



## AGENDA ITEM 7A

**MEETING:** July 20, 2022

**TO:** Humboldt LAFCo Commissioners

**FROM:** Colette Santsche, Executive Officer

**SUBJECT:** **Proposed Formation of the Salmon Creek Fire Protection District**

The Commission will consider a proposal submitted by registered voter petition to form the Salmon Creek Fire Protection District. The District formation area consists of approximately 20,500 acres (335 parcels), consistent with the response area of the Salmon Creek Volunteer Fire Company. Staff recommends approval of the proposal with conditions incorporated.

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LAFCoS are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving proposed changes of organization, such as district formations, consistent with adopted policies and procedures pursuant to California Government Code (G.C.) Section 56375. LAFCoS are authorized with broad discretion in amending and conditioning changes of organization as long as they do not directly regulate land use, property development, or subdivision requirements.

### **A. BACKGROUND**

LAFCo has received an application by registered voter petition to form the Salmon Creek Fire Protection District (FPD). The petition was signed by 35 percent of the registered voters within the proposed formation area as verified by the Humboldt County Clerk-Recorder/Registrar of Voters in accordance with Elections Code Section 9113-9115.

The principal reasons for the proposed formation are as follows:

1. To establish a fire protection district to support the continued operation of the Salmon Creek Volunteer Fire Department (VFC) on behalf of the Salmon Creek FPD, and that would make available the benefits and authorities contained in the Fire Protection District Law of 1987.
2. To establish an elected three-member board of directors to manage the delivery of fire and rescue services to the community.
3. To establish formal boundaries within which fire and rescue services can be adequately delivered and that clearly define the service responsibilities for the benefit of fire service providers, land use authorities, the public, and other service providers.

4. To provide the authority to establish revenue sources that can support the delivery of fire and rescue services and that the residents of the Salmon Creek FPD can rely upon into the future.

The formation of the Salmon Creek FPD would not change the delivery of fire protection and emergency response services but instead formalize fire protection responsibility that has historically been provided by good-will services. The Salmon Creek VFC has been serving the Salmon Creek area since 1978 and currently supports its fire protection operations through fund raising, donations, and grants. However, the future of the Salmon Creek VFC could be in jeopardy if a consistent source of funding cannot be established that will pay for insurances, fuel, and the maintenance and replacement of essential equipment. Potential revenues that may be available to the new district upon approval of the proposed Salmon Creek FPD (such as special taxes, property tax growth, grants, or other new revenues) would be intended to support the maintenance of current service levels and could allow the Salmon Creek VFC to improve the level of fire and emergency medical services in the future. The Salmon Creek VFC would continue to provide fire protection services on behalf of the Salmon Creek FPD.

## **B. DISCUSSION**

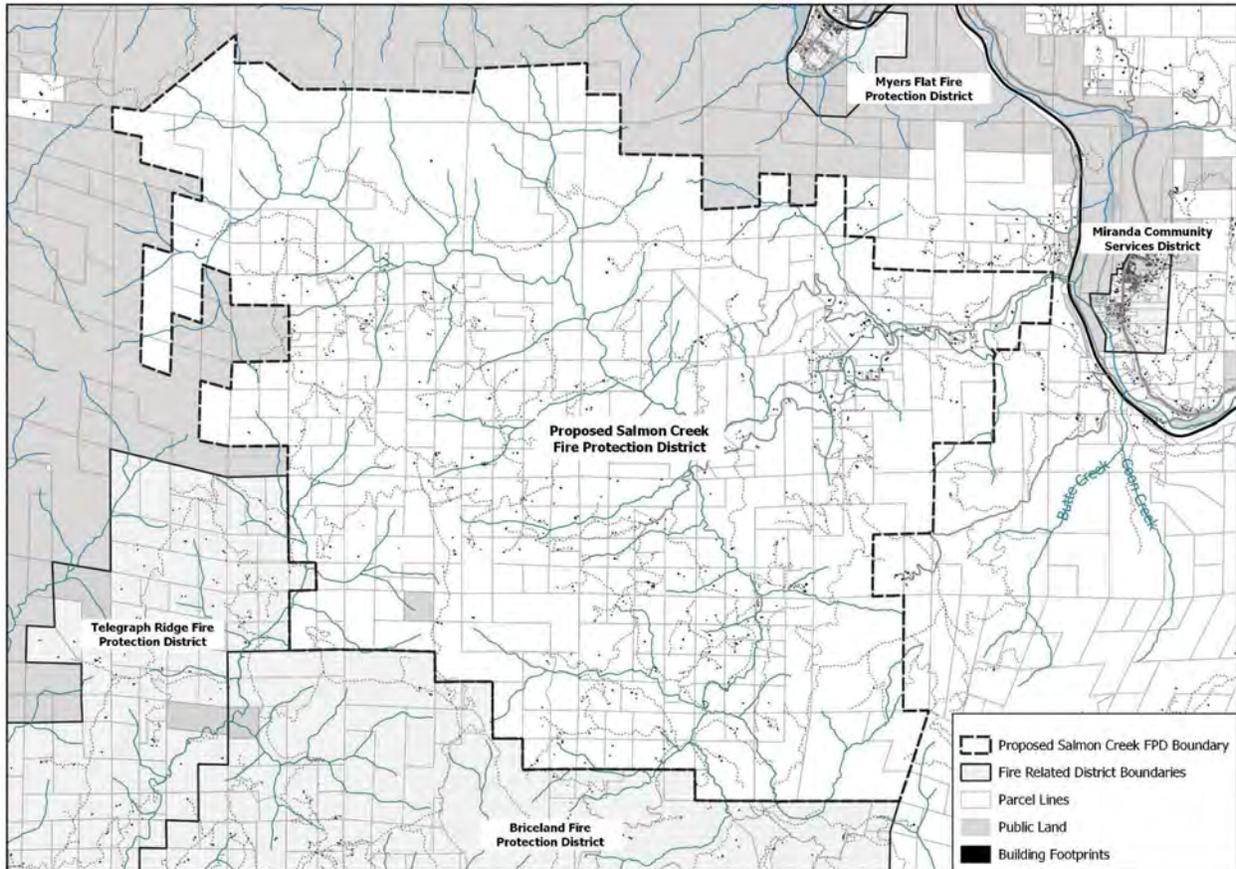
### Governing Board

The proposed Salmon Creek FPD would be governed by a three (3) member Board of Directors who would be elected by the registered voters within the district and would serve four-year terms of office.

### Proposed District Boundary

The proposed boundaries of the Salmon Creek Fire Protection District would affect the Adopted Sphere of Influence (SOI) of the Miranda Community Services District (CSD).

The chief petitioners indicated they have consulted with the Board of Directors of the Miranda CSD regarding this proposal. Humboldt LAFCo would be required to address this potential SOI conflict in their action approving the formation of the Salmon Creek Fire Protection District.



Please visit: <https://arcg.is/1mae8z> to access an online interactive webmap

### Proposed Special Tax

The continued operation of the proposed Salmon Creek Fire Protection District is to be funded through a voter-approved special tax that would generate approximately \$25,000 per year and would be apportioned to property in the following manner: a maximum rate of \$75 per parcel per year commencing in fiscal year 2023-24. The special tax would be levied annually for an indefinite term (no sunset) and would be collected as part of the annual property tax bill and deposited in a fund for the sole use of the district (nominal processing and administration fees may be charged by the County). The special tax would include the following additional provisions:

1. Inflationary Adjustment. In each subsequent year and as part of a duly noticed public hearing, the District Board may choose to adopt an inflation adjustment factor to increase the maximum special tax rate by an amount equal to the annual change, if any, in the Consumer Price Index of the San Francisco-Oakland-San Jose area, up to a maximum increase of five percent. An inflationary adjustment may be applied annually to account for normal cost of living increases in providing fire services. This factor is the maximum that the special tax could be raised in a fiscal year. The District Board can adopt a lower adjustment factor or forgo the adjustment at the Board's discretion.

2. Contiguous Parcel Exemption. The special tax would include an exemption to allow Assessor's Parcels which are contiguous, undeveloped, held under identical ownership and used solely for timber production or agricultural grazing, upon approval of an application of the owners thereof to the District Board, to be treated as a single parcel for purposes of this special tax.
3. Hardship Exemption. The special tax would include an exemption to allow landowners who fall within the U.S. Department of Housing and Urban Development (HUD) Guidelines for "very low"; or "poverty level" income, to apply to the Salmon Creek FPD Board for a partial or complete exemption from the tax

The approval of the formation of the district would be subject to a two-thirds vote in favor of a special tax by the registered voters voting upon the measure within the proposed district boundaries. This has been included as a condition of approval.

#### Property Tax Exchange

The proposed Salmon Creek Fire Protection District proposes to enter into a property tax exchange agreement with the County of Humboldt, pursuant to an action by the Board of Supervisors on May 9, 2019, which identified different tax exchange agreements that may be offered depending on which of a set of expectations fire districts were willing and able to meet. The proposed Salmon Creek Fire Protection District would be eligible for tax exchange agreement Offer #5, whereby the County would share only a portion of future growth in property tax revenue within the district formation area (no base exchange).

#### **C. ANALYSIS**

The analysis of the proposal is organized into two sections. The first section considers the proposal relative to the factors mandated for review by the Legislature anytime LAFCOs review boundary changes. The second section considers issues required by other applicable State statutes in processing boundary changes, such as environmental compliance with the California Environmental Quality Act.

#### ***Required Factors for Review***

G.C. Section 56668 requires the Commission to consider 17 specific factors anytime it reviews proposals for a change of organization or reorganization involving special districts. The majority of the prescribed factors focus on the impacts of the proposed boundary changes on the service and financial capacities of the affected agencies. No single factor is determinative. The purpose in considering these factors is to help inform the Commission in its decision-making process.

A summary of key statements and conclusions generated in the review of the mandated factors for the proposal follows with a complete analysis provided in Appendix A.

- Based on the 2020 Census, the Salmon Creek VFC serves approximately 316 residents and 181 total housing units.
- The proposed action would support the mutual social and economic interests of the Salmon Creek community by sustaining community-based fire protection services and establishing local governance for such services. In addition, the Salmon Creek FPD would be the first local agency within the Salmon Creek community and could provide a forum for broader community organization and discourse.
- The County has zoned approximately 7,906 acres within the proposed boundaries of the Salmon Creek FPD as Timber Production (38.6%), approximately 3,825 acres Agriculture Exclusive (18.7%), and approximately 172 acres Agriculture General (0.8%). Fire related districts within the county routinely respond to calls for service at houses on resource land, barns, warehouses, roads, logging sites, and within farm fields.
- The Salmon Creek VFC currently responds to calls for service throughout the proposed district boundaries. The weight of response and levels of service after the proposed Salmon Creek FPD formation would be substantially similar to current levels and would therefore not significantly influence owners of resource land in their decisions to convert such land to other uses.
- Potential revenues that may be available to the new district upon approval of the proposed Salmon Creek FPD would be intended to support the maintenance of current service levels and could allow the Salmon Creek VFC to improve the level of fire and emergency medical services in the future.
- The Sphere of Influence (SOI) for the Salmon Creek FPD is proposed to be coterminous with the district boundaries. The proposed formation would not substantially conflict with the adopted Spheres of Influence (SOI) of the Telegraph Ridge FPD, Briceland FPD, or the Miranda CSD, the nearest public agencies that provide fire protection services.

### ***Other Considerations***

- Municipal Service Review and Sphere of Influence

A Municipal Service Review (MSR) was prepared for fire services in the region prior to establishing a SOI in accordance with Government Code Section 56430. An overview of the Salmon Creek VFD can be found in the South County Regional Fire Services MSR (adopted July 20, 2016).

The proposed Salmon Creek FPD boundaries adjoin the Briceland and Telegraph Ridge FPDs, but there are very few passable roads between these areas. Both agencies have “status quo” Spheres of Influence (SOI), meaning that the SOI is contiguous with the district boundaries.

The proposed boundary does overlap with the adopted SOI for the Miranda CSD. The overlap consists of approximately 940 acres on the west side of the Eel River along Salmon Creek. While this area is currently in the SOI and goodwill response area for Miranda CSD, the District has indicated that they do not intend to extend additional services, such as water or wastewater, west of the Eel River. As such, it is logical to incorporate this area in the Salmon Creek FPD service area as it is a dedicated fire and emergency response service agency. Should the formation of the Salmon Creek FPD be approved with the proposed boundary, LAFCo will require, as a condition of approval, that during the next MSR/SOI update for the Miranda CSD, the District's SOI will be reduced in order to remove the overlap between the two Districts. Therefore, the proposed Salmon Creek FPD boundaries would not conflict with the SOI of a local agency providing fire protection services.

- o Environmental Review

The proposed formation of the Salmon Creek FPD is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)3 because it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment - where the activity is the establishment of a district boundary and a funding source for a fire service provider that has provided service for 40 years, that does not involve development or a change in the manner for which an existing service is provided.

- o Conducting Authority Proceedings

Typically, a protest hearing is conducted to determine whether a proposal would be confirmed, terminated, or subject to an election based on the number of valid written protests received. Since the formation is already subject to an election for voter approval of the special tax and election of district board members, only the threshold for termination is applicable:

*Terminate formation proceedings if written protests are received from 50 percent or more of the voters residing in the territory.*

Typically, landowner protests are counted to determine whether a change of organization is subject to election (i.e., when at least 25 percent of the number of landowners who also own at least 25 percent of the assessed value of land file written protests), while only registered voters can terminate the proceedings (i.e., when a majority of the voters file written protests).

Staff recommends the Commission delegate authority to the Executive Officer to conduct the protest hearing. This would increase scheduling flexibility, avoid extending Commission meetings for non-discretionary procedures, and expedite the district formation process. The Executive Officer would report at the Commission's next meeting the outcome of the protest hearing.

## **D. RECOMMENDATION**

Staff recommends the Commission approve the proposal to form the Salmon Creek Ridge Fire Protection District. It is recommended the following conditions of approval be applied with delegation to the Executive Officer to determine when the requested actions have been sufficiently satisfied before proceeding with a recordation.

- Completion of the 30-day reconsideration period provided under G.C. Section 56895.
- Completion of conduction authority proceedings by Executive Officer.
- Submittal of a final map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
- Payment of any outstanding fees as identified in the Commission's adopted fee schedule.
- Completion of an agreement regarding the exchange of ad valorem property tax between affected agencies pursuant to tax exchange agreement offer number 5 authorized by the Humboldt County Board of Supervisors on April 9, 2019.
- The formation of the Salmon Creek FPD shall be contingent upon the approval of the special tax by two-thirds (2/3) of the votes cast by voters voting upon the measure within the proposed district boundaries.
- The Salmon Creek FPD Board of Directors shall hold duly noticed public hearings and establish procedures by ordinance to administer the special tax including exemptions that balance the needs of the District for funding and the burdens on property owners and file such ordinance with LAFCo.
- Should the Salmon Creek FPD be formed, during the next MSR/SOI update for Miranda CSD, the SOI for Miranda CSD will be reduced to eliminate the overlap with the Salmon Creek FPD boundary.

### ***Alternatives for Commission Action***

Staff has identified three options for Commission consideration with respect to the proposal. These options are summarized below.

- Alternative Action One (Recommended):  
Adopt the draft resolution identified as Attachment B, approving the proposal with the recommended conditions along with any desired changes as requested by members.
- Alternative Action Two:

Continue consideration of the item to the next regular meeting and provide direction to staff for additional information as needed.

- o Alternative Action Three:  
Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved within 30 days of Commission action.

### ***Procedures for Consideration***

This item has been agenzized for consideration as part of a noticed public hearing. The following procedures are recommended with respect to the Commission's consideration of this item:

- A. Receive verbal report from staff
- B. Open the public hearing and invite testimony.
- C. Discuss item and – if appropriate – close the hearing and consider action on recommendation:

*"I move to adopt Resolution No. 22-09, approving the Formation of the Salmon Creek Fire Protection District, as described in the staff report, subject to the recommended conditions".*

### ***Attachments***

Attachment A: Required Factors for Review

Attachment B: Draft Resolution of Approval (No. 22-09)

**ATTACHMENT A  
ANALYSIS OF REQUIRED FACTORS**

Government Code Section 56668 requires the Commission to consider 17 specific factors anytime it reviews proposals for a change of organization or reorganization involving special districts. The purpose in considering these factors is to help inform the Commission in its decision-making process.

***1) Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; and the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.***

Based on the 2020 Census, the Salmon Creek VFC serves approximately 316 residents and 181 total housing units. Assessed valuation (land, improvements, and fixtures) within the District boundary is approximately \$73,301,937 (\$231,968 per capita based on a population of 316).

Prominent developments within the proposed Salmon Creek FPD boundaries include the rural Salmon Creek community, which is generally located along Salmon Creek and Thomas Roads west of the intersection of Salmon Creek Road and Maple Hills Roads. There are no commercial structures within the proposed district boundaries.

All properties within the proposed district boundaries utilize on-site water and wastewater systems, which limits the maximum density of development. The Humboldt County General Plan Land Use Map applies the following Land Use Designation to the proposed District: Residential Agriculture (approximately 50 percent) Timber Production (approximately 30 percent); and Agriculture Grazing (approximately 20 percent)., Humboldt County has Zoned approximately 20 percent of the proposed boundary Agricultural Exclusive, nearly 40 percent for Timber Production and the remainder is not precisely zoned or is zoned for Forestry Recreation purposes. . Given that the County Zoning Regulations allow residences on land zoned for timber and agricultural purposes, rural residential uses are present throughout the proposed District regardless of Zone Classification.

<b>Land Use Designation</b>	<b>Acres</b>	<b>% Total</b>
Agriculture Grazing	3,908.8	19.1
Residential Agriculture	10,171.4	49.7
Public	40.6	0.2
Timber Production	6,340.0	31.0
<b>Total</b>	<b>20,460.8</b>	<b>100.0</b>

The proposed district boundary includes several ridges including Elk Ridge in the western portion of the boundary. It also contains numerous valleys and creeks including Salmon Creek, Bogus Creek, Mill Creek Kinsey Creek and many smaller tributaries. This creates varied topography with steep slopes sometimes exceeding 50% grade throughout the District.

Although little growth in population is expected, new development within the proposed district boundaries could occur at existing county-wide rates, which would likely range from 0.25 to 1.0 percent per year. Significant growth during the next ten years is not likely to occur.

Given uncertainties regarding past and future growth for the proposed district, future district population has been estimated using a conservative growth rate of 1.0 percent per year. Assuming this growth rate and the 2020 Census population, the population of the proposed Salmon Creek FPD could reach approximately 346 by the year 2030, or an increase of nearly three new residents per year. Therefore, the demand for fire protection service within the proposed district boundaries is not expected to change significantly over the next 20 years.

**2) *The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.***

The Salmon Creek VFC (a 501(c)3 public benefit corporation) has been serving the Salmon Creek area since 1978 and provides fire suppression, rescue, and basic life support emergency medical services to the proposed district boundaries. The Salmon Creek FPD would maintain the fire protection services that are currently provided by the Salmon Creek VFC, as enumerated in Section 13862 of the Health and Safety Code, which include:

- o Fire Suppression
- o Rescue Services
- o Basic Life Support

The community served by the Salmon Creek VFC is proposing to form the Salmon Creek FPD in order to establish a long-term revenue source to support the continued delivery of fire protection services by the Salmon Creek VFC. Based on the existing population in the area, limited availability of additional emergency resources, and the increased threat of wildfire, the need for current levels or increased services by the Salmon Creek VFD will be essential.

The formation of the Salmon Creek FPD would not change the delivery of fire protection services. The volunteers of Salmon Creek VFC will continue to provide fire protection services for the Salmon Creek Fire Protection District. A special tax is proposed to be a condition of approval for the formation, and this and other new revenues would be used to support the maintenance of current service levels and could allow the Salmon Creek FPD to improve the level of fire and emergency medical services in the future.

Alternatively, if the VFD were to continue operating only as non-profit corporation without the support of an established FPD and its sustainable ongoing revenue resources, the VFD may experience a decline in services do to the rising costs of training and equipment.

**3) *The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.***

Considerations in the evaluation of alternatives:

§ 56301 “When the formation of a new government entity is proposed, a commission shall make a determination as to whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner. If a new single-purpose agency is deemed necessary, the commission shall consider reorganization with other single-purpose agencies that provide related services.”

Alternative actions considered could include:

- o Alternative 1 – County Service Area Formation

This alternative consists of the formation of a County Service Area, where the County would be responsible for fire protection services and could hire staff or contract with the Salmon Creek VFC, CAL FIRE, or an adjacent fire department to provide the service.

Humboldt County utilizes a CSA and an Amador Agreement with CAL FIRE to provide fire protection services to the Trinidad Area. In the 1990’s Humboldt County utilized Caltrans grant funds to support an Amador Agreement with CAL FIRE to maintain staffing at the Weott Forest Fire Station during non-fire season. The Weott CAL FIRE station is located approximately 9 miles to the northwest edge of the proposed district. Grant funds ran out and no other sources of funds for the Amador Agreement were identified.

Humboldt County has not indicated its desire to establish additional CSA’s for fire protection. If Humboldt County were to pursue a CSA, establishing a contract with the Salmon Creek VFC rather than CAL FIRE would provide the highest level of service to the Salmon Creek area given proximity of the fire station and response times. However, the establishment of a CSA would not result in any government efficiencies and administration and governance would be significantly separated from the community to be served.

- o Alternative 2 - Fire Protection District Annexation

This alternative consists of the annexation of the proposed boundaries by an adjacent fire protection district and the merger of the Salmon Creek VFC with the existing fire district or the dissolution of the Salmon Creek VFC. Salmon Creek is not within the response area of an existing fire protection district. However, it is adjacent to two FPD fire protection districts including Telegraph Ridge FPD and Briceland FPD.

Telegraph Ridge FPD and Briceland FPD border the Salmon Creek VFC response area to the southwest. However, there are no public road connecting the response area and most existing roads are poorly maintained and gated. The next nearest station is the Miranda station which is also approximately 30 minutes from Salmon Creek School.

The Myers Flat FPD and Miranda CSD are the nearest special districts that provide fire protection services. Myers Flat FPD is focused on improving its level of service within its district boundaries and has not indicated an interest in annexing the Salmon Creek area. The boundaries of CSDs are typically limited to the developed areas of communities because most CSD's provide utilities services and these services are intended to be limited to urban or suburban type areas. Therefore, it may not be appropriate for multipurpose-type districts like the Miranda CSD to annex the Salmon Creek VFD service area.

- o Alternative 3 – Fire Protection District Annexation/Consolidation

This alternative consists of a larger reorganization involving surrounding fire protection districts and areas outside district boundaries protected by volunteer fire departments not affiliated with special districts.

The fire departments within the Avenue of the Giants area, including the Fruitland Ridge FPD, Miranda CSD, Myers Flat FPD, Phillipsville VFC, Redcrest VFC, Weott CSD, and the Salmon Creek VFC, met for several years between 2016 and 2018 to consider a broader fire reorganization to support service sustainability and redundancy. This working group considered numerous options for new revenue sources; improvements to training, recruitment, and operations; and options for successor agencies. Although the discussions regarding funding alternatives, operational consolidation, and merger options were very productive, there was no consensus to initiate a reorganization. As a result, the efforts were abandoned.

The Salmon Creek VFC made several attempts in the last two years re-initiated discussion with the Avenue of the Giants group, but there was no interest in a broader reorganization. The effects of alternates 2 and 3 could be similar to the proposed district formation in terms of cost and service level, so long as the change in organization resulted in funding to sustain the operation of the Salmon Creek VFC. To the extent that alternative 1 resulted in another fire department (such as CAL FIRE) providing service to the proposed district formation area, then the alternative action would likely be significantly more costly and result in a lower level of service.

The establishment of a governing board other than one in the Salmon Creek area would reduce the control that the community currently has to establish priorities, control costs, and to ensure that the level of service continues to match the needs of the local community. In addition, the establishment of a board other than one in the Salmon Creek area may also result in governance by board members that do not share the mutual and economic interests of the Salmon Creek area.

The establishment of the Salmon Creek FPD would not preclude future reorganizations that may include consolidation. However, an attempt to consolidate fire protection services in the Salmon Creek area, if not supported by the Salmon Creek VFD or other neighboring fire departments, would likely be unsuccessful and could prejudice future organization proposals.

The proposed action would maintain and enhance fire protection to the Salmon Creek area provided by the Salmon Creek VFC by establishing ongoing funding support through tax revenue from the local community and by establishing a Board of Directors that is elected by the community. The proposed action would support the mutual social and economic interests of the Salmon Creek community by sustaining community-based fire protection services and establishing local governance for such services. In addition, the Salmon Creek FPD would be the first local agency within the Salmon Creek community and could provide a forum for broader community organization and discourse.

The proposed action would have little or no effect on adjacent areas, most of which have their own local fire department. The proposed action would not affect Humboldt County tax revenue or government structure because Humboldt County only provides fire protection services in County Service Area 4 in the Trinidad area and does not budget funds for fire protection services in the Salmon Creek area.

**4) *The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in G.C. Section 56377.***

The Salmon Creek VFC currently responds to calls for service throughout the proposed district boundaries. The weight of response and levels of service after the proposed Salmon Creek FPD formation would be similar to current levels. Potential revenues that may be available to the new district upon approval of the proposed Salmon Creek FPD (such as special taxes, or other new revenues) would be intended to support the maintenance of current service levels and could allow the Salmon Creek VFC to improve the level of fire and emergency medical services in the future. Therefore, the proposal contributes to the logical and reasonable development of a fire service provider that has provided service for 30 years so as to advantageously provide for the present and future needs of the community.

With respect to G.C. Section 56377, portions of the affected territory are substantially unimproved and devoted to an open-space use (Agriculture and Timber Production) under the Humboldt County General Plan. However, the formation of the Salmon Creek FPD does not involve changes to the type or level of fire protection services provided, would not convert agricultural land or open space uses, and does not propose to change land uses or land use patterns. Therefore, the proposal does not conflict with G.C. Section 56377.

**5) *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.***

The County has zoned approximately 7,906 acres within the proposed boundaries of the Salmon Creek FPD as Timber Production, approximately 3,825 acres Agriculture Exclusive, and approximately 172 acres Agriculture General. There are three active Williamson Act

contracts within the proposed district boundary totaling approximately 2,585 acres (see Williamson Act Contract table below).

**Williamson Act Contracts**

<b>Ranch Name – Ranch ID</b>	<b>Acres</b>
Phelps Ranch – 199	406
Tosten Ranch – 231	1,509
Gilbert Wallan Ranch – 237	670
Total	2,585

Source: Humboldt County Building and Planning

The Salmon Creek VFC currently provides fire protection services to the Williamson Act Ranches within their existing response area. The formation of the Salmon Creek FPD does not involve changes to the type or level of fire protection services provided, nor would it convert agricultural land or involve the construction of or alteration to structures, grading, or other site disturbing activities on land planned for agriculture uses and does not propose to change land uses or land use patterns.

Agricultural resources within the proposed district boundaries will not be affected by the proposed district formation for the following reasons:

- (1) The Salmon Creek VFD currently responds to calls for service throughout the proposed district boundaries and has done so since 1978. The weight of response and levels of service after the proposed Salmon Creek FPD formation would be substantially similar to current levels and would therefore not significantly influence owners of resource land in their decisions to convert such land to other uses.
- (2) It is common throughout Humboldt County that rural populations are dispersed within and around agriculture and timber land and logical boundaries for fire protection district would include such lands.
- (3) Over 70,000 acres of agricultural preserve land is located within fire-related districts in Humboldt County.
- (4) Humboldt County contains a very large amount of privately owned timber and agriculture resource land in and around rural communities. As a result, approximately 35 percent of the land within existing fire protection district boundaries is zoned TPZ and 30 percent is zoned AE. Fire related districts within the county routinely respond to calls for service at houses on resource land, barns, warehouses, roads, logging sites, and within farm fields.
- (5) The two fire districts that have the most career/professional firefighters and that ostensibly provide the highest level of fire protection service in the County, Arcata FPD and the Humboldt No. 1 FPD, have approximately 62 percent and 59 percent agriculture and resource zoned lands, respectively, within their district boundaries. There are 26 agricultural preserve areas within these two districts totaling over 1,400 acres.

- (6) The provision of fire protection services to land planned for agriculture was not noted as a cause of agricultural land conversion in the Agricultural Resources Report ([http://www.co.humboldt.ca.us/gpu/docs/pdf/agrprrt\\_2.pdf](http://www.co.humboldt.ca.us/gpu/docs/pdf/agrprrt_2.pdf)) prepared in August 2003 for the Humboldt County General Plan Update.
- (7) The Cortese-Knox-Hertzberg Local Agency Reorganization Act requires that special districts first receive written approval from LAFCo prior to providing service outside their district boundaries. Therefore, service must be provided within district boundaries and if calls for fire protection services would occur within resource lands, developed or otherwise, such lands must be located within the boundaries of a fire related district.
- (8) In 2013 the California Subdivision Map Act was amended to require that any subdivision of parcels located in the State Responsibility Area (SRA) or a very high fire hazard severity zone, including subdivisions of resource lands not involving development, receive structural fire protection from a public agency or from another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity (Government Code Section 66474.02). State law, in effect, requires that all land, even land used for timber or agricultural production, be within the boundaries of a fire related district.
- (9) Land within the proposed district boundaries is within the State Responsibility Area and CAL FIRE is expected to continue to provide wildland protection at current levels of protection.
- (10) Health and Safety Code Section 13811 prohibits the inclusion of commercial forest lands which are timbered lands declared to be in a state responsibility area within Fire Protection Districts. There are 44 Assessor's Parcels zoned Timberland Production (TPZ) proposed to be included within the Salmon Creek FPD. None of these parcels are owned by what would clearly be considered a commercial timber company (i.e., Green Diamond Resource Company, Humboldt Redwood Company, Barnum Timber, Sierra Pacific, etc.); over half of the parcels are a single TPZ parcel holding within the proposed district boundary; seven property owners own more than one TPZ property and the maximum number owned is four parcels; a number of these parcels are part of a Williamson Act Ranch, and approximately 50 percent are improved. The mix of TPZ parcels within the proposed Salmon Creek FPD is similar to parcels zoned TPZ within most fire-related districts in Humboldt County. The parcels zoned TPZ within the proposed district do not appear to qualify as commercial forest lands which are timbered lands declared to be in a state responsibility area.

Therefore, the proposed project would not conflict with existing Timber Production Zoning, zoning for agricultural use, or Williamson Act contract nor would it conflict with Fire Protection District Law regarding the inclusion of commercial forest lands which are timbered lands declared to be in a state responsibility area within the proposed district.

**6) *The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.***

The Salmon Creek VFC response area is approximately 20,500 acres in area and west of the intersection of Salmon Creek Road and Maple Hills Road adjacent to Highway 101. The proposed boundary includes the majority of the Salmon Creek watershed and abuts the Telegraph Ridge FPD's and Briceland FPD's boundaries in the south and southwest. The northern boundary follows parcel lines along the Salmon Creek watershed ridgeline.

The proposed Salmon Creek FPD boundaries include the Salmon Creek Community School, located near the intersection of Lower Thomas Road and Thomas Road. The proposed boundaries also include unimproved timber and grazing land that is interspersed within a patchwork of land developed with rural residential uses. The vacant rural residential, timber, and grazing land could be developed with rural residential uses, subject to the limitations established by the General Plan and Zoning Regulations. Such development would be expected to occur over time at current rates. The purpose of including timber and grazing lands is to establish a logical boundary that does not result in small islands of unserved areas, which could be developed in the future, between developed areas. The vacant rural residential, timber, and grazing land could be developed with rural residential uses, subject to the limitations established by the General Plan and Zoning Regulations. Such development would be expected to occur over time at current rates.

**7) *A regional transportation plan adopted pursuant to G.C. Section 65080.***

The Humboldt Regional Transportation Plan (Variety in Rural Options of Mobility-VROOM) was last updated in 2022 and is a long-range transportation planning document for Humboldt County. No specific projects are included in the RTP involving the affected territory.

**8) *Consistency with city or county general and specific plans.***

The proposed formation of the Salmon Creek FPD would not conflict with Humboldt County General Plan policies relating to fire protection. General Plan Community Services and Infrastructure Element Policy IS-P15, Expanded Fire Protection Services, encourages and support the changes in organization to provide fire protection services to areas outside of fire district boundaries. The proposed formation of the Salmon Creek FPD would be consistent with policies. Therefore, the proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

**9) *The sphere of influence of any local agency which may be applicable to the proposal being reviewed.***

The Sphere of Influence (SOI) for the Salmon Creek FPD is proposed to be coterminous with the district boundaries. A Municipal Service Review (MSR) was prepared for fire services in the region prior to establishing a SOI in accordance with Government Code Section 56430. An overview of the Salmon Creek VFD can be found in the South County Regional Fire Services MSR (adopted July 20, 2016).

The proposed Salmon Creek FPD boundaries adjoin the Briceland and Telegraph Ridge FPDs, but there are very few passable roads between these areas. Both agencies have “status quo” Spheres of Influence (SOI), meaning that the SOI is contiguous with the district boundaries.

The proposed boundary does overlap with the adopted SOI for the Miranda CSD. The overlap consists of approximately 940 acres on the west side of the Eel River along Salmon Creek. While this area is currently in the SOI and mapped as the goodwill fire response area for Miranda CSD, the District has indicated that they do not intend to extend additional services, such as water or wastewater, west of the Eel River nor do they intend to annex this area as a fire-only service area. The Salmon Creek VFC mailed notices to property owners within the proposed annexation area and held a public meeting to discuss the proposed boundaries. Residents of this area did not indicate opposition to its inclusion within the proposed district. Also, members of the Salmon Creek VFC reside in this area.

As such, it is logical to incorporate this area in the Salmon Creek FPD service area as it is a dedicated fire and emergency response service agency. Should the formation of the Salmon Creek FPD be approved with the proposed boundary, LAFCo will require, as a condition of approval, that during the next MSR/SOI update for the Miranda CSD, the District’s SOI will be reduced in order to remove the overlap between the two Districts. Therefore, the proposed Salmon Creek FPD boundaries would not conflict with the SOI of a local agency providing fire protection services.

**10) *The comments of any affected local agency or other public agency.***

No comments of any affected local agency or other public agency have been received.

**11) *The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.***

Upon approval of the Salmon Creek FPD by LAFCo a special tax would be placed before the registered voters within the proposed district boundaries. The petition to form the Salmon Creek FPD has identified a special tax that would generate a maximum of \$25,000 per year and would be apportioned to property on an annual basis in the following manner: \$75 for each parcel (approximately 335 taxable parcels within the proposed district boundaries). Beginning on January 1, of the first year after formation,

the District Board may increase the maximum tax rate by applying the increase, if any, in the Consumer Price Index of the San Francisco-Oakland-San Jose area that has occurred since January of the prior year, up to a maximum of five percent.

The special tax revenue, projected to be \$20,000 to \$25,000 per year, (the proposed tax includes a provision to apply to the District to have multiple undeveloped and contiguous parcels treated as a single parcel for purposes of the special tax, which could reduce total tax revenue) would exceed current annual revenue for the Salmon Creek VFC and could be used, in conjunction with fund raising and grants, to improve the current level of service or expand service capacity in the event that the future demand for services increases. The following is a proposed budget for the Salmon Creek FPD.

<b>Item</b>	<b>Amount</b>
Worker’s Compensation	\$3,400
Insurance	\$4,300
Communications	\$1,000
Equipment (repair, maintenance, replace)	\$1,600
Supplies and Materials	\$750
Fuel and vehicle maintenance	\$10,000
Utilities and facilities costs	\$200
Education/Training	\$1,700
Memberships and Dues	\$1,000
<b>Total</b>	<b>\$23,950</b>

***12) Timely availability of water supplies adequate for projected needs as specified in G.C. Section 65352.5.***

All properties within the proposed district boundaries utilize on-site water systems. The Salmon Creek VFC has a 1980 GMC 2wd Type-3 pumper, a 1989 Pierce 2wd Type-1 municipal pumper, a 1990 International Type-1 2,000-gallon water tender, a 2006 Ford 4wd Type-6 Quick Attack, and a newly acquired 2005 International 4wd Type-3 pumper.. Although, the proposed Salmon Creek FPD would not be required to make improvements to maintain the current level of service, upgrades to apparatus and equipment would be required to ensure the level of service does not decline.

***13) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.***

The proposal would not impact in the ability of Humboldt County to meet its regional housing needs obligations. The 2019 Humboldt County Housing Element identifies a number of “above moderate” housing sites within the proposed Salmon Creek boundaries. The formation of the proposed Salmon Creek FPD and its objective of supporting sustainable ongoing fire protection services would only benefit these housing

sites. The proposed boundaries include unimproved timber and grazing land that is interspersed within a patchwork of land developed with rural residential uses. There are no development plans as part of this proposal.

**14) Any information or comments from the landowner or owners, voters, or residents of the affected territory.**

A 21-day public hearing notice was mailed to all landowners and registered voters within 300 feet of the affected territory. The notice summarized the proposal and included a map of the subject territory, as well as information regarding the public hearing. LAFCo has not received public comment regarding the proposed Salmon Creek FPD formation.

**15) Any information relating to existing land use designations.**

Prominent developments within the proposed Salmon Creek FPD boundaries include the rural Salmon Creek community, which is generally located along Salmon Creek and Thomas Roads west of the intersection of Salmon Creek Road and Maple Hills Roads. This area also includes Salmon Creek Community School, located near the intersection of Lower Thomas Road and Thomas Road. There are no commercial structures within the proposed district boundaries. The following is a summary of the land uses within the proposed district boundaries based on the Assessor's Use Codes:

**Land Uses Based on Assessor's Use Code**

<i>Land Use Type</i>	<i>Parcels</i>	<i>Acres</i>	<i>% of Total</i>
Improved Residential < 5 acres	40	1,303	6.4%
Vacant Residential < 5 acres	22	511	2.5%
Improved Residential 5 - 100 acres	117	5,068	25.1%
Vacant Residential 5 - 100 acres	23	1,191	5.9%
Improved Timber Production	57	4,402	21.8%
Vacant Timber Production	66	7,291	36.1%
Public or Exempt	1	41	0.2%
Other	8	407	2.0%
<b>Total</b>	<b>334</b>	<b>20,213</b>	<b>100.0%</b>

**Source:** Humboldt County Community Development Services Geographic Information System. Land Use Type based on Humboldt County Assessor's Use Codes.

**Note:** Acreage based on parcel acres in the Land Information System. .

**General Plan Land Use Designation**

<i>Land Use Designation</i>	<i>Acres</i>	<i>% of Total</i>
Agriculture Grazing	3,908.8	18.7%
Residential Agriculture	10,171.4	49.7%
Public	40.6	0.2%
Timber Production	6,340.0	31.0%
<b>Total</b>	<b>20,460.8</b>	<b>100.00%</b>

### Zone Classification

<b>Zone Classification</b>	<b>Acres</b>	<b>% of Total</b>
Agriculture Exclusive	3,825.9	18.7%
Agriculture General	172.9	0.8%
Forestry Recreation	1,800.8	8.8%
Timberland Production Zone	7,906.6	38.6%
Unclassified	6,754.5	33.0%
Total	20,460.7	100.00%

***16) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the local of public facilities and the provision of public services.***

The proposal would not result in inconsistencies with environmental justice safeguards. The Salmon Creek VFC has evaluated current service costs and needs and deferred or forgone expenses and determined that a budget of approximately \$25,000 per year is necessary to support adequate fire protection services for the community. A special tax rate of \$75 per parcel was determined to be the maximum amount the community would be willing to support. Upon approval of the special tax, the Salmon Creek FPD would also establish procedures for implementing a Hardship Exemption, to allow landowners who fall within the U.S. Department of Housing and Urban Development guidelines for "very low" or "poverty level" income to apply annually for a partial or complete exemption from the tax.

***17) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.***

The proposed District boundary is entirely within a high fire severity zone as designated by State Fire Hazard Severity Zone maps. Almost all of the proposed FPD is located within State Responsibility Area (SRA), with one small federally owned parcel designated Federal Responsibility Area. SRA lands are where the state has financial responsibility for the prevention and suppression of wildland fire. The nearest CAL FIRE station is located in Weott and CAL FIRE will respond to all wildland fire and other fires that may be a threat to the wildland, and will typically respond, when available, to other types of incidents.

The Humboldt County Safety Element of the General Plan includes several goals and policies related to fire hazards that promote coordination among agencies, increased education, and continued support for development of districts and additional funding mechanisms. This proposal aligns with these goals and policies and aims to increase safety in the Salmon Creek area.



**DRAFT RESOLUTION NO. 22-09**

**RESOLUTION OF APPROVAL TO FORM THE  
SALMON CREEK FIRE PROTECTION DISTRICT**

WHEREAS, a registered voter petition initiating the formation of the Salmon Creek Fire Protection District pursuant to the Fire Protection District Law of 1987 (California Health and Safety Code Section 13800-13970) and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) was filed with the Humboldt Local Agency Formation Commission (LAFCo); and

WHEREAS, the reasons for the proposal are as follows:

- 1) To support the ongoing operations of the Salmon Creek Volunteer Fire Department (SCVFD), which has served the area since 1978, by establishing a new special tax as a long-term, community-based and locally controlled revenue source to support the sustainable delivery of fire and rescue services by the SCVFD; and
- 2) As a district, make the community eligible to apply for grant funding and access tax revenue that is available only to local government entities; and
- 3) Establish a three-member Board of Directors to govern the Fire Protection District.

WHEREAS, the petition complied with the signature requirements in accordance with Health and Safety Code Section 13818; and

WHEREAS, the Executive Officer provided sufficient notice of the public hearing by the Commission in accordance with Government Code Section 56661; and

WHEREAS, the Executive Officer's report and recommendations on the proposal were presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the proposal on July 20, 2022; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures.

**NOW, THEREFORE, BE IT RESOLVED** as follows that:

1. The Commission's determinations on the proposal incorporate the information and analysis provided in the Executive Officer's written report.
2. The Commission as Lead Agency hereby determines that proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there

is no possibility that the activity in question may have a significant effect on the environment – where the activity is the establishment of a district boundary and a funding source for a fire service provider that has provided service for over 40 years, that does not involve development or a change in the manner for which an existing service is provided. The Commission directs the Executive Officer to file a Notice of Exemption with the Humboldt County Clerk.

3. The Commission approves the proposal, subject to confirmation of the voters and upon the terms and conditions stated herein.
4. The proposal is assigned the following distinctive short-term designation: Formation of the Salmon Creek Fire Protection District.
5. The proposal includes all the territory within the boundaries as shown on the map and geographic description contained in Exhibit "A" and incorporated herein by reference.
6. The initial three (3) member Board of Directors shall be chosen by an at-large election.
7. Pursuant to Government Code Section 56425, a Municipal Service Review was prepared for fire services in the region prior to establishing a sphere of influence in accordance with Government Code Section 56430. An overview of the Salmon Creek VFD can be found in the South County Regional Fire Services MSR (adopted July 20, 2016).
8. The Sphere of Influence boundary for the Salmon Creek FPD, to be coterminous with the FPD boundary, is hereby approved.
9. The financing plan for the Salmon Creek FPD, as submitted in the Application and Plan for Service, is adequate to maintain fire protection services currently provided by the Salmon Creek VFC, contingent on a special tax being approved by registered voters within the proposed district boundaries.
10. The special tax, if approved, would be apportioned to property at a rate of \$75 per parcel per year.
11. The special tax shall not become effective unless approved by two-thirds (2/3) of the votes cast by voters voting upon the measure within the proposed district boundaries, and shall become effective immediately upon voter approval.
12. The special tax shall not apply to parcels owned by a federal or state governmental agency or another local agency.
13. If approved, the special tax set forth above shall be collected annually by the County of Humboldt in the same manner and subject to the same penalties as other taxes collected by the County.

14. The special tax shall be used by the Salmon Creek FPD for fire protection services and tax proceeds received shall be placed in an account created for that purpose.
15. The Salmon Creek FPD shall file an annual report regarding the use of the tax proceeds as required by Government Code Section 50075.3.
16. The Salmon Creek FPD shall establish procedures for implementing a Hardship Exemption, to allow landowners who fall within the U.S. Department of Housing and Urban Development guidelines for "very low" or "poverty level" income to apply for a partial or complete exemption from the tax.
17. The Salmon Creek FPD shall establish procedures for implementing a Contiguous Parcel Exemption to allow Assessors Parcels which are contiguous, undeveloped, held under identical ownership and used solely for timber production or agricultural grazing, upon approval of an application of the owners thereof to the District Board, to be treated as a single parcel for purposes of this special tax.
18. In each subsequent year and as part of a duly noticed public hearing, the District Board may choose to adopt an inflation adjustment factor to increase the maximum special tax rate by an amount equal to the annual change, if any, in the Consumer Price Index of the San Francisco-Oakland-San Jose area, up to a maximum increase of five (5) percent. An inflationary adjustment may be applied annually to account for normal cost of living increases in providing fire services. This factor is the maximum that the special tax could be raised in a fiscal year. The District Board can adopt a lower adjustment factor or forgo the adjustment at the Board's discretion.
19. The provisional appropriations limit to be submitted to voters as a special tax shall be submitted to Humboldt LAFCo for review prior to election. The permanent appropriations limit shall be based on costs of a full fiscal year of operation.
20. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.
21. The LAFCo Executive Officer is directed to initiate protest proceedings pursuant to the California Government Code (commencing with §57000) in compliance with this resolution.

**CONDITIONS OF APPROVAL** for formation of the Salmon Creek FPD shall be as follows:

1. Completion of the 30-day reconsideration period provided under G.C. Section 56895.
2. Completion of conduction authority proceedings by Executive Officer.

3. Submittal of a final map and geographic description of the affected territory conforming to the requirements of the State Board of Equalization.
4. Payment of any outstanding fees as identified in the Commission's adopted fee schedule.
5. Completion of an agreement regarding the exchange of ad valorem property tax between affected agencies pursuant to tax exchange agreement offer number 5 authorized by the Humboldt County Board of Supervisors on April 9, 2019.
6. The formation of the Salmon Creek FPD shall be contingent upon the approval of the special tax by two-thirds (2/3) of the votes cast by voters voting upon the measure within the proposed district boundaries.
7. The Salmon Creek FPD Board of Directors shall hold duly noticed public hearings and establish procedures by ordinance to administer the special tax including exemptions that balance the needs of the District for funding and the burdens on property owners and file such ordinance with LAFCo.
8. As part of the next MSR/SOI update for the Miranda CSD, the Sphere of Influence for Miranda CSD shall be reduced to remove the overlap with the Salmon Creek FPD boundary and sphere.

The foregoing resolution was duly and regularly adopted by the Local Agency Formation Commission of the County of Humboldt, State of California.

**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 20<sup>th</sup> day of July, 2022, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Attest:

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Virginia Bass, Chair  
Humboldt LAFCo

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Colette Santsche, Executive Officer  
Humboldt LAFCO