

---

Date: September 20, 2022

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

---

☒ 4/5 Vote Required

---

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY WATER AGENCY (SONOMA WATER) DETERMINING THAT THE TERMINATION AND RELEASE OF COVENANT AT PRUITT CREEK WILL NOT ADVERSELY AFFECT SONOMA COUNTY WATER AGENCY IN ANY RESPECT AND WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT, AND AUTHORIZING THE CHAIR TO EXECUTE AGREEMENTS WITH FIVE AFFECTED PROPERTY OWNERS FOR TERMINATION AND RELEASE OF RESTRICTIVE COVENANT**

**Whereas**, in the process of due diligence for a development application to the Town of Windsor, it was discovered that a covenant restricting the construction of permanent improvements was recorded on December 6, 1968 in Book 2369 at Page 903, Sonoma County Records, between the property owner at the time, the Flour Products Company, Inc., and the Sonoma County Flood Control and Water Conservation District, now known as Sonoma Water; and

**Whereas**, Sonoma Water has informed the project's Applicant and the Town of Windsor that the covenant is no longer needed and Sonoma Water desires to terminate the covenant; and

**Whereas**, the Town of Windsor uses other means to control development along drainage features, such as conditions of approval; and

**Whereas**, through the planning entitlement process, the Town of Windsor conditions development projects to be consistent with the current design standards of Sonoma Water; and

**Whereas**, Sonoma Water's General Manager has determined that the proposed vacation of the Restrictive Covenant is exempt from the California Environmental Quality Act (CEQA) pursuant

to Section 15061(b)(3), Review for Exemption, because the vacation of the Covenant by Sonoma Water, as requested by the Applicant, the Town of Windsor and Windsor Water District, that would not have the potential for significant effects on the environment; and

**Whereas**, Sonoma Water has prepared a Notice of Exemption for the Project in accordance with CEQA, the State CEQA Guidelines, and Sonoma Water's Compliance Procedures for CEQA.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Sonoma County Water Agency hereby finds, determines, and declares as follows:

1. The above recitals are true and correct.
2. This Board hereby determines that the termination and release of covenant will not have significant adverse effect on the environment.
3. This Board hereby finds and determines that the termination and release of covenant will not adversely affect Sonoma County Water Agency in any respect.
4. The Board hereby authorizes the Chair to execute agreements for Termination and Release of Restrictive Covenant with Town of Windsor; Trustee of the Kurz Family Trust; Standard Industrial East, LLC; 930 Shiloh Owner, LLC; and Storage Pro of Windsor, LLC; respectively, in a form approved by county counsel.

**Directors:**

Gorin:                      Rabbitt:                      Coursey:                      Hopkins:                      Gore:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**