

RESOLUTION NUMBER L-2014-08

**Update to the El Dorado County Fire Protection District
Sphere of Influence**

LAFCO Project No. 2014-06

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 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 the sphere of influence, the Commission conducted a Countywide Fire Suppression and Emergency Services Municipal Service Review and Sphere of Influence Study of 12 single purpose fire suppression and emergency services agencies, and adopted a written statement of determinations in conjunction with this sphere of influence update on August 24, 2011; and

WHEREAS, these 12 single purpose agencies are comprised of County Service Area #7, the El Dorado Hills County Water District and the following fire protection districts: Diamond Springs/El Dorado, El Dorado County, Garden Valley, Georgetown, Latrobe, Lake Valley, Meeks Bay, Mosquito, Pioneer and Rescue Fire Protection Districts; 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

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WHEREAS, the Executive Officer set a public hearing for August 24, 2011 for consideration of the environmental review and the Countywide Fire Suppression and Emergency Services Municipal Service Review and Sphere of Influence Study 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 August 24, 2011 Countywide Fire Suppression and Emergency Services Municipal Service Review and Sphere of Influence Study 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 Countywide Fire Suppression and Emergency Services Municipal Service Review and Sphere of Influence Study, 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 review; and

WHEREAS, at the August 24, 2011 hearing the Commission made certain determinations pursuant to Government Code Section 56425(e) in Section V of the Countywide Fire Suppression and Emergency Services Municipal Service Review and Sphere of Influence Study; and

WHEREAS, the Commission adopted the Countywide Fire Suppression and Emergency Services Municipal Service Review and Sphere of Influence Study on August 24, 2011; and

WHEREAS, Since 2011 El Dorado County Fire Protection District (ECF) has not experienced a significant growth in annexations, revenues, population or number of parcels served that would change any of the items discussed in the Countywide Fire Suppression and Emergency Services Municipal Service Review and Sphere of Influence Study, its analysis or its conclusions; and

WHEREAS, on January 23, 2014 the El Dorado Hills County Water District (EDH) Board of Directors approved a resolution of application requesting annexation of the Latrobe Fire Protection District (LTB) service area and sphere of influence contingent upon, among other things, LTB's dissolution; and

WHEREAS, this project was given the LAFCO project number of L-2014-04; and

WHEREAS, determining the exact and definite boundaries of LTB's service area is part of Project L-2014-04; and

WHEREAS, Government Code Sections 56375(l) and 56668(f) require LAFCOs to review the definiteness and certainty of the boundaries of the territory in question, with particular attention to the conformance of the proposed boundaries with the lines of assessment or ownership; and

WHEREAS, Assessor's Parcel Number (APN) 087-30-80 (10.36 acres), is currently split between the ECF and LTB boundaries with two separate tax rate areas; and

WHEREAS, the majority of APN 087-300-80 (9.1 acres) is within tax rate area (TRA) 076-016, which includes ECF and the remaining 1.26-acre portion of this parcel is within TRA 076-025, which includes LTB; and

WHEREAS, on or about March 2014 the fire chiefs for EDH, LTB and ECF agreed that the entirety of APN 087-300-80 should be within the service boundaries of ECF; and

WHEREAS, currently the 1.26-acre portion of APN 087-300-80 in TRA 076-025 is outside of ECF's sphere of influence; and

WHEREAS, Government Code Section 56375.5 requires all LAFCO actions, including annexations, be consistent with the sphere of influence of the agencies affected by those determinations.

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 size of the 1.26-acre portion of parcel 087-300-80 is small relative to the overall size of ECF's service area.

Section 4. In accordance with Government Code Section 56430, the Countywide Fire Suppression and Emergency Services Municipal Service Review adopted by this Commission on August 24, 2011 still serves as the appropriate and adequate review of ECF's capacity to provide services to the 1.26-acre portion of parcel 087-300-80.

Section 5. 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 within APN 087-300-80 is Rural Residential 2.51-20.0 Acres. Currently there is one residential unit, one large standalone structure and two small standalone ancillary structures on this parcel. Outside of the structures, the parcel is undeveloped open space. Based on the parcel's size, zoning (rural residential) and County General Plan designation, this parcel has been developed to the maximum allowed density. No substantial changes in land use are expected as a result of this review.

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

Present needs for public facilities and services are currently being met by ECF given that a substantial portion of APN 087-300-80 is already in ECF's service area. Probable needs for public facilities and services are not currently anticipated to vary from present needs, as future demands are expected to remain the same.

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

The present capacity of public facilities provided is adequate to serve the balance of APN 087-300-80 that is currently outside of ECF's service area.

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.*

The area surrounding APN 087-300-80 is between the communities of Shingle Springs and Latrobe. No social or economic communities of interest would be split or separated as a result of amending ECF's sphere of influence to include the 1.26-acre portion of APN 087-300-80 in TRA 076-025 that is currently outside of ECF's service area.

Section 6. Pursuant to Government Code Section 56425(i)(2), the Commission does hereby establish the functions and classes of services provided by El Dorado County Fire Protection District as those specified in California Health & Safety Code §13862.

Section 7. 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 8. The El Dorado County Fire Protection District's sphere of influence is updated to include the 1.26-acre portion of APN 087-300-80 currently identified by TRA 076-025, as shown on the attached map, marked Exhibit A, attached hereto and incorporated herein by this reference. The remainder of El Dorado County's sphere of influence remains the same as the sphere of influence affirmed by this Commission on August 24, 2011.

PASSED AND ADOPTED by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held August 27, 2014 by the following vote of said Commission.

Anderly, Briggs, Frentzen,
AYES: Mikulaco, Humphreys
NOES:
ABSTAIN:
ABSENT: Laine, Patton

ATTEST:



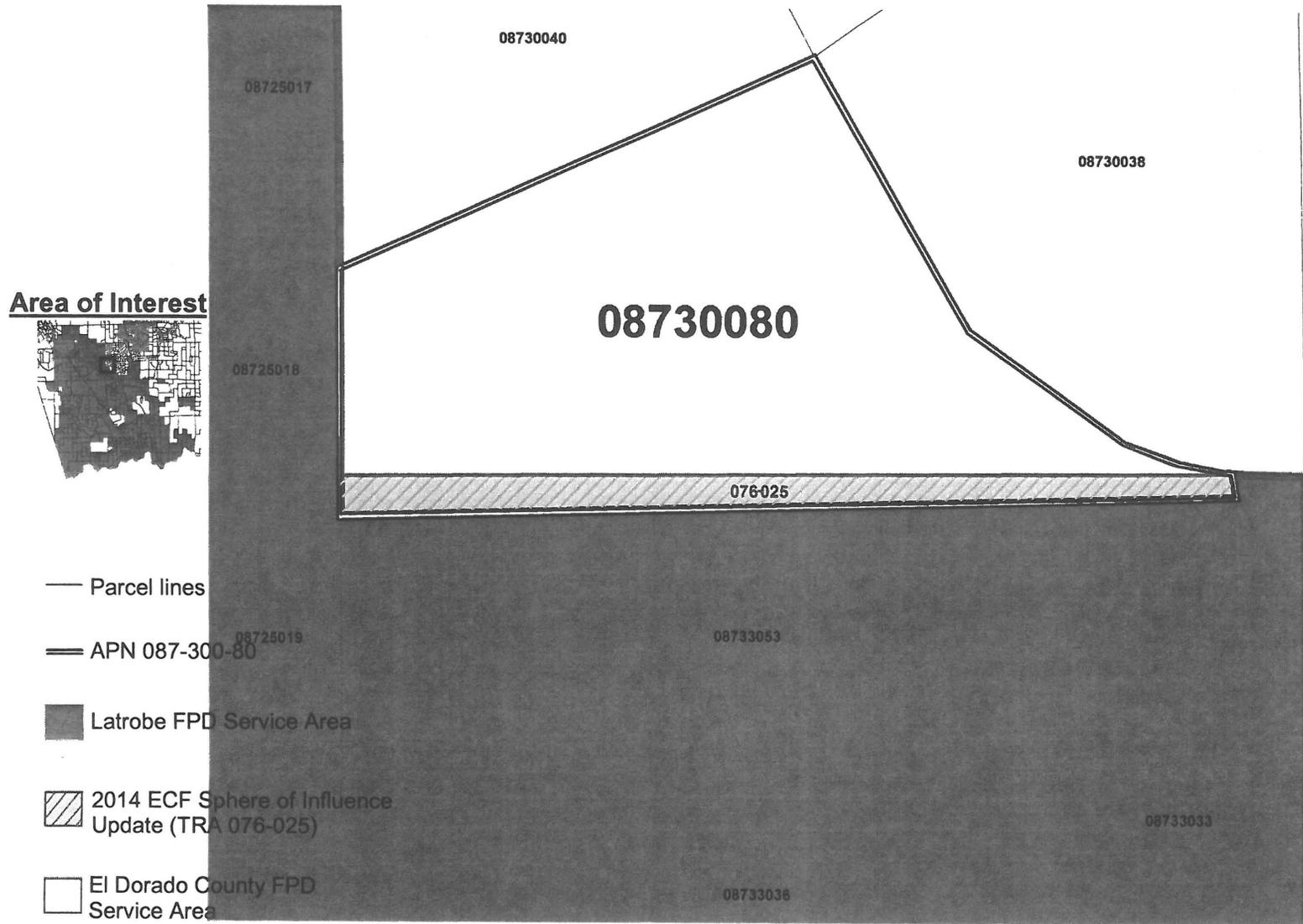
Interim Clerk to the Commission



Chairperson

EXHIBIT A

APPROVED



El Dorado County Fire Protection District 2014 Sphere of Influence Update