

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF OCTOBER 27, 2010

REGULAR MEETING

TO: Ken Humphreys, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

PREPARED BY: Erica Sanchez, Policy Analyst

AGENDA ITEM #5: Diamond Springs-El Dorado Fire Protection District
Detachment of the Shingle Springs Rancheria

LAFCO Project No. 2010-05

PROPONENT: Diamond Springs-El Dorado Fire Protection District
Detachment of the Shingle Springs Rancheria

DESCRIPTION OF PROJECT

The Diamond Springs-El Dorado Fire Protection District (DSP) proposes to detach APN 319-100-37, commonly known as the Shingle Springs Rancheria, consisting of 159.25 acres, from its service area. A map of the detachment area with current district boundaries is included as 'Attachment A' at the end of this report.

LOCATION

The subject property, known as the Shingle Springs Rancheria, is located in the Shingle Springs area, on the north side of U.S. Highway 50, approximately 1,000 feet north of the Red Hawk Parkway exit along U.S. Highway 50.

PURPOSE

DSP is requesting detachment of the Shingle Springs Rancheria because fire protection services that have historically been provided by DSP are now provided by the El Dorado County Fire Protection District under a compensated contract with the Tribal Government; DSP is no longer requested to provide these services on a regular basis.

RECOMMENDATIONS

Staff recommends that the Commission take the following actions:

1. Find that the project is exempt from provisions of the California Environmental Quality Act under Categorical Exemption §15320 and direct staff to file the Notice of Exemption in compliance with CEQA and local ordinances implementing the same.
2. Adopt LAFCO Resolution L-2010-15 (Attachment F), adding any additional conditions the Commission finds appropriate and approve the Diamond Springs - El Dorado Fire Protection District Detachment of the Shingle Springs Rancheria.
3. Set the Conducting Authority proceedings for this proposal on December 1, 2010 and direct the Executive Officer to open the protest period and notify the appropriate parties pursuant to Government Code §57000 and local policies.
4. Direct the Executive Officer to complete the necessary filings and transmittals as required by law.
5. Determine the effective date of the approval of this agreement to be five (5) working days after recordation by the County Recorder of the Executive Officer's Certificate of Completion once the imposed conditions are met.

REASON FOR RECOMMENDATION

Staff has analyzed the detachment with consideration of the 28 factors listed in Government Code §56668 (see below) and LAFCO Policies, and concluded that detaching the Shingle Springs Rancheria from DSP will eliminate duplicate service providers for fire protection to the Rancheria.

BACKGROUND

The Shingle Springs Rancheria consists of approximately 40 homes, a library, church, tribal center, community center, a residential fire department and Red Hawk Casino. The 278,000 square foot casino facility has 2,000 slot machines, 75 table games, six restaurants, four bars, and 3,000 lighted and covered parking spaces.

Brief History

DSP has historically provided fire protection services to the Shingle Springs Rancheria, which is fully within the DSP service boundaries.

On July 30, 2008, the Shingle Springs Band of Miwok Indians (Tribe) entered into an "Agreement for Fire Protection Services," with the El Dorado County Fire Protection District (ECF). The Agreement stipulated that ECF would provide fire protection services to the Rancheria for a period of five years, in exchange for pre-negotiated compensation amounts. The Agreement is included as Attachment D.

On April 30, 2009, DSP filed a lawsuit against ECF seeking to invalidate the Agreement between ECF and the Tribe for entering into the above Agreement without prior LAFCO approval. On October 13, 2009, ECF file a Notice of Demurrer to challenge the petition because it was not filed within the 60-day limitations period. On September 17, 2009, the Sacramento County Superior Court issued a tentative ruling sustaining the demurrer without leave to amend. Also on September 17, 2009, DSP responded by filing an

amended petition to appeal the decision which is currently pending before the Court of Appeal.

On April 28, 2010, DSP submitted District Resolution 2010-02 to LAFCO, requesting detachment of the Shingle Springs Rancheria from the DSP service boundaries.

Emergency Medical Services

Ambulance services in El Dorado County are funded through County Service Area 7 (CSA 7) administered by the El Dorado County Regional Pre-hospital Emergency Services Operations Authority (JPA). All of the fire protection agencies on the west slope are JPA members; however, only the five "provider members" (including DSP and ECF) directly provide medical transport services. Provider member agencies operate medic units/ambulances and receive funds from CSA 7 for personnel, operating expenses, equipment, and administrative overhead. DSP operates two medic vehicles that are owned by the JPA and the JPA funds ten of DSP's firefighter/paramedics who staff two ambulances stationed in the District.

The proposed detachment speaks only DSP's responsibility as the primary responder for fire protection services to the Rancheria. Regardless of whether the detachment is successful, administration and dispatch of emergency medical services to the Rancheria will not change. This is because the Tribe entered into an agreement for EMS services with the County of El Dorado. When an emergency medical incident is called in, the dispatch center in Camino dispatches the closest available medical unit. If DSP were the closest medic resource available at the time, it would respond with the County-owned ambulance staffed with DSP personnel.

CEQA

El Dorado LAFCO is the Lead Agency for the detachment. The Executive Officer reviewed the detachment for conformance under the California Environmental Quality Act (CEQA) and determined that the detachment is not a "project" within the definition of the term set forth in State CEQA Guidelines 15378 and is, therefore, not subject to the requirements of Public Resources Code section 21000 et seq.

The detachment does not have the potential for resulting in either a direct, or reasonably foreseeable indirect, physical change in the environment. LAFCO's approval of the detachment simply results in a change in the legal mechanism by which fire protection services will be provided to the Shingle Springs Rancheria. LAFCO's approval does not make changes to the uses to which land might be put and does not represent a critical or conclusive step that would foreseeably result in environmental changes. Instead, the detachment represents a reorganization which portends no particular action affecting the environment.

SUMMARY OF STATUTORY AND POLICY CONSIDERATIONS

Government Code §56668 and LAFCO Policies require that the review of a proposal shall consider the following 28 factors; however, given that an approved detachment of the Shingle Springs Rancheria from the DSP service area will essentially remove all responsibility for DSP providing fire protection or emergency medical services to the proposal area, many factors are not applicable to this proposal, as noted.

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Need for organized services, probable future needs	1 – Consistent	The proposed detachment of the Shingle Springs Rancheria will realign DSP's service boundaries to remove DSP from being the primary responder for fire protection services to the territory, reflecting the recent service agreement between the Tribe and ECF.
Ability to serve, level and range of service, time frames, conditions to receive service	2 – N/A	Upon detachment, DSP will no longer provide fire protection services to the Rancheria.
Timely availability of adequate water supply	3 – N/A	The Rancheria currently receives residential and commercial water service from EID, in addition to private wells, which will not change as a result of detachment from DSP.
Alternatives to service, other agency boundaries, and local gov't structure	4 – Consistent	The Tribal government has chosen to contract with ECF as an alternative provider of fire protection service to the Rancheria due to the proximity of its service boundaries.
Significant negative service Impacts	5 – Consistent	The detachment is not expected to result in significant negative impacts to DSP or to fire protection services to the Rancheria; impacts to ECF have not been evaluated.
Coordination of applications	6 – Inconsistent	LAFCO staff recommended that ECF join DSP's application to request a concurrent sphere amendment and annexation or an out of agency service agreement, but ECF declined.

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Present cost/adequacy of governmental services, including public facilities	7 – N/A	This section is not applicable to this application, as it applies to DSP.
Effect of proposal on cost & adequacy of service in area and adjacent areas	8 – N/A	This section is not applicable to this application, as it applies to DSP.
Effect of alternative courses of action on cost & adequacy of service in area and adjacent areas	9 – Consistent	If the detachment is unsuccessful, DSP could still be called to respond to incidents at the Rancheria, but it could not bill for costs.
Sufficiency of revenues, per capital assessed valuation	10 – N/A	The parcel is non-taxable tribal land with an assessed value of \$0. DSP has agreed to give up its current 21.7678% property tax increment upon detachment.
Revenue producing territory	11 – N/A	This section is not applicable to this detachment application, as it applies to DSP.
56668.3 “best interest”	12 – Consistent	Detachment is in the best interests of DSP and presumably the Shingle Springs Band of Miwok Indians and ECF as well, given that the latter two parties entered into the Service Agreement in July 2008, nearly two years prior to DSP’s initiation of the detachment.
Boundaries: logical, contiguous, not difficult to serve, definite and certain	13 – Inconsistent	The proposed detachment will place the Rancheria parcel outside of a fire protection district boundary.
Topography, natural boundaries, drainage basins, land area	14 – N/A	This section is not applicable to this detachment application, as it applies to DSP.

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Creation of islands, corridors, irregular boundaries	15 – Inconsistent	The proposed detachment will create a fire protection service island out of the subject parcel, which is discouraged by El Dorado LAFCO Policy 3.9.4. ECF has declined staff's recommendation to apply to LAFCO for concurrent annexation or an out-of-agency service agreement.
Conformance to lines of assessment, ownership	16 – Consistent	The boundaries of the proposed detachment conform to the existing lines of assessment and ownership. The proposal maps have been reviewed by the County Surveyor and have been found to be definite and certain.
Spheres of Influence	17 – N/A	This section is not applicable to this detachment application, as it applies to DSP.
Effect on adjacent areas, communities of interest	18 – Consistent	The adjacent Grassy Run CSD, which is fully within DSP's service area, is not expected to be affected by the proposed detachment.
Information or comments from landowners or owners	19 – Consistent	Neither the Tribe nor the Bureau of Indian Affairs have provided written consent or comments to LAFCO regarding the detachment.
Effect on other community services, schools	20 – N/A	There are no negative impacts expected for the other public service providers to the Rancheria property.

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Other agency comments, objections	21 – To be determined by the Commission	ECF has requested that any LAFCO action on the proposed detachment have no effect on ECF boundaries or property tax revenue, or on the ECF Agreement to provide fire services to the Rancheria.
Fair share of regional housing needs	22 – N/A	The detachment proposal does not include any type of housing or other development; therefore, it will not assist the County in achieving its RHNA goals.
Land use, information relating to existing land use designations	23 – Consistent	Adjacent land uses are predominantly low density residential 5-acre parcels.
Population, density, growth, likelihood of growth in, and in adjacent areas, over 10 years	24 – N/A	Detachment of the Rancheria from DSP's service boundary will not directly or indirectly induce growth.
Proximity to other populated areas	25 – Consistent	The Rancheria parcel is substantially surrounded by low density residential 5-acre parcels that are mostly built-out; Grassy Run CSD boundaries border the Rancheria to the north and east. The detachment of the Rancheria parcel will have no effect on service provision to the surrounding areas.
Consistency with General Plans, specific plans, zoning	26 – Consistent	The detachment area is owned by the Shingle Springs Band of Miwok Indians, a federally-recognized Indian Tribe, which is a sovereign entity that is not subject to the El Dorado County General Plan.
Physical and economic integrity of agriculture lands and open space	27 – N/A	The detachment will have no impact on agriculture or open space.

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Optional factor: regional growth goals and policies	28 – N/A	The detachment proposal does not include any type of housing or other development; therefore, it will not assist the County in achieving its RHNA goals.

DETERMINATIONS

The Commission should review the factors summarized above and discussed below, then make its own determinations regarding the project. Staff recommends the following determinations based on project research, state law and local policies:

1. The subject territory is “uninhabited” per Government Code §54046. Application for this detachment is made subject to Government Code §56650 et seq. by District resolution.
2. The territory proposed for detachment is currently within the Diamond Springs-El Dorado Fire Protection District and is contiguous to the El Dorado County Fire Protection District boundary.
3. The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Categorical Exemption §15320.
4. The detachment will not result in negative impacts to the cost and adequacy of service otherwise provided in the area, and is in the best interests of the affected area and the total organization of local government agencies.
5. The detachment will not have an adverse effect on agriculture and open space lands.
6. The detachment will not have an effect on water supply available for the build-out of regional housing needs determined by the Sacramento Area Council of Governments.

DISCUSSION

Government Code §56668 and LAFCO Policies require that the review of an annexation proposal shall consider the following factors:

(Numbered items 1-6 relate to services)

1. **NEED FOR ORGANIZED COMMUNITY SERVICES, PROBABLE FUTURE NEEDS:** Applicants shall demonstrate the need and/or future need for governmental services and that the proposal is the best alternative to provide service (Policies 3.1.4(b), 6.1.7; §56668(b)).

RESPONSE: The proposed detachment of the Shingle Springs Rancheria will realign DSP's service boundaries to remove DSP's responsibility as the primary responder to provide fire protection services to the territory, reflecting the recent service agreement between the Tribe and ECF.

2. **ABILITY TO SERVE, LEVEL AND RANGE OF SERVICE, TIMEFRAMES, CONDITIONS TO RECEIVE SERVICE:** Prior to annexation the applicants and proposed service providers shall demonstrate that the annexing agency will be capable of providing adequate services which are the subject of the application and shall submit a plan for providing services (Policy 3.3, §56668(j)).

RESPONSE: Upon detachment, DSP will no longer provide fire protection to the Rancheria.

3. **TIMELY AVAILABILITY OF ADEQUATE WATER SUPPLY:** The Commission shall consider the timely availability of water supplies adequate for projected needs (§56668(k)).

RESPONSE: In addition to private wells, the Rancheria is already within the El Dorado Irrigation District's (EID) Western/Eastern supply area and currently receives residential and commercial water service from EID through another Memorandum of Understanding that is currently under judicial review. None of these arrangements will change as a result of detachment from DSP.

4. **ALTERNATIVES TO SERVICE, OTHER AGENCY BOUNDARIES, AND LOCAL GOVERNMENT STRUCTURE:** The Commission shall consider alternatives to the proposal, proximity of other agency boundaries and alternative courses of action. Where another agency objects to the proposal, LAFCO will determine the best alternative for service (Policies 3.3.2.2(g), 6.1.3).

RESPONSE: Upon approval of the detachment, DSP will no longer be the primary responder of, nor would they be liable for, fire protection service to the Rancheria. The successor service provider for the Rancheria is the El Dorado County Fire Protection District (ECF), which entered into a service agreement with the Shingle Springs of Miwok Indians in 2008, naming ECF as the fire protection service provider to the Rancheria for the term of five years. ECF is a logical alternate due to its adjacent service boundary and the proximity of ECF Station 28, which is the closest fire station to the Rancheria.

Though ECF has submitted comments to LAFCO stating it, "*believes that the detachment application is not necessary,*" ECF has not objected to the detachment, other than to request that, "*any LAFCO action on the application have absolutely no effect on the El Dorado County Fire Protection District.*" (Attachment E)

5. **SIGNIFICANT NEGATIVE SERVICE IMPACTS:** Services provided to the territory will not result in a significant negative impact on the cost and adequacy of services otherwise provided (Policy 6.2.4, §56668.3(b)).

RESPONSE: There are no significant negative impacts expected to DSP or to the Rancheria as a result of this detachment. For DSP, it removes the liability of having the Rancheria in its service boundaries. For the Rancheria, it will continue to receive fire protection services through its MOU with ECF at the same service levels as DSP. For reasons outlined by ECF in Attachment E, ECF has not requested an out-of-agency service agreement from LAFCO to provide fire protection service to an area outside its boundaries, so LAFCO staff has not evaluated the cost or service impacts to ECF as a result of providing services to the Rancheria.

6. **COORDINATION OF APPLICATIONS:** If a project site can be anticipated to require additional changes of organization in order to provide complete services, the proposal shall be processed as a reorganization (Policy 3.1.10). Where related changes of organization are expected on adjacent properties, petitioners are encouraged to combine applications and LAFCO may modify boundaries, including the addition of adjacent parcels to encourage orderly boundaries (Policy 3.1.9).

RESPONSE: The Shingle Springs Rancheria parcel is adjacent to the ECF service boundaries to the south, but it is not within ECF's sphere of influence. Prior to initiating the detachment, LAFCO staff recommended that ECF join DSP's application to request a concurrent sphere amendment and annexation or an out-of-agency service agreement with LAFCO to serve the Rancheria, but ECF has declined this recommendation and has requested not be involved in this detachment procedure (see Attachment E).

(Numbered items 7-12 relate to cost and revenues)

7. **PRESENT COST/ADEQUACY OF GOVERNMENTAL SERVICES, INCLUDING PUBLIC FACILITIES:** The Commission shall consider existing government services and facilities, cost and adequacy of such services and facilities (§56668(b), Policy 3.3). If service capacity and/or infrastructure will be expanded, the applicant will submit cost and financing plans (Policy 3.3.2.2).

RESPONSE: Detachment will remove DSP's responsibility to provide fire protection services to the Rancheria parcel. This section is not applicable to this application, as it applies to DSP.

8. **EFFECT OF PROPOSAL ON COST & ADEQUACY OF SERVICE IN AREA AND ADJACENT AREAS:** The Commission shall consider existing and proposed government services and facilities, the cost and adequacy of such services and facilities and probable effect of the proposal on the area and adjacent areas (§56668(b) and Policy 3.3). LAFCO will discourage projects that shift the cost of service and/or service benefits to others or other service areas (Policy 6.1.8).

RESPONSE: This section is not applicable to this application, as it applies to DSP. The Tribe has entered into a contract for services with ECF, which will presumably cover the cost of services to the Rancheria.

9. **EFFECT OF ALTERNATIVE COURSES OF ACTION ON COST & ADEQUACY OF SERVICE IN AREA AND ADJACENT AREAS:** The Commission shall consider the cost and adequacy of alternative services and facilities (§56668).

RESPONSE: Regardless if the detachment is approved by LAFCO, DSP could still be called to respond to incidents at the Rancheria, if it were the closest available resource. If detachment is successful, and DSP is deployed, the District could bill the Tribe for costs. If detachment is not successful, DSP and ECF may both respond to incidents at the Rancheria, but only ECF would be reimbursed through its contract with the Tribe; DSP does not receive any property taxes from the non-taxable Rancheria.

10. **SUFFICIENCY OF REVENUES, PER CAPITA ASSESSED VALUATION:** 56668(j)

RESPONSE: APN 319-100-37 is non-taxable because it is tribal land owned by the Bureau of Indian Affairs, in trust for the Shingle Springs Band of Miwok Indians. Therefore, the total assessed value of the parcel is \$0 and the total local agency share of property tax revenue from the parcel is a percentage of zero.

Though the redistribution of the property tax increment will not have a monetary impact to any local agency at this time, the negotiation of property tax increment is required by Revenue and Taxation Code Sections 99 and 99.01. Therefore, the County and DSP negotiated a property tax revenue sharing agreement, based upon the Chief Administrative Officer's proposal (Attachment C), with DSP relinquishing its previous 21.7678% of the property tax revenue for the detachment area. The abandoned increment increases other agency's shares by the following amounts: 15% to the County's General Fund, 3.36% to the El Dorado Irrigation District, 1.5% to the Road District Tax, 1% to County Service Area #7 and 0.5% to the County Water Agency.

11. **REVENUE PRODUCING TERRITORY:** The proposed annexation shall not represent an attempt to annex only revenue-producing territory (Policy 6.1.1).

RESPONSE: For reasons explained immediately above, this section is not applicable to this detachment application, as it applies to DSP.

12. **"BEST INTEREST":** The Commission shall consider whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district (§56668.3).

RESPONSE: Detachment is in the best interest of DSP and presumably the Shingle Springs Band of Miwok Indians and ECF as well, given that the latter two parties entered into the Service Agreement in July 2008, nearly two years prior to DSP's initiation of the detachment.

(Numbered items 13-17 relate to boundaries)

- 13. BOUNDARIES: LOGICAL, CONTIGUOUS, NOT DIFFICULT TO SERVE, DEFINITE AND CERTAIN:** The proposed boundary shall be a logical and reasonable expansion and shall not produce areas that are difficult to serve (§56001). Lands to be annexed shall be contiguous (Policy 3.9.3, §56741-cities) and should not create irregular boundaries, islands, peninsulas or flags (Policy 3.9.4). The boundaries of the annexation shall be definite and certain and conform to existing lines of assessment and ownership (Policy 3.9.2, §56668(f)).

RESPONSE: The proposed detachment will place the Rancheria parcel outside of a fire protection district boundary. The parcel will be bounded by ECF boundaries to the south and DSP boundaries to the north, west and east (refer to the DSP Boundary Map, Attachment A). Staff believes that, while the creation of the island is against LAFCO Policy 3.9.4, being outside of a fire district may ultimately be in the best interests of the Rancheria. By not being tied to a particular agency, the Tribal Government has the flexibility to contract with any fire protection service that best meet its needs.

- 14. TOPOGRAPHY, NATURAL BOUNDARIES, DRAINAGE BASINS, LAND AREA:** Natural boundary lines which may be irregular may be appropriate (Policy 3.9.6). The resulting boundary shall not produce areas that are difficult to serve (Policy 3.9.7).

RESPONSE: The 160-acre parcel consists of gently rolling hills with several oak and pine varieties, ranging in elevation from 1,300 to 1,600 feet. There are no topographical features that will hinder service to this area. This section is not applicable to this detachment application, as it applies to DSP.

- 15. CREATION OF IRREGULAR BOUNDARIES:** Islands, peninsulas, "flags", "cherry stems", or pin point contiguity shall be strongly discouraged. The resulting boundary shall not produce areas that are difficult to serve. The Commission shall determine contiguity (Policies 3.9.3, 3.9.4, 3.9.7).

RESPONSE: The proposed detachment will create an island out of the subject parcel, which will no longer be within the boundaries of a fire protection district. Though the creation of this island is discouraged by El Dorado LAFCO Policy 3.9.4, the proposal does not include concurrent annexation to, or an out-of-agency service agreement with, ECF. LAFCO staff has recommended that ECF partner with DSP for such a reorganization; however, ECF has declined this request (see Attachment E). The Commission always retains the authority to amend a proposal prior to approval.

- 16. CONFORMANCE TO LINES OF ASSESSMENT, OWNERSHIP:** The Commission shall modify, condition or disapprove boundaries that are not definite and certain or do not conform to lines of assessment or ownership (Policy 3.9.2).

RESPONSE: The boundaries of the proposed detachment conform to the existing lines of assessment and ownership. The proposal maps have been reviewed by the County Surveyor and have been found to be definite and certain.

17. **SPHERES OF INFLUENCE:** Commission determinations shall be consistent with the spheres of influence of affected local agencies (Policy 3.9.1).

RESPONSE: The boundaries of the parcel proposed for detachment are fully contained within the DSP sphere of influence. This section is not applicable to this detachment application, as it applies to DSP.

(Numbered items 18-21 relate to potential effect on others and comments)

18. **EFFECT ON ADJACENT AREAS, COMMUNITIES OF INTEREST:** The Commission shall consider the effect of the proposal and alternative actions on adjacent areas, mutual social and economic interests and on the local governmental structure of the county (§56668(c)).

RESPONSE: The proposed detachment does not break any Community of Interest. The subject parcel is bounded to the north and east by the Grassy Run CSD boundaries, which are fully within DSP's service area. Residents of the Grassy Run CSD are not expected to be effected by the proposed detachment.

19. **INFORMATION OR COMMENTS FROM THE LANDOWNER OR OWNERS:** The Commission shall consider any information or comments from the landowner or owners.

RESPONSE: The Shingle Springs Band of Miwok Indians has not provided written consent to LAFCO for the detachment, though it is presumed that the landowner is not opposed to the detachment because of the Service Agreement between the Tribal Government and ECF. LAFCO staff has informed the Bureau of Indian Affairs, Pacific Regional Office, of the detachment proposal and requested comments on the action; however, none were received. Per §56157(f), all landowners and registered voters within a 300' radius of the project have been individually notified of the project and hearing.

20. **EFFECT ON OTHER COMMUNITY SERVICES, SCHOOLS:** LAFCO's review of services refers to governmental services whether or not those services are provided by local agencies subject to the Cortese-Knox-Hertzberg Act, and includes public facilities necessary to provide those services.

RESPONSE: There are no negative impacts expected for the other public service providers to the Rancheria property.

Police Protection services are provided by the El Dorado County Sheriff's Department through a compensated agreement. Response times to the area would depend on the location of the nearest unit at the time of dispatch.

The subject parcels are currently within El Dorado County's Service Area 9, Zone 17 – Ponderosa Recreation Zone for park and recreation services, which is not requested to change as a part of this proposal. The El Dorado County Parks and Recreation Department is responsible for providing recreation areas and parks within the unincorporated areas not in Community Service Districts.

The Rancheria parcel is located within the Mother Lode Union School District, the El Dorado Union High School District and the Los Rios Community College District. Students within the detachment area would most likely attend the following schools: Indian Creek Elementary at 6701 Green Valley in Placerville, Herbert Green Middle School at 3781 Forni Road in Placerville and Ponderosa High School at 3661 Ponderosa Road in Shingle Springs.

- 21. OTHER AGENCY COMMENTS, OBJECTIONS:** All affected and interested agencies are provided application related material and notified of the proposal and proposed property tax redistribution plan. Comments have been requested and shall be considered (Policy 3.1.4 (I), §56668(i)).

For district annexations and city detachments only, the Commission shall also consider any resolution objecting to the action filed by an affected agency (§56668.3(4)). The Commission must give great weight to any resolution objecting to the action which is filed by a city or a district. The Commission's consideration shall be based only on financial or service related concerns expressed in the protest (§56668.3(5b)).

RESPONSE: The following agencies were provided an opportunity to comment on this proposal:

- Bureau of Indian Affairs, Pacific Regional Office, Central California Division
- El Dorado County Fire Protection District
- Grassy Run Community Services District
- El Dorado County Pre-Hospital Joint Powers Authority
- El Dorado Irrigation District
- El Dorado County Representing CSAs 7, 9, 9 Mother Lode Recreation Tax, 10 and 10 Zone H
- El Dorado County Water Agency
- El Dorado County Resource Conservation District
- El Dorado County Department of Agriculture
- El Dorado County Chief Administrative Office
- El Dorado County Office of Education
- Mother Lode Union School District
- El Dorado Union High School District
- Los Rios Community College District
- El Dorado County Planning Department
- El Dorado County Surveyor's Office
- El Dorado County Elections Department
- El Dorado County Sheriff's Department
- Farm Bureau

In response to LAFCO’s request for comments regarding the detachment, Steven Meyers, legal representative for ECF, prepared a letter to LAFCO staff on behalf of ECF requesting, among other things, *“that any LAFCO action on the application have absolutely no effect on EDCFPD. In particular, any LAFCO decision on the application should not affect EDCFPD boundaries or revenues (including property tax). The LAFCO decision should not impose any fees or conditions on EDCFPD. The LAFCO decision also should not affect in any way the existing Agreement between EDCFPD and Shingle Springs Band of Miwok Indians that was entered into July 2008.”* This letter is included as Attachment E.

There were no other comments received regarding the proposed detachment from other agencies, the landowner (Bureau of Indian Affairs) or members of the public.

(Numbered items 22-26 relate to land use, population and planning)

- 22. FAIR SHARE OF REGIONAL HOUSING NEEDS:** The Commission shall review the extent to which the proposal will assist the receiving entity in achieving its fair share of regional housing needs as determined by Sacramento Area Council of Governments (SACOG) (§56668(l)).

RESPONSE: The proposed detachment does not include any type of housing or other development; therefore, it will not assist the County in achieving its RHNA goals. This section is not applicable to this detachment application, as it applies to DSP.

- 23. LAND USE, INFORMATION RELATING TO EXISTING LAND USE DESIGNATIONS:** The Commission shall consider any information relating to existing land use designations (§56668(m)).

RESPONSE: Existing land uses within the Shingle Springs Rancheria and adjacent properties consist of the following:

	Zoning	General Plan	Current Land Use
Shingle Springs Rancheria (APN 319-100-37):	RE-5	Shingle Springs Rancheria (SSR)	Casino, residential, tribal/church/community/fire facilities; not subject to zoning/land use designations of the General Plan
North:	RE-5	LDR	Residential; Grassy Run CSD
East:	RE-5	LDR	Residential; Grassy Run CSD
South:	RE-5	LDR	Residential; US Highway 50
West:	RE-5	LDR	Residential; Shingle Springs Drive
Northwest:	RE-10	LDR	Residential; Shingle Springs Drive

- 24. POPULATION, DENSITY, GROWTH, LIKELIHOOD OF GROWTH IN AND IN ADJACENT AREAS OVER 10 YEARS:** The Commission will consider information related to current population, projected growth and number of registered voters and inhabitants in the proposal area.

RESPONSE: Approximately 52 families containing 141 tribal members reside on the reservation. According to the County Registrar of Voters, there are currently no registered voters registered to APN 319-100-37 (5281 Honpie Road, Placerville). The subject territory is currently considered uninhabited per State Law. Detachment of the Rancheria from DSP's service boundary will not directly or indirectly induce growth.

- 25. PROXIMITY TO OTHER POPULATED AREAS:** The Commission shall consider population and the proximity of other populated areas, growth in the area and in adjacent incorporated and unincorporated areas during the next 10 years (Policy 3.1.4 (a)).

RESPONSE: The Rancheria parcel is substantially surrounded by low density residential 5-acre parcels that are mostly built-out. Grassy Run Community Services District boundaries border the Rancheria to the north and east.

- 26. CONSISTENCY WITH GENERAL PLANS, SPECIFIC PLANS, ZONING:** The Commission shall consider the general plans of neighboring governmental entities (Policy 3.1.4(g)).

RESPONSE: The detachment area is owned by the Shingle Springs Band of Miwok Indians, a federally-recognized Indian Tribe, which is a sovereign entity that is not subject to the El Dorado County General Plan.

- 27. PHYSICAL AND ECONOMIC INTEGRITY OF AGRICULTURE LANDS AND OPEN SPACE LANDS:** LAFCO decisions will reflect its legislative responsibility to maximize the retention of prime agricultural land while facilitating the logical and orderly expansion of urban areas (Policy 3.1.4(e), §56016, 56064).

RESPONSE: The detachment area is not considered to be "Prime Farmland," nor does it contain any choice soils. The Rancheria is not used for any formal agricultural operations and there are no agricultural activities adjacent to the site; the Rancheria is surrounded on all sides by Low Density Residential parcels with RE-5 zoning. The detachment will have no impact on agriculture or open space.

- 28. OPTIONAL FACTOR: REGIONAL GROWTH GOALS AND POLICIES:** The Commission may, but is not required to, consider regional growth goals on a regional or sub-regional basis (§56668.5).

RESPONSE: The detachment proposal does not include any type of housing or other development; therefore, it will not assist the County in achieving its RHNA goals.

ATTACHMENTS

- Attachment A: Project Map with District Boundaries
- Attachment B: DSP Intent to File & Annexation Resolution
- Attachment C: Chief Administrative Officer AB-8 Proposal
- Attachment D: Agreement for Fire Protection Services between ECF and the Shingle Springs Band of the Miwok Indians
- Attachment E: ECF Comment Letter
- Attachment F: LAFCO Draft Resolution L-2010-15