

Resolution No. 2024-XXX N.C.S. of the City of Petaluma, California

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETALUMA ADOPTING A RESOLUTION OF APPLICATION FOR REORGANIZATION OF PROPERTY LOCATED ALONG OLD REDWOOD HIGHWAY GENERALLY NORTH OF MCDOWELL BOULEVARD; APNS: 047-213-017 and 137-011-048; FILE NO. PLZA-2023-0001 AND PLAN-2024-0001

WHEREAS, in accordance with Section 56375(a)(7) of the Cortese/Knox Local Government Reorganization Act of 1985 and the policies of the Sonoma County LAFCO, the City Council is recommended to pre-zone the property proposed for annexation to the City of Petaluma; and

WHEREAS, on January 23, 2024, the Planning Commission held a duly noticed public hearing, pursuant to Implementing Zoning Ordinance Section 25.050, to consider the proposed annexation, at which time all interested parties had the opportunity to be heard; and

WHEREAS, on January 23, 2024 and prior to acting on this request, the Planning Commission considered the staff report analyzing the application, including the California Environmental Quality Act (CEQA) determination therein; and

WHEREAS, the Planning Commission adopted a Resolution to recommend that the City Council adopt the Resolution of Application for annexation at the January 23, 2024 public hearing with direction to staff to work with the applicant and provide recommendations to City Council for addressing the information and expressed concerns in the November 17, 2015 letter about existing fill that was placed by Adobe Lumber Company; and

WHEREAS, the applicant provided a technical memo addressing concerns in the November 17, 2015 letter, Fill Evaluation Memo, dated May 29, 2024, prepared by West Consultants, included in the June 17, 2024 City Council staff report; and

WHEREAS, on June 17, 2024, the City Council held a duly noticed public hearing, pursuant to Implementing Zoning Ordinance Section 25.065, to consider the proposed annexation, at which time all interested parties had the opportunity to be heard.

WHEREAS, on June 17, 2024, the City Council of the City of Petaluma held a duly noticed public hearing to consider the amendments and continued the item to a date uncertain by a vote of 5-1-1 and directed the applicant to provide a revised fill analysis; and

WHEREAS, the applicant provided a revised technical memo addressing City Council comments from the June 17, 2024 public hearing, date revised August 30, 2024, prepared by West Consultants, included in the October 21, 2024 City Council staff report; and

WHEREAS, on October 21, 2024, the City Council held a duly noticed public hearing, pursuant to Implementing Zoning Ordinance Section 25.065, to consider the proposed annexation, at which time all interested parties had the opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. That the above recitations are true and correct and material to this Resolution.
2. A resolution of application to the Sonoma County Local Agency Formation Commission for reorganization of the territory depicted in Attachment A - Exhibit 1 is in accordance with the applicable provisions of the California Environmental Quality Act.
3. The subject property is within the adopted Sphere of Influence and Urban Growth Boundary of the City of Petaluma General Plan.
4. The annexation is, for the reasons discussed in the January 23, 2024 Planning Commission staff report and October 21, 2024 City Council staff report, consistent with the following Petaluma General Plan policies: Policy 1-P-1 (Development Within UGB); Policy 1-P- 29 (Development Within Urban Growth Boundary); Policy 1-P-35 (Growth Within Urban Growth Boundary); Policy 1-P-36 (Growth Within Urban Growth Boundary); and Policy 1-P-38 (Growth Within Urban Growth Boundary).
5. This annexation will enable several provisions of the General Plan to be achieved including: orderly improvement of City infrastructure, preservation of the city's Urban Growth Boundary, and preservation of County land uses, including commercial and light industrial uses.
6. The City Council pre-zones the ± 12.9-acre site located at 5400 Old Redwood Highway to apply a Business Park zoning designation and corresponding Floodplain Combining District (FP-C) to portions of the site within the 100-year floodplain and Open Space and Parks (OSP) zoning to corresponding portions of the site along Willow Brook Creek and the General Plan designated urban separator.
7. Based on the record of the January 23, 2024, Planning Commission meeting, and the staff report, staff presentation, comments received at the June 17, 2024 and October 21 public hearings, the City Council makes the following findings based on substantial evidence in the record:
 - a. The proposed project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15319 (Class 19 - Annexations of Existing Facilities and Lots for Exempt Facilities). This exemption includes annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The existing site complies with all applicable City and County zoning regulations including but not limited to density, setbacks, height, and lot coverage, and City utility services have capacity to serve existing facilities.

If a project qualifies for the use of a categorical exemption, then the lead agency must determine whether the project is subject to any of the exceptions to the use of a categorical exemption, pursuant to CEQA Guidelines Section 15300.2. None of the exceptions to the use of a categorical exemption apply as (a) the project is not located in an area where it may impact an environmental resource of hazardous or critical concern (applies to classes 3, 4, 5, 6, and 11 only); (b) will not result in cumulative impacts; (c) does not involve an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances; (d) will not result in damage to scenic resources within a highway officially designated as a state scenic highway; (e) is not located on a hazardous waste site pursuant to Section 65962.5 of the Government Code, and (f) will not result in a substantial adverse change in the significance of a historical resource. As none of the exceptions to the exemption apply, the project would not be precluded from the use of the Class 19 exemption. Therefore, no further environmental analysis is needed.

Moreover, as the property to be annexed is within the UGB, the General Plan Environmental Impact Report, already analyzed impacts associated with this property, which included the potential for annexation.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 21st day of October 2024, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor