

DRAFT
EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2007-48

**Update to the Tahoe Resource Conservation District
Sphere of Influence**

LAFCO Project No. 2007-11-C

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 Sections 56000 et seq. (unless otherwise indicated all statutory references are to the Government Code); and

WHEREAS, Section 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 Sections 56425 et seq.; and

WHEREAS, Section 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 Sections 56076 and 56425; and

WHEREAS, pursuant to Section 56430, in order to prepare and update spheres of influence, the Commission conducted a Resource Conservation District Municipal Services Review and adopted a written statement of determinations on December 5, 2007; and

WHEREAS, the agencies reviewed were the El Dorado County Resource Conservation District, the Georgetown Divide Resource Conservation District and the Tahoe Resource Conservation District; 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 Section 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 December 5, 2007 for consideration of the environmental review and the draft sphere of influence update for 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 December 5, 2007 the draft 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 draft sphere of influence, and the Executive Officer's Report and Recommendations; each of the policies, priorities and factors set forth in Government Code Section 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 reviews; and

WHEREAS, pursuant to Government Code Section 56425(i)(2), the Commission does hereby establish the functions and classes of services provided by 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 Section 56425(e):

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

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

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

Projections by TRPA estimate that there are currently approximately 31,500 people in the TRCD service area with an expected growth rate of 0.04% per year between 2000 and 2010. Due to the high percentage of vacation homes in the Tahoe Basin, the number of residents year-round is noticeably less than the seasonal population. However, the seasonal population contributes almost equally to the demand on TRCD services, because of the large percentage of home ownership.

Since the passing of TRPA's Best Management Practice (BMP) Retrofit Ordinance requiring the installation of BMPs on all developed properties within the Tahoe Basin and the establishment of installation deadlines, TRCD has seen a significant increase in demand for its services from homeowners. Although the BMP compliance deadlines for all three Priority Areas have passed, the majority of developed private lands are still working toward BMP conformity. This indicates that TRCD services, such as site evaluations and technical assistance will not lessen until these properties are brought up to TRPA's standards.

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

TRCD appears to provide a high level of resource conservation services to district residents. TRCD 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, the district 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.*

In addition to the City of South Lake Tahoe, TRCD serves multiple distinct communities including Meeks Bay/Tahoe City, Fallen Leaf Lake, Meyers, North Shore, Phillips and Tahoma. The City of South Lake Tahoe is the primary concentrated, social or economic community of interest that is within the district. Due to TRPA land use regulations, these communities' populations are expected to remain relatively stable.

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. The update to the Tahoe Resource Conservation District's Sphere of Influence to affirm the current sphere is orderly, logical and justifiable.

Section 4. The Executive Officer is directed to file a Notice of Exemption under Section 15061(b)(3) in compliance with the California Environmental Quality Act and local ordinances implementing the same.

Section 5. The Tahoe Resource Conservation District's 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 December 5, 2007 by the following vote of said Commission.

AYES:
NOES:
ABSTENTIONS:
ABSENT:

ATTEST:

Clerk to the Commission

Chairperson