolutions and ordinances of the City, has taken responsibility for and is implementing all feasible mitigation measures within its jurisdiction and control. The Commission concurs with the City's conclusions regarding the jurisdiction and control of other agencies to implement the remaining mitigation measures.

2.6 The Commission rejects as infeasible the no project alternative ("the No Project Alternative"), which would allow future development subject to existing policies, regulations, and land-use designations associated with the City's General Plan 2035. The No Project Alternative would provide no significant environmental advantage over the Proposal and not meet the City's objectives for the Roseland Area/Sebastopol Road Specific Plan and Roseland Area Annexation Projects ("the Project"), which are identified in the executive summary of the Draft Environmental Impact Report. The No Project Alternative also is infeasible because it would contravene the Commission's prior decisions to place the Affected Territory within the City's Sphere of Influence and would be contrary to the Commission's duties arising from Government Code sections 56001 and 56377, subdivision (b), and its policy goal, to ensure that growth is orderly, discourage urban sprawl, preserve open space and prime agricultural lands, and extend government services efficiently. The Commission finds that growth within the City's Sphere of Influence, the County's Urban Service Area Boundary for the City, and the City's Urban Growth Boundary achieves these goals, while denying reorganization within these areas would encourage leapfrog development and urban sprawl in contravention of these goals.

2.7 The Commission rejects as infeasible the reduced development alternative ("the Reduced Development Alternative") that is intended to eliminate the impact on freeway operations on US 101 North between Todd Road and State Route 12, a significant impact. The Reduced Development Alternative assumes a reduction in the development intensity in the Project area to one-third of that proposed by the Project and, while it was found to be the environmentally superior alternative, the Project would not meet the densities related to transit-supportive land uses in the Specific Plan. In addition, the inability to accommodate planned growth in this area of the City may induce growth in other areas and result in similar impacts elsewhere in the City or region. The Reduced

Development Alternative is less desirable in that it does not meet the City's objectives and would not provide the benefits at the same level as the Proposal. It would also contravene the Commission's prior decisions and policy goals as set forth in the Section 2.6 of this resolution.

2.8 The Commission finds that the interests and policy goals of the Commission outweigh the significant and unavoidable impacts of the Proposal. The Commission further finds that the Proposal will have the following benefits, each of which independently and alternatively outweighs and makes acceptable the adverse environmental effects of the Proposal:

(a) The Proposal will create a more logical City boundary and provide more effective delivery of municipal services by allowing unification of the community in a single jurisdiction instead of in multiple jurisdictions.

(b) The Proposal will guide development toward land uses that increase the connectivity among housing, jobs, and transportation options, enhancing livability, and balance the preservation of existing uses and development of new uses while maintaining the community's cultural diversity.

(c) The Proposal will promote economic vitality for the area.

(d) The Proposal will eliminate five longstanding, unincorporated islands of territory surrounded by the City, so as to unify these areas with the City and support more efficient and effective provision of municipal services.

2.9 The Commission finds that reorganization of the Affected Territory is consistent with and furthers implementation of the goals and policies of the Commission and outweighs the significant and unavoidable impacts of the Proposal.

2.10 The Commission finds that declining to detach the Affected Territory from the Roseland Fire Protection District and South Park County Sanitation District at this time will not result in any new or greater significant environmental impacts than were analyzed in the Final EIR.

3. Cortese-Knox-Hertzberg Act Compliance

3.1 The Commission has reviewed and considered the information contained in the ordinances and resolutions of the City prior to reaching its decision on the Proposal.

3.2 The Commission finds that the Affected Territory is within the City's Sphere of Influence and the County's Urban Service Area Boundary for the City. The Commission therefore finds that the Proposal is consistent with the City's Sphere of Influence and the Sonoma County General Plan.

3.3 The Commission finds that the Affected Territory is within the City's Urban Growth Boundary and is contiguous to the City's current jurisdictional boundary. The Affected Territory has been pre-zoned by the City to be consistent with the land-use designations of its General Plan. The City indicates that it has capacity within its systems to provide needed services.

3.4 The Commission finds that the purpose of the Proposal is to promote the efficient and effective provision of public services in a single jurisdiction by eliminating islands of unincorporated territory surrounded by the City; allow development at densities consistent with the land-use designations in the City's General Plan; and permit access to City services. [

3.5 The Commission finds that the Specific Plan implements the goals in the City's General Plan for planned, orderly, and efficient patterns of urban development within the Affected Territory.

3.6 With regard to maintaining the Affected Territory as part of the Roseland Fire Protection District ("RFPD") upon annexation of the Affected Territory to the City, the Commission finds that initiation of proceedings by the City or RFPD for a reorganization consisting of dissolution of the RFPD and establishment of a subsidiary district of the City, within one year of the effective date of the annexation, will promote effective and efficient provision of service for the Affected Territory as well as for properties within the RFPD but outside the City.

3.7 With regard to maintaining the Affected Territory as part of the South Park County Sanitation District ("South Park") upon annexation of the Affected Territory to the City, the Commission finds that approval by the City and the Sonoma County Water Agency of an amendment to "The Amended and Restated Agreement Regarding South Park County Sanitation District Operations and Transfer to the City of Santa Rosa" to address rate restructuring, transfer of operations to the City, and a new governance structure, prior to the recordation of the subject reorganization, will support the transition of responsibility for South Park to the City.

3.8 The Commission finds that the Affected Territory is "inhabited," in that more than 12 registered voters reside within it. Since neither owners of property within the Affected Territory nor registered voters residing within the Affected Territory have provided their written consent to the Proposal, the Commission determines that it may approve, approve with conditions, or disapprove the Proposal only after notice and hearing pursuant to Government Code section 56663. The Commission further finds that the Proposal does not qualify for a waiver of protest proceedings and orders the initiation of protest proceedings, pursuant to Government Code section 57000.

3.9 Based on the foregoing findings, the Commission finds 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, and that

approval of the Proposal is appropriate, subject to the conditions and limitations set forth below.

4. Evidence in the Record

4.1 The findings set forth in Sections 1 through 3 of this resolution are based upon the entire record before the Commission. References to specific reports or documents in a finding are not intended to identify those sources as the exclusive bases for the finding. Headings are inserted for convenience only, and the location of a finding under a specific heading is not intended to limit the role of that finding to that particular heading.

NOW, THEREFORE, based on the foregoing findings and the record of these proceedings, the Commission hereby declares and orders as follows:

1. The foregoing findings are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The Commission certifies that it has reviewed and considered the information contained in the Final EIR and has considered the environmental effects of the Proposal as shown therein.

3. The Commission adopts a statement of overriding considerations as set forth in Section 2.7 of this resolution.

4. The Proposal is approved, subject to the following conditions:

(a) Pursuant to the request of the City and the County of Sonoma ("the County") in Section 15 of the Pre-Annexation Agreement By and Between the County of Sonoma and the City of Santa Rosa ("the Pre-Annexation Agreement"), dated December 20, 2016, in reference to Section 2: Property and Sales Tax Exchange, sub-section (c), the County shall make an annual payment to the City in an amount equal to \$226,400, as annually adjusted, which payment shall continue in perpetuity subject to the provisions of the Pre-Annexation Agreement.

(b) Pursuant to the request of the City and the County in Section 15 of the Pre-Annexation Agreement, dated December 20, 2016, in reference to Section 4: Annual Costs, sub-section (a), the County will provide funding to the City in the amount of \$500,000 per year for ten years, to be adjusted annually as provide in the Pre-Annexation Agreement.

(c) Pursuant to the request of the City and the County in Section 15 of the Pre-Annexation Agreement, dated December 20, 2016, in reference to Section 5: Transportation Infrastructure, sub-section (a), the County will provide to the City funding in the amount of \$6.62 million, provided in equal installments of \$662,000 over a 10-year period.

(d) The Affected Territory shall not be detached from the Roseland Fire Protection District as part of the subject reorganization. Within one year of the effective date of the annexation of the Affected Territory to the City of Santa Rosa, the City or the Roseland Fire Protection District shall initiate proceedings with the Commission for a reorganization consisting of dissolution of the Roseland Fire Protection District and establishment of a subsidiary district of the City.

(e) The Affected Territory shall not be detached from the South Park County Sanitation District as part of the subject reorganization. Prior to the recordation of the subject reorganization, the City of Santa Rosa and the Sonoma County Water Agency shall approve an amendment to "The Amended and Restated Agreement Regarding South Park County Sanitation District Operations and Transfer to the City of Santa Rosa" to address rate restructuring, transfer of operations to the City, and a new governance structure.

(f) All existing County easements and rights-of-way within the five islands included in the Roseland Area reorganization proposal shall transfer to the City of Santa Rosa, including all road easements, roads held in fee, all right-of-way easements, private rights of access for utilities, storm drain, etc., but excluding (1) the Joe Rodota Trail, which should continue to be held and maintained by the County of Sonoma; and (2) any creeks, streams, waterways and storm drain structures currently maintained by the Sonoma County Water Agency, whether in fee or by maintenance agreement. The City reserves the right to have the Sonoma County Water Agency (SCWA) accept parcels or easements within the affected territory currently held by the County that meet the SCWA flood control design criteria pursuant to SCWA Resolution No. DR 10073-1.

5. Regarding Regional Housing Needs Assessment (RHNA) allocations and transfer of obligation from the County to the City upon annexation of the Affected Territory,

(a) The City of Santa Rosa (City) and County of Sonoma (County) shall endeavor to reach a mutually acceptable transfer agreement with respect to RHNA obligation, by income category, and RHNA credit pursuant to Government Code section 65584.07. When such agreement has been reached, the City shall transmit it to the Association of Bay Area Governments (ABAG) and, upon acceptance by ABAG, to the State Department of Housing and Community Development (HCD). If no mutually acceptable agreement has been reached within 90 days of the effective date of the annexation, the County shall request that ABAG allocate the RHNA obligation between the jurisdictions pursuant to Government Code section 65594.07(d)(2)(A) and shall request that HCD transfer RHNA credit to the City as set forth in the Pre-Annexation Agreement between the City and County for the Roseland Area annexation, dated December 20, 2016.

6. 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.

7. The Proposal is assigned the following short-form designation: Southwest Santa Rosa Reorganization No. 17-01 (Roseland Area).

8. The regular County assessment roll shall be utilized for the Proposal.

9. The Affected Territory shall not be taxed for existing bonded indebtedness and contractual obligations.

10. The property tax transfer to the City shall be in accordance with the Master Property Tax Exchange Agreement supplemented by transfers and payments agreed upon in the Pre-Annexation Agreement by and between the County of Sonoma and the City of Santa Rosa, dated December 20, 2016.

11. The Commission orders the initiation of protest proceedings, pursuant to Government Code section 57000.

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

13. 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 and directed to mail certified copies of this resolution in the manner provided by law.

14. 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.

15. 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, 575 Administration Drive, Room 117B, Santa Rosa, CA, 95403.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Commission on the 2nd day of August 2017 and ordered adopted by the following vote:

COMMISSIONERS:

Approved as recommended

Ayes: 7 Holmer, Loveless, Gorin, Kapolchok, Stafford, Hopkins and Barrett

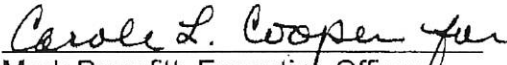
Noes: 0

Abstain: 0

WHEREUPON, the Chair declared the foregoing resolution adopted and

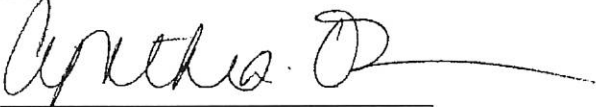
SO ORDERED.

ATTEST:


Mark Bramfitt, Executive Officer

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

ATTEST:

BY:

Cynthia Olson, Clerk