



# County of Sonoma

## State of California

Date: March 14, 2023

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

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

☒ 4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving Changes To The Conditions, Covenants & Restrictions Requested By The Pool Creek Subdivision Home Owners Association To Modify Language Regarding Review Of Future Modifications To The Conditions, Covenants & Restrictions, Limiting Review To Issues Related To The Conditions Of Approval By The Board Of Supervisors Or Its Designee, And Reestablish The County As A Third Party Beneficiary Involving Eight Parcels Created By The Pool Creek Subdivision, From Board Resolution Number 73325, Assessors Book 342, Pages 1-7, Assessor Parcel Numbers (APNs) 079-200-003, 079-200-005, 079-200-007, 079-200-008, 079-200-009, 079-200-010, 079-200-011, and 079-200-012, Leslie Road, Healdsburg.**

**Whereas,** The Pool Creek Homeowners Association HOA has filed a request for a Zoning Permit to modify language and reestablish the County as a third party beneficiary for the Pool Creek CC&Rs, involving eight parcels created by the Pool Creek Subdivision (Bk. 342, pgs. 1-7). Leslie Road, Healdsburg.

**Whereas,** The Board of Supervisors accepted and approved the final map for the Pool Creek subdivision, tract number 613, file number 160-867, on December 21, 1982.

**Whereas,** The original Pool Creek Covenants, Conditions & Restrictions state that amendments to Article III Sections 61 1, 8, 9; Article VI Section 2; Article VIII; and Article X must be approved by resolution of the Sonoma County Board of Supervisors.

**Whereas,** The project has been determined to be exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of Title 14 of the California Code

of Regulations (CEQA Guidelines) the general rule that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

**Now, Therefore, Be It Resolved** that the Board of Supervisors makes the following findings:

1. The modified language, as shown in Exhibit A, does not conflict with policies in the General Plan.
2. Modification of the Pool Creek Subdivision Home Owners Association Conditions, Covenants, & Restrictions, as shown in Exhibit A, to allow the Sonoma County Board of Supervisors to appoint a designee for review of future changes to the Conditions, Covenants, & Restrictions is appropriate as current standard practice.
3. The Pool Creek Subdivision Covenants & Restrictions should be amended, consistent with Exhibit A, to re-establish the County as a third party beneficiary, so as to facilitate enforcement of conditions of project approval.

**Be It Further Resolved** that the Board of Supervisors hereby finds that substantial evidence in the record before it supports the above findings.

**Be It Further Resolved** that the Board of Supervisors hereby approves the amendments to the Pool Creek Subdivision Home Owners Association Conditions, Covenants & Restrictions as shown in Exhibit A to this resolution, Pool Creek Subdivision Home Owners Association Language.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

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Gorin:                      Rabbitt:                      Coursey:                      Hopkins:                      Gore:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**