

**Resolution 2755**

**111 Santa Rosa Avenue, Ste. 240  
Santa Rosa, CA 95404**

**September 7, 2022**

**Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, 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, acting as lead agency for the purposes of the California Environmental Quality Act (“CEQA”) determined that the proposal was not a project subject to 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. At the hearing, 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 forth 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 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 West County Fire and Emergency Services Agencies, and the subsequent 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.

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 September 12, 2022 and concluding at the Commission's regular meeting on November 2, 2022.

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 September 2022 and ordered adopted by the following vote:

**COMMISSIONERS:**

AYES: 5      Stafford, Landman, Kapolchok, Gorin, Holmer  
NOES: 0  
ABSENT: 1      Hemmendinger

**WHEREUPON**, the Chair declared the foregoing resolution adopted and

**SO ORDERED.**

\_\_\_\_\_  
Mark Bramfitt, Executive Officer

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

ATTEST:

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



## OFFICE OF THE COUNTY ADMINISTRATOR

### COUNTY OF SONOMA

575 ADMINISTRATION DRIVE – ROOM 104A  
SANTA ROSA, CALIFORNIA 95403-2888  
TELEPHONE (707) 565-2431  
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CHRISTINA RIVERA  
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PETER BRULAND  
DEPUTY COUNTY ADMINISTRATOR

BARBARA LEE  
DEPUTY COUNTY ADMINISTRATOR

CHRISTEL QUERJERO  
DEPUTY COUNTY ADMINISTRATOR

PAUL GULLIXSON  
COMMUNICATIONS MANAGER

October 7, 2022

Mark Bramfitt  
Executive Officer  
Sonoma Local Agency Formation Commission  
575 Administration Drive, Room 104A  
Santa Rosa, CA 95403

Re: Resolution No. 2755  
File No. 2022-03

Dear Mr. Bramfitt:

The County of Sonoma ("County") and the Northern Sonoma County Fire Protection District ("District") request under Government Code section 56895 that the Commission amend Resolution No. 2755 ("the Resolution"), adopted on September 7, 2022, to replace Exhibit A, referenced in Finding 4 in the Resolution, to reflect an updated map with amended boundary lines of the territory to be annexed by the District. The updated map we are asking be attached as Exhibit A ensures that all County Service Area 40 ("CSA-40") territory is annexed by the District, including all territory within the Dry Creek Community Facilities District #5 ("CFD #5").<sup>1</sup>

Finding 4 in the Resolution stated that the boundaries of the affected territory were to be shown and described in Exhibit A; however, no Exhibit A was attached to the Resolution. This was a clerical error under section 56883 of the Government Code. Because the map of the affected territory was not attached to the Resolution as Exhibit A, neither the County nor the District could confirm the boundaries of the affected territory.

Government Code section 56895 states that "[t]he request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration." (Gov. § 56895, subd.(a).) The new fact that could not have been presented that warrants this reconsideration is the map that was not attached as Exhibit A, and therefore the error in the map boundaries could not be seen or raised.


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<sup>1</sup> Reference to CFD #5 was also omitted from Resolution 2755, and a separate request to amend the Resolution to include transferring the authority and responsibility of CFD #5 is being submitted by the District.

When the Exhibit was requested, it was evident upon review that there were some boundary issues that required a revised map. The mapping boundaries of the affected territory need to be revised so that the boundaries of CFD #5 are coterminous with the boundaries of the territory the District is annexing. This affects four (4) parcels which will be added to the affected territory, and are Parcel Numbers: 111-070-021, 111-070-019, 111-100-006, and 110-100-025. These parcels are currently mapped to be annexed to a different Fire District, who is being notified of the change in mapping boundaries.

The specific modification being requested is that Exhibit A in Resolution 2755 be replaced with an updated Exhibit A. The updated Exhibit A will be submitted as soon as reasonably possible to show the correct boundary lines for the affected territory and will include parcel numbers 111-070-021, 111-070-019, 111-100-006, and 110-100-025. No modification in the language in Finding 4 of the Resolution is being requested. Both the County and the District would like the boundary issue to be resolved, which can occur with a revised Exhibit A reflecting the updated boundary lines of the territory to be annexed by the District. It is crucial to the Reorganization that the map in the Resolution reflect the accurate territory to be annexed.

Thank you for your consideration.



Sheryl Bratton  
Sonoma County Administrator  
County of Sonoma

The Northern Sonoma County Fire Protection District supports this request to amend Resolution 2755 to replace Exhibit A with an updated map reflecting the correct boundaries.



Marshall Turbeville  
Chief, Northern Sonoma County Fire District



# JARVIS FAY LLP

LOCAL GOVERNMENT LAW

October 6, 2022

Mark Bramfitt  
Executive Officer  
Sonoma Local Agency Formation Commission  
575 Administration Drive, Room 104A  
Santa Rosa, CA 95403

Re: Resolution No. 2755  
File No. 2022-03

Dear Mr. Bramfitt:

I am writing on behalf of my client the Northern Sonoma County Fire Protection District (“the District”) regarding its application for reorganization submitted in conjunction with the County of Sonoma (“the County”) to the Sonoma Local Agency Formation Commission (“the Commission”), which was approved by the Commission on September 7, 2022, with the adoption of Resolution No. 2755. Under this reorganization the District will annex parts of County Service Area Number 40 (CSA-40), including the Geysers Area of Integrated Response Plan (IRP) 61, the Gray Creek Road area of IRP-61, IRP-63 (Fitch Mountain), and Fire Services Area 64 (Sotoyome)(Lower Dry Creek Valley and Mill Creek Road).

The District requests under Government Code section 56895 that the Commission amend Resolution No. 2755 to explicitly include the transfer of the Dry Creek Community Facilities District #5 (“CFD#5”) from the County to the District. This transfer was part of the District’s application. The Plan for Service included CFD#5’s tax revenues in the estimated tax revenues from the annexed areas, where it stated that “[t]his estimate includes the special taxes levied by the Dry Creek Community Facilities District #5 at a set value of \$109,655.” (Plan for Services, p. 2.) Moreover, the transfer is explicitly stated in section 3(b) of the tax exchange agreement between the County and the District. The transfer, however, is not explicitly stated in the approval, and to avoid any confusion in the future, the District requests that the transfer be added as an explicit term and condition of the reorganization.

Government Code section 56895 states that “[t]he request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration.” (Gov. § 56895, subd.(a).) The specific modification that the District requests is an additional term stating that “all authority and responsibility for CFD#5 shall be transferred from the County to the District, including the levy and collection of the special tax of CFD#5 and the determination of the special tax rate as set by the rate and method of apportionment.” The new fact that could not have been previously presented that warrants this reconsideration is the fact that the Commission did not include this term in the resolution, even though it was part of the application and that the

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tax revenues from CFD#5 were part of the District's financial projections in its application for reorganization. This fact could not have been presented previously because it had not occurred.

Alternatively, the District requests that this term be added to the resolution under section 56883 of the Government Code, which allows for the correction of a clerical error made through inadvertence. As already mentioned above, the transfer of CFD#5 was an integral part of the application for reorganization. Both the District and County representatives discussed the transfer of CFD#5 in their public comments before the Commission, and Section 3(b) of the tax exchange agreement between the District and the County states that "all authority over CFD #5 shall be transferred to the District as of the Effective Date and that the District shall receive all of the special taxes collected by CFD #5 for the fiscal year in which the Effective Date occurs." And the "Effective Date" is defined as the date of the Certificate of Completion. Not including the transfer of CFD#5 in the resolution was an inadvertent oversight or clerical error, which is not uncommon in complicated proceedings such as these.

The District understands that amending the resolution will restart the period during which a protest to the reorganization could be submitted, and that will presumably delay the issuance of a certificate of completion for the reorganization, but the District feels it is more important to clarify this issue.

Thank you for your consideration.

Very truly yours,

JARVIS FAY LLP



Benjamin P. Fay

The County of Sonoma, on behalf of CSA-40, supports this request to amend Resolution No. 2755 to include the additional term regarding transferring the authority and responsibility for CFD #5 from the County to the District as of the date that the certificate of completion is filed.



Sheryl Bratton  
County Administrator  
County of Sonoma

111 Santa Rosa Avenue, Ste. 240  
Santa Rosa, CA 95404

December 7, 2022

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Superseding Resolution 2755, 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)

---

**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, acting as lead agency for the purposes of the California Environmental Quality Act (“CEQA”) determined that the proposal was not a project subject to 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. At the hearing, 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 forth 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 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 West County Fire and Emergency Services Agencies, and the subsequent 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 Special Facility 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 September 12, 2022 and concluding at the Commission's regular meeting on November 2, 2022.

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: 5     Stafford, Landman, Kapolchok, Gorin, Holmer  
NOES: 0  
ABSENT:    1     Hemmendinger

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

\_\_\_\_\_  
Mark Bramfitt, Executive Officer

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

ATTEST:

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