

EL DORADO LAFCO
LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2021-05

Update to the Tahoe Resource Conservation District Sphere of Influence

LAFCO Project No. 2019-06

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the organization and reorganization of cities and special districts by local agency formation commissions established in each county, as defined and specified in Government Code §56000 et seq. (unless otherwise indicated all statutory references are to the Government Code); and

WHEREAS, §56425 et seq. provides that the local agency formation commission in each county shall develop and determine the sphere of influence of each local governmental agency within the county, and enact policies designed to promote the logical and orderly development of areas within the spheres of influence, as more fully specified in §56425 et seq.; and

WHEREAS, §56430 requires that local agency formation commissions conduct a municipal service review (MSR) prior to, or in conjunction with, consideration of actions to establish or update a sphere of influence (SOI) in accordance with §56076 and §56425; and

WHEREAS, pursuant to §56430, in order to prepare and update the sphere of influence, the Commission conducted a municipal service review of the Tahoe Resource Conservation District and adopted a written statement of determinations in conjunction with this sphere of influence update on January 27, 2021; and

WHEREAS, the Executive Officer reviewed the sphere of influence update pursuant to the California Environmental Quality Act (CEQA), and recommended that the project is exempt from CEQA under §15061(b)(3) because it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA, and, based thereon, the Executive Officer prepared a Notice of Exemption; and

WHEREAS, the Executive Officer set a public hearing for January 27, 2021 for consideration of the environmental review and the sphere of influence update for the Tahoe Resource Conservation District and caused notice thereof to be posted, published and mailed at the times and in the manner required by law at least twenty-one (21) days in advance of the date; and

WHEREAS, on January 27, 2021 the sphere of influence update came on regularly for hearing before LAFCO, at the time and place specified in the Notice; and

WHEREAS, at said hearing, LAFCO reviewed and considered the sphere of influence, and the Executive Officer's Report and Recommendations; each of the policies, priorities and factors set forth in Government Code §56425 et seq.; LAFCO's Policies and Guidelines related to spheres of influence, starting with Policy 4.0; and all other matters presented as prescribed by law; and

WHEREAS, at that time, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony and other information concerning the proposal and all related matters; and

WHEREAS, the Commission received, heard, discussed, and considered all oral and written testimony related to the sphere update, including but not limited to protests and objections, the Executive Officer's report and recommendation, the environmental document and determinations and the service review; and

WHEREAS, on December 5, 2007, at the time of its last review, the Commission established the functions and classes of services provided by the Tahoe Resource Conservation District as follows: resource conservation services; and

WHEREAS, the Commission does hereby make the following determinations regarding the proposal pursuant to Government Code §56425(e):

1. *The present and planned land uses in the area, including agricultural and open space lands.*

Present land use in the Tahoe RCD area includes residential, recreational, commercial and tourist-related uses. Primary residential areas within Tahoe RCD tend to follow the major highways and roads that bisect the district. Growth and development potential are limited largely by the Tahoe Regional Planning Agency (TRPA) regulations. No substantial changes in the planned land use are expected as a direct result of affirming the current Tahoe RCD sphere of influence.

2. *The present and probable need for public facilities and services in the area.*

The number of permanent residents within the Tahoe RCD service area, has decreased almost 9% from 2010 (41,176) to 2018 (37,853); however, TRPA estimates that the California portion of the Tahoe Basin could be expected to potentially grow to 45,468 persons by 2035.

Due to the high percentage of vacation homes and year-round recreational activities in the Tahoe Basin, the number of permanent residents is noticeably less than the seasonal population and overnight and day visitors can more than triple the Region's

population during peak periods. The seasonal population still contributes almost equally to the demand on Tahoe RCD services, because of the large percentage of recreational users and home ownership, each of which have unique resource conservation needs.

3. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.*

The Tahoe RCD appears to provide a high level of resource conservation services to its residents. Tahoe RCD receives sufficient revenue to fund its programs through various grants, contributions from both El Dorado and Placer Counties and a relatively small increment of local property taxes. Although the majority of the funding is only semi-stable due to the uncertain nature of grants, Tahoe RCD does not appear to have difficulties in financing its operations, in part, because it provides service to such a high-profile area that receives an abundance of attention and funding at the national and state level.

4. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.*

Tahoe RCD serves multiple distinct communities in the Tahoe Basin, including the City of south lake Tahoe, Meeks Bay, Tahoe City, Fallen Leaf Lake, Meyers, North Shore, Phillips and Tahoma. The City of South Lake Tahoe is the only incorporated community within the Tahoe RCD boundaries, and is the primary concentrated, social or economic community of interest that is within the District. Due to stringent TRPA land use regulations, these communities' permanent populations are expected to remain relatively stable in the next few years.

5. *For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.*

While LAFCO has identified disadvantaged unincorporated communities within the Tahoe RCD service area boundaries, the District does not provide any of the municipal services as defined in Government Code 56425(e)(5).

NOW, THEREFORE BE IT HEREBY RESOLVED, DETERMINED, ORDERED AND FOUND:

Section 1. Each of the foregoing recitals is true and correct.

Section 2. The Notice of Exemption prepared by the Executive Officer is approved as the appropriate environmental document for this project.

Section 3. Pursuant to Government Code §56425(i)(2), the Commission does hereby establish the functions and classes of services provided by the Tahoe Resource Conservation District as follows: resource conservation services.

Section 4. The update to the Tahoe Resource Conservation District sphere of influence to affirm the current sphere is orderly, logical and justifiable.

Section 5. The Executive Officer is directed to file a Notice of Exemption under §15061(b)(3) in compliance with the California Environmental Quality Act and local ordinances implementing the same.

Section 6. The Tahoe Resource Conservation District sphere of influence is updated to affirm its current sphere as shown on the attached map, marked Exhibit A, attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held January 27, 2021 by the following vote of said Commission.

	AYE	NO	ABSTAIN	ABSENT	NOT VOTING
Commissioner Bass	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Hidahl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Palmer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Powell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Saragosa	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Thomas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Morrison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Saunders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Turnboo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Executive Officer

Chairperson