

Resolution No. 2518

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

October 4, 2006

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, MAKING FINDINGS AND DETERMINATIONS, CERTIFYING REVIEW AND CONSIDERATION OF THE INFORMATION CONTAINED IN THE MITIGATED NEGATIVE DECLARATION, AND APPROVING A REORGANIZATION OF TERRITORY DESIGNATED AS: PETALUMA REORGANIZATION NO. 2006-01 (SOUTH PETALUMA PARTNERS LLC) INVOLVING ANNEXATION TO THE CITY OF PETALUMA AND DETACHMENT FROM COUNTY SERVICE AREA NO. 40 (FIRE SERVICES) AND COUNTY SERVICE AREA NO. 41 (MULTI-SERVICES), AND WAIVING PROTEST PROCEEDINGS**

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**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 South Petaluma Partners ("the Applicant") filed Application No. 06-06 ("the Application") with the Executive Officer of the Commission ("the Executive Officer") requesting a reorganization consisting of annexation of the territory designated as Petaluma Reorganization No. 2006-01 (South Petaluma Partners LLC) ("the affected territory") to the City of Petaluma ("the City") and detachment from County Service Area No. 40 (Fire Services) and County Service Area No. 41 (Multi-Services) ("the Proposal"). As part of Application No. 06-06, 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 Acting as lead agency for the purposes of the California Environmental Quality Act ("CEQA"), the City adopted a Mitigated Negative Declaration as the environmental document for the Proposal. Based on the City's action, the Executive Officer determined the Commission would comply with CEQA by acting as a responsible agency for the Proposal.

1.3 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.

1.4 The Commission considered the Proposal, the information contained in the Mitigated Negative Declaration, and the Executive Officer's Report at its meeting on October 4, 2006. The Commission heard and received all relevant oral and written

testimony and evidence presented or filed regarding the Proposal and the Mitigated Negative Declaration. All interested persons were given the opportunity to hear and be heard. The Commission discussed the Proposal and voted to certify review and consideration of the Mitigated Negative Declaration and to approve the Proposal, as set forth herein.

1.5 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 Mitigated Negative Declaration and the Proposal.

## **2. CEQA Compliance**

2.1 The Commission concurs with the City and the Executive Officer and finds that the City is the lead agency and that the Commission is a responsible agency for the Proposal for the purposes of CEQA.

2.2 The Commission has reviewed and considered the information contained in the Mitigated Negative Declaration and has considered the environmental effects of the Proposal, as shown in the Mitigated Negative Declaration, 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 has reviewed and considered the information contained in the Mitigated Negative Declaration prior to reaching its decision on the Proposal. The Commission has also reviewed and considered the following resolutions, ordinances, and agreements of the City prior to reaching its decision on the Proposal:

- a. Resolution No. 2005-025 N.C.S., dated February 15, 2005
- b. Ordinance No. 2211 N.C.S., dated June 6, 2005
- c. Resolution No. 2005-085 N.C.S., dated June 6, 2005
- d. Resolution No. 2005-086 N.C.S., dated June 6, 2005
- e. Resolution No. 2005-087 N.C.S., dated June 6, 2005
- f. Resolution No. 2006-119 N.C.S. dated June 19, 2006
- g. Memorandum of Understanding, dated June 27, 2006
- h. Pre-Annexation Agreement, dated July 14, 2006

3.2 The affected territory is within the sphere of influence and voter-approved Urban Growth Boundary for the City and within the "urban services area" boundary for the City in the Sonoma County General Plan.

3.3 The affected territory is contiguous to City boundaries and is consistent with the land-use designation policies of the City's General Plan. The City has determined that it has capacity within its systems to provide needed services.

3.4 The purpose of the Proposal is to allow future development in accordance with densities permitted by the City's General Plan and access to City services.

3.5 The Commission finds that the affected territory is uninhabited.

3.6 The Commission finds 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 Commission certifies that it has reviewed and considered the information contained in the Mitigated Negative Declaration. The Executive Officer is directed to file a notice of determination in accordance with the provisions of CEQA and the State CEQA Guidelines.

3. Subject to the terms and conditions hereinafter specified, the Proposal is approved:

a. Not later than 30 days after the City receives notice from the County of Sonoma of the completion of reclamation of APNs 019-210-010, 019-210-038, and 019-210-039, the City and/or the Applicant shall initiate proceedings with the Commission for annexation of APNs 019-210-005, 019-210-006, 019-210-007, 019-210-008, 019-210-009, 019-210-013, 019-210-014, 019-210-021, 019-210-022, 019-210-025, 019-210-029, 019-210-032, 019-210-033, 019-210-034, 019-210-035, and 019-210-036 to the City.

4. The Proposal is assigned the following short-form designation: "Petaluma Reorganization No. 2006-01 (South Petaluma Partners)."

5. The boundaries 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 regular county assessment roll shall be utilized for the Proposal.

7. The affected territory shall not be taxed for existing bonded indebtedness or contractual obligations.

8. The property tax transfer to the City shall be in accordance with the "Master Tax Exchange Agreement" as described in Sonoma County Board of Supervisors Resolution No. 90-0270.

9. Since the owners of the affected territory initiated the request for and consent to the reorganization, the Commission shall waive protest proceedings in accordance with provisions of the Cortese-Knox-Hertzberg Act.

10. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by law.

11. 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 104A, Santa Rosa, CA 95403.

**THE FOREGOING RESOLUTION** was introduced at a regular meeting of the Commission on the 4<sup>th</sup> day of October 2006 and ordered adopted by the following vote:

**COMMISSIONERS:**

Allen: Aye    Schaffner: Aye    Kapolchok: No    Kerns: Aye    Brunton: Aye

Bramfitt: Aye    Kelley: Aye

Ayes: 6    Noes: 1    Abstain: 0    Absent: 0

WHEREUPON, the Chairman declared the foregoing resolution adopted and

**SO ORDERED.**

ATTEST:

BY: Carole L. Cooper  
Steven. J. Sharpe, Executive Officer

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

ATTEST: Mary B. 2007

BY: Cynthia Olson  
Clerk