

December 7, 2022

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Superseding Resolution 2755 Following Reconsideration, Making Findings and Determinations, Determining Exemption from the California Environmental Quality Act, Approving a Reorganization of Territory Designated as: Northern Sonoma County Fire Protection District Reorganization No. 2021-03 (County Service Area 40 Territories) Involving Detachment of County Service Area 40 Territories and Subsequent Annexation of Those Territories and Setting Protest Proceedings for the Proposal (File No. 2021-03)

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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 The Northern Sonoma County Fire Protection District (“the District,” “the Applicant”) filed a resolution of application (“the Application”) with the Executive Officer of the Commission (“the Executive Officer”) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code section 56000 et seq. (“the Cortese-Knox-Hertzberg Act”), proposing a reorganization consisting of detachment of territories of County Service Area 40 – Fire Services and subsequent annexation of those territories (“the Proposal”). The territories that are the subject of the Proposal are generally located in the unincorporated areas of northern Sonoma County including the Geysers Area, the Fitch Mountain area, and the Sotoyome area (“the Affected Territories”). As part of the Application, the Applicant included a plan for providing services within the Affected Territory (“the Plan for Services”). The Application and the Plan for Services were submitted to the Executive Officer pursuant to the Cortese-Knox-Hertzberg Act. The Executive Officer accepted the Application for filing and issued a certificate of filing on June 27, 2022. Following issuance of the certificate of filing, the Executive Officer set the Proposal for consideration by the Commission and provided notice thereof as provided in the Cortese-Knox-Hertzberg Act.

1.2 The District determined that the proposal was not a project subject to the California Environmental Quality Act (CEQA), pursuant to Section 15320 of the State CEQA Guidelines, and further, if the Proposal could be considered a project subject to CEQA, it is exempt under State CEQA Guidelines Section 15061(b)(3).

1.3 Based on the District’s action, the Executive Officer determined that the Commission would comply with CEQA by acting as a responsible agency in its consideration of the Proposal.

1.4 The Executive Officer reviewed the Proposal and written comments received thereon and prepared a report analyzing the Proposal and recommending its approval (“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.

1.5 The Commission considered the Executive Officer’s Report and the Proposal at a noticed public hearing on September 7, 2022. The Commission subsequently considered two requests for reconsideration of the Commission’s prior actions at a noticed public hearing on December 7, 2022. At the hearings, the Commission heard and received all relevant oral and written testimony and evidence presented or filed and considered the Executive Officer’s Report, the Proposal, and the CEQA determination. All interested persons were given the opportunity to hear and be heard.

1.6 At the conclusion of public testimony, the Commission discussed the Proposal and the environmental effects of the Proposal and voted to approve the Proposal, as set forth herein.

1.7 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 The Commission concurs with the District’s and the Executive Officer’s CEQA determinations for the Proposal and finds and determines that the Proposal is not a project subject to CEQA. If the Proposal could be considered a project, it is exempt from CEQA under State CEQA Guidelines Sections 15061(b)(3) and 15320. The facts and circumstances supporting the Commission’s conclusions are set for the below:

2.2 The District will continue to provide fire and emergency medical services to the Affected Territories. No physical changes to the environment are anticipated, planned or reasonably foreseeable as a result of the Proposal.

2.3 State CEQA Guidelines Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. 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. As set forth above, the Proposal involves no change in existing use, and it can be seen with certainty that it will not have a significant effect on the environment. As a result, if the Proposal can be considered a project subject to CEQA, it is exempt pursuant to State CEQA Guidelines Section 15061(b)(3).

2.4 State CEQA Guidelines Section 15320 exempts from CEQA changes in the organization or reorganization of local government agencies where the changes do not change the geographical area in which previously existing powers are exercised. In that the District will provide fire and emergency medical services to the Affected Territories that are comparable or superior to those provided currently, and will continue to provide such services to the Affected Territories upon annexation, there is no change in the geographic area to which services have been provided. As a result, the Proposal is exempt pursuant to State CEQA Guidelines Section 15320.

2.6 The Commission has considered the potential environmental effects of the Proposal 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 makes the following amended findings and determinations with respect to the Proposal.

- a. The affected territories are within the Northern Sonoma County Fire Protection District's sphere of influence, making it eligible for annexation.
- b. The reason for the reorganization is to allow residents of the affected territories to directly receive the full range of services provided by the District.
- c. The Municipal Service Review conducted for the District and surrounding CSA 40 territories in Northern Sonoma County, and a Sphere of Influence Study, reflects the District's ability to serve the affected territory.
- d. Existing property tax revenue and property tax transfers from the County of Sonoma will be sufficient to provide and maintain services for the Affected Territory.
- e. The authority and administration of Dry Creek Community Facilities District #5 will be transferred from the County of Sonoma to the Northern Sonoma County Fire Prevention District.

3.2 The District has stated, and a Municipal Service Review conducted for the District found, that the District can adequately serve the Affected Territories.

3.3 The Affected Territories are inhabited, in that more than twelve registered voters reside within. Therefore, the Commission will establish a Protest proceeding beginning on December 12, 2022 and concluding at the Commission's regular meeting on February 1, 2023.

3.4 Based on the foregoing findings and determinations and the record of these proceedings, the Commission finds and determines that the Proposal is consistent with the intent of the Cortese-Knox-Hertzberg Act and the purposes of the Commission, as expressed in Government Code §56001 and §56301. The Commission further finds, therefore, that approval of the Proposal is appropriate.

**NOW, THEREFORE**, based on the foregoing findings and determinations and the record of these proceedings, and pursuant to the Cortese-Knox-Hertzberg Act, 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 Proposal is not a project subject to CEQA. If the Proposal could be considered a project subject to CEQA, it is exempt under Sections 15061(b)(3) and 15320 of the State CEQA Guidelines. The Executive Officer is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

3. The Proposal is approved.

4. The boundaries of the Affected Territory shall be as shown and described in Exhibit "A" to this resolution, attached hereto and incorporated herein by this reference.

5. The Proposal is assigned the following short-form designation: Northern Sonoma County FPD Reorg No. 2021-03 (CSA 40 Territories).

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

7. The Affected Territories shall not be taxed for existing bonded indebtedness and contractual obligations.

8. The Executive Officer is authorized to file a notice of exemption in accordance with the provisions of CEQA and the State CEQA Guidelines. The Executive Officer is further authorized to mail copies of this resolution in the manner provided by law.

9. If a certificate of completion for the Proposal has not been filed within one year after the adoption of this resolution, the Proposal shall be deemed abandoned unless, prior to expiration of the one-year time period, the Commission authorizes an extension of time for completion of the Proposal.

10. 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, 111 Santa Rosa Ave., Ste. 240, Santa Rosa, CA, 95404.

**THE FOREGOING RESOLUTION** was introduced at a regular meeting of the Commission on the 7th day of December 2022 and ordered adopted by the following vote:

**COMMISSIONERS:**

AYES:  
NOES:  
ABSENT:

**WHEREUPON**, the Chair declared the foregoing resolution adopted and  
**SO ORDERED.**

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Mark Bramfitt, Executive Officer

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

ATTEST:

BY: \_\_\_\_\_  
Clerk