

Draft Resolution

575 Administration Drive
Santa Rosa, CA 95403

March 1, 2017

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Finding Insufficient Protest and Confirming and Ordering Without An Election A Reorganization of Territory Consisting of Annexation to the City of Cloverdale and Detachment from County Service Area No. 41 (Multi-Services) (File No. 16-11)

RESOLVED, that the Local Agency Formation Commission of the County of Sonoma (“the Commission”) hereby finds and determines as follows:

1. Procedural History

1.1 The City of Cloverdale (“the Applicant,” “the City”) filed an application with the Executive Officer of the Commission (“Executive Officer”) proposing a reorganization consisting of annexation of territory designated as Cloverdale Reorganization No. 2016-01 (Nu Forest) and detachment from County Service Area No. 41 (Multi-Services) (“the Proposal”), generally located south of Crocker Road, east of U.S. Highway 101 and Asti Road, north of the City’s wastewater treatment plant and corporation yard, and west of the Russian River (“the Affected Territory”).

1.2 After conducting required proceedings on the Proposal on January 4, 2017, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code (“the Cortese-Knox-Hertzberg Act”), the Commission approved the Proposal and adopted Resolution No. 2667, a copy of which is attached hereto as Appendix “A” and incorporated herein by this reference. Resolution No. 2667 directed the Commission to undertake protest proceedings for the Proposal in compliance with Resolution No. 2667 and the Cortese-Knox-Hertzberg Act.

1.3 The Commission conducted a duly noticed protest hearing on the Proposal on March 1, 2017. At the hearing, the Commission heard and received all relevant oral and written protests, objections, and evidence presented or filed on the Proposal. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission closed the public hearing, determined the value of written protests filed against the Proposal and not withdrawn prior to the conclusion of the hearing, and voted to order the Proposal without an election, as set forth herein.

1.4 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 Acting as a responsible agency under the California Environmental Quality Act ("CEQA"), the Commission, as part of Resolution No. 2667, certified that, prior to reaching a decision on the Proposal, it reviewed and considered the information contained in the Mitigated Negative Declaration for the Proposal and considered the environmental effects of the Proposal.

2.2 The Commission finds that it fully discharged its responsibilities under CEQA for the Proposal by its actions in Resolution No. 2667.

3. Cortese-Knox-Hertzberg Act Compliance

3.1 The actions herein on the Proposal are being taken pursuant to the Cortese-Knox-Hertzberg Act.

3.2 The Proposal consists of a reorganization of territory consisting of annexation of seven parcels to the City of Cloverdale and detachment from County Service Area No. 41 (Multi-Services). The Affected Territory is generally located south of Crocker Road, east of U.S. Highway 101 and Asti Road, north of the City's wastewater treatment plant and corporation yard, and west of the Russian River.

3.3 The exterior boundaries of the Affected Territory included in the Proposal are described in Resolution No. 2667.

3.4 The terms and conditions upon the Proposal shall be the terms and conditions specified in Resolution No. 2667.

3.5 The reason for the Proposal is to allow development at densities permitted by the City and access to City services.

3.6 The short-form designation for the Proposal is Cloverdale Reorganization No. 2016-01 (Nu Forest).

3.8 The value of written protests filed and not withdrawn is less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the Affected Territory. In such cases, pursuant to Section 57075, the Cortese-Knox-Hertzberg Act directs the Commission to order the Proposal without an election.

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 value of written protests filed and not withdrawn is insufficient to terminate proceedings, and the Proposal is therefore approved without an election.

3. The Executive Officer is directed to prepare and execute a certificate of completion for the Proposal and to record a certified copy thereof with the Sonoma County Recorder.

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

5. 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, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Commission on the 1st day of March 2017 and ordered adopted by the following vote:

Commissioners:

AYES:

NOES:

ABSTAIN:

WHEREUPON, the Chairman declared the foregoing resolution adopted, and

SO ORDERED

BY:

Mark Bramfitt, Executive Officer

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

ATTEST:

BY:

Clerk