

RESOLUTION NUMBER L-2007-13**Update to the Diamond Springs Fire Protection District
Sphere of Influence****LAFCO Project No. 2007-04-B****AMENDED**

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 Countywide Fire Suppression and Emergency Services Municipal Services Review and adopted a written statement of determinations on August 23, 2006; and

WHEREAS, the agencies reviewed were County Service Area 7, City of South Lake Tahoe, Cameron Park Community Services District, Diamond Springs/El Dorado Fire Protection District, El Dorado County Fire Protection District, El Dorado Hills County Water District, Fallen Leaf Lake Community Services District, Garden Valley Fire Protection District, Georgetown Fire Protection District, Lake Valley Fire Protection District, Latrobe Fire Protection District, Meeks Bay Fire Protection District, Mosquito Fire Protection District, Pioneer Fire Protection District, and Rescue Fire Protection District, among others; 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

APPROVED

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 June 27, 2007 for consideration of the environmental review and the draft sphere of influence update for Diamond Springs Fire Protection 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 June 27, 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 Diamond Springs Fire Protection District as follows: fire suppression and emergency 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 DSP area includes industrial, commercial, semi-urban and rural residential uses. Although residential areas are distributed throughout DSP, they are more concentrated in the northern portion of the district and along Highway 49 to the south. Future land uses are expected to remain relatively unchanged, with population growth that is likely to be consistent with the 2004 General Plan projections for the unincorporated portion of the County.

There are approximately 1,385 acres currently within the DSP sphere that are not within the district boundaries. Of these, approximately 1,267 acres are in agricultural

production, while the remaining 118 acres are currently vacant with no specified land use. While these parcels are not within a fire protection agency, the vast majority of the area in question is surrounded on all sides by DSP boundaries, indicating that it would be the most likely agency to respond to a fire or medical emergency. This creates an issue of fiscal inequity to DSP, because it does not receive revenue from these parcels to offset the potential costs of service. One 160-acre parcel, outside of the district but inside the current sphere, is located between DSP and El Dorado County Fire Protection District (ECF) boundaries. The DSP and ECF chiefs have requested that this parcel remain within the DSP sphere for now, pending a future collaborative effort from all of the fire districts to reorganize their service areas, if necessary.

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

Although the overwhelming majority of acreage outside of the DSP boundaries is currently used for agricultural purposes, the 2004 General Plan has designated these areas for 271 acres of Medium Density Residential use, 56 acres for Low Density Residential and 118 acres Rural Residential. In those cases, it is conceivable that in the future, lands previously used exclusively for agricultural purposes may have structures built on them or for large parcels to be subdivided into smaller parcels with residences on them. If this were to occur, it would lead to an increase in service demand to the district. However, fire suppression and emergency medical services, in it of themselves, do not increase the likelihood of this type of activity and therefore induce urban growth or the premature conversion of agricultural, open space to urban uses.

Parcels currently within the DSP district receive sufficient fire suppression and emergency response services as needed. If annexed, the areas described above would increase demand for these services and existing personnel and equipment may not be adequate to meet the level of service required. However, with the additional revenue received from these parcels in the form of increased property taxes and assessments, as well as development impact fees, the increased costs and required resources would be sufficiently offset to ensure the provision of services to the area.

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

DSP appears to provide moderate fire suppression and emergency response services within and, in cases of mutual aid responses, outside its boundaries. The district is compensated for these services primarily through property taxes and district assessments.

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.*

DSP serves the communities of Diamond Springs, Missouri Flat, Sleepy Hollow, Logtown, El Dorado, East China Hills, Golden West, Grassy Run, Greenstone Circle,

Mortara Circle and Sierra Oaks CSDs. Rancheria territory owned by the Shingle Springs Band of Miwok Indians and the proposed Foothill Oaks Casino are also within the DSP boundaries, although the Tribe supports its own fire department.

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 Diamond Springs Fire Protection 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 Diamond Springs Fire Protection 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 June 27, 2007 by the following vote of said Commission.

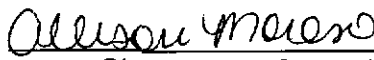
AYES: LONG, LOFTIS, BRIGGS, HAGEN,
HUMPHREYS, NORRIS, SWEENEY

NOES: NONE

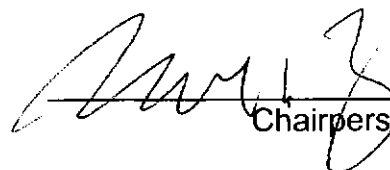
ABSTENTIONS: NONE

ABSENT: NONE

ATTEST:



Clerk to the Commission



Chairperson

