

# EL DORADO LAFCO

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LOCAL AGENCY FORMATION COMMISSION

## ***RESOLUTION NUMBER L-2016-03***

### **Update to the City of South Lake Tahoe Sphere of Influence**

***LAFCO Project No. 2015-02***

**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 for the City of South Lake Tahoe and adopted a written statement of determinations in conjunction with this sphere of influence update on August 24, 2016; 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 August 24, 2016 for consideration of the environmental review and the sphere of influence update for the City of South Lake Tahoe and caused notice thereof to be posted, published and distributed

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, 2016 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 continued the public hearing to September 28, 2016; and

**WHEREAS**, on September 28, 2016 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**, because the City of South Lake Tahoe did not wish to change its sphere of influence, representatives from the City and representatives from the County of El Dorado did not meet to discuss an agreement on development standards and planning and zoning requirements within the sphere; 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.***

The City is subject to the land planning oversight of the TRPA. TRPA has set limits for development within the planning boundary that severely limits the ability of the City to change land uses. Thus, the current land use designations are likely to remain unchanged without significant policy changes from TRPA.

The current SOI would appear to be adequate to meet present and future service needs of residents. The SOI covers adjacent, existing communities which may need services in the future in the event that their service provider is no longer able to operate. The City would be able to possibly step in as successor agency in the future.

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

The City provides a wide range of services to its residents while being supplemented by other agencies within its city limits. The City also coordinates through its multiple Joint Power Agreements to collaborate with neighboring agencies to best provide services in a comprehensive manner.

However, this combination of services is subject to growth as allowed by TRPA and the regional plan. Therefore, again, present and future need of public facilities and services are likely very similar.

The only probable need for public facilities would be for existing communities within the SOI that are already served by some public agency currently. The City would be able to possibly step in as successor agency in the future if these agencies fail to meet their service obligations.

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

The City currently provides a level of service which is satisfactory to meet the needs of residents and the large visitor population that inhabits the area during peak times of the year. The city actively reviews its service levels and sets benchmarks that allows for easy review on annual basis to determine if additional resources must be allocated.

The CIP also aids in providing enhancements to public facilities or infrastructure for residents. The annual establishment of the CIP gives the City the ability to allocate or divert funds from areas of lesser need to areas of critical need.

Due to the limited growth potential under the TRPA Regional Plan, the City is able to actively plan for the limited growth and react quickly as needs arise within the existing SOI.

**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.***

As stated in Section 3, there are currently communities of social or economic interest within or adjacent to the existing SOI. However, those areas are currently served with

water, wastewater and structural fire protection by other agencies or districts. Therefore, there is no immediate responsibility of the City to extend services into these areas.

Furthermore, many of these communities are non-contiguous with the City and likely create an annexation proposal inconsistent with local policies as well as CKH. However, by keeping these communities within the SOI, it would allow the City to be a viable alternative, under the provisions of Government Code §56133 and subject to the policies of El Dorado LAFCO, in the event than an existing service provider is longer able to do so.

- 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.***

The City does not provide water or wastewater service within the SOI as these services are provided by the South Tahoe Public Utility District. Therefore, there are no disadvantaged unincorporated communities (DUC) impacted as it relates to water and wastewater service.

However, the City does provide structural fire protection within its limits. Within the SOI, the Lake Valley Fire Protection District provides structural fire protection services. The City has mutual aid agreements with LVFPD in order to provide enhanced service within and around the City, some of which are identified as DUC in Section 3.

There are DUCs within the SOI; however, as described above, they are already receiving water, wastewater and structural fire protection from existing agencies capable of servicing these communities.

**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. An agreement pursuant to Government Code §§56425(b), 56425(c) and 56425(d) is not required because the sphere of influence for the City of South Lake Tahoe will not be changed as a result of this review. The previous agreement between the City of South Lake Tahoe and the County of El Dorado remains in effect.

Section 4. The update to the City of South Lake Tahoe 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 City of South Lake Tahoe 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 September 28, 2016 by the following vote of said Commission.

	<b>AYE</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>NOT VOTING</b>
Commissioner Acuna	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Anderly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Coco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Frentzen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Humphreys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Sass	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Veerkamp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Clerici	<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 Powell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Ranalli	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

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Interim Clerk to the Commission

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Chairperson