

# STATE OF CALIFORNIA, COUNTY OF EL DORADO

## LOCAL AGENCY FORMATION COMMISSION MINUTES OF MAY 25, 2005

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### 1. CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held May 25, 2005, was called to order at 5:33 p.m. by Chair Manard at the El Dorado Hills Community Services District, 1021 Harvard Way, El Dorado Hills, CA.

#### **COMMISSIONERS - PRESENT**

Roberta Colvin, City  
Ted Long, City  
Richard C. Paine, County  
Rusty Dupray, County  
Aldon Manard, Public  
Gary Costamagna, District  
Nancy Allen, District

#### **COMMISSIONERS - ABSENT**

#### **ALTERNATE COMMISSIONERS - PRESENT**

Francesca Loftis, Public  
Carl Hagen, City

#### **ALTERNATE COMMISSIONERS - ABSENT**

George Wheeldon, District  
James R. Sweeney, County

#### **COMMISSION STAFF - PRESENT**

Roseanne Chamberlain, Executive Officer  
Susan Stahmann, Clerk to the Commission  
Scott Browne, Special LAFCO Counsel

#### **COMMISSION STAFF - ABSENT**

Corinne Fratini, LAFCO Policy Analyst  
Thomas Gibson, LAFCO Counsel

Chair Manard announced the following guidelines for public comments: No outbursts from the audience, speaking within the audience to be kept to a minimum so commissioners may hear testimony and discussion, no speaking from the audience, speaker forms must be filled out and speakers must speak at the microphone for the public record. Times will be 3 minutes for individuals and 10 minutes for groups, which will be monitored by the Clerk.

#### **ROLL CALL - VOTING MEMBERS: Colvin, Long, Paine, Dupray, Manard, Costamagna, Allen**

Commissioner's Paine & Colvin arrived after rollcall.

### 2. CONSENT CALENDAR

#### **A. ADOPTION OF AGENDA**

#### **B. DISPOSITION OF MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION MEETING OF APRIL 27, 2005**

#### **C. APPROVAL OF CLAIMS**

#### **D. APPROVAL OF CLAIMS (ADDITIONS)**

#### **E. AMENDMENT TO THE LAFCO CONFLICT OF INTEREST CODE (Continued from April 18, 2005)**

Ms. Chamberlain asked that items continued from the May 18, 2005 LAFCO meeting be added to the agenda before Items 4 & 5

#### **MOTION**

Commissioner Paine moved to approve the consent calendar, second by Commissioner Costamagna.

#### **ACTION**

The motion was supported unanimously.

**3. PUBLIC FORUM/PUBLIC COMMENT**

Chair Manard opened the public forum.

**4. INFORMATIONAL HEARING SILVER SPRINGS REORGANIZATION; LAFCO PROJECT NO. 05-03**

Ms. Chamberlain gave staff report.

**MOTION**

Commissioner Costamagna moved to accept staff recommendation No. 3, second by Commissioner Allen.

Mr. William Wright, representing the El Dorado Union High & Rescue Union School District, stated that the school districts are in favor of this project.

**ACTION**

Motion Carried.	AYES:	Dupray, Paine, Costamagna, Allen, Colvin, Long, Manard
	NOES:	None
	ABSTAIN:	None
	ABSENT:	None

**Agenda Item No. 3 - (Continued from May 18, 2005)**

**RESOLUTION L-05-06 CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE INCORPORATION OF THE CITY OF EL DORADO HILLS**

Commissioner Costamagna asked the commission to consider the boundary issue before addressing other items on the Incorporation.

Mr. Taylor instructed the commission that certification of the EIR must be complete before any substantive action can be taken on the project.

**MOTION**

**Commissioner Long moved to Certify the Final Environmental Impact Report for the Incorporation of the City of El Dorado Hills, as modified with the terms defined in the Resolution, second by Commissioner Allen.**

Chair Manard opened the public hearing

Mr. Michael Cook, Attorney, representing El Dorado Hills Fire District, spoke regarding their issue with mitigation measure regarding wildland fire and the financial impact to the district. He requested that the commission replace paragraph A & B with the preferred alternative language prepared by the district. He indicated that an agreement had been reached between the districts and the Incorporation committee.

Mr. John Hidahl, Incorporation Committee & Bill Wright, Attorney for Fire Districts, confirmed that an agreement had been reached.

Mr. Browne informed the commission that the wording in the EIR Mitigation does have to word for word mirror what is in the terms and conditions. The first year money for wildland fire would flow thru the fire districts to ensure the transition is seamless. He recommended that the commission incorporate fire districts language in "B"

Mr. Browne's concern is the time between when the city goes into effect and the time when the city council can meet, negotiate and adopt an agreement.

**MOTION**

**Commissioner Paine moved to adopt the language and place it in the EIR, substitute A & B as**

**proposed.**

Mr. Justin Masters, spoke regarding procedural motions that don't deal with the EIR, language in EIR, wants to contract with CDF for services,

Art Marinaccio, asked that the EIR not be approved until other issues are addressed.

Mr. Norm Rowett, Incorporation Committee, stated he is satisfied with agreement.

Mr. Larry Brilliant, commended the fire districts and proponents for coming to an agreement.

**Commissioner Paine amended his motion to add the verbage of the May 25 letter that was received from Michael J. Cook, Page 2 of the Mitigation 2.8, use that language to insert instead of A&B as discussed, second by Commissioner Allen.**

Commissioner Dupray announced that he and Commissioner Paine's vote on this item in no way reflect the position of the BOS.

Ms. Chamberlain encouraged the commission to deferring action to certify the mitigation monitoring plan and defer the act to approve the findings and overrides until after the boundary and services decision is made.

**ACTION**

<b>Motion Carried.</b>	<b>AYES:</b>	<b>Dupray, Costamagna, Colvin, Paine, Allen, Long, Manard</b>
	<b>NOES:</b>	<b>None</b>
	<b>ABSENT:</b>	<b>None</b>
	<b>ABSTAIN:</b>	<b>None</b>

**5. INCORPORATION OF THE PROPOSED CITY OF EL DORADO HILLS; LAFCO PROJECT NO. 03-10**

Mr. Taylor gave outline of boundary and service decisions to be addressed.

Chair Manard opened the public hearing

Mr. John Hidahl, Chairman, El Dorado Hills Incorporation Committee expressed the committees strong desire to have the no island boundary excluding state recreational area and AG preserve parcel. They have a strong desire to include the Business Park.

Mr. Kirk Bone, on behalf of Marble Valley, requested to be excluded from the project. Staff verified that the County had already requested that Marvel Valley be removed.

Justin Masters, asked that protection of the CC&R's be maintained & the level of funding for fire services.

Bill Wright, representing the El Dorado County Transit Authority and Mike Cook, representing EDH Fire, asked that the the terms and conditions be postponed.

Kevin Stankiewdcz. Resident, spoke regarding the inclusion of the Bass Lake area.

Jay Dennis, Lakehills Equestrian Village. Stated that the information on the staff report is not correct, and asked that they be excluded from the city.

Shan Nejadgian, Equestrian Village Resident, asked to be included in the City. He commended staff for their research.

Ken Christinson, Lakehills, asked to be excluded from the city.

Art Marinaccio, spoke regarding items he felt were not studied in EIR document.

John Thompson, Resident, spoke regarding CC&R enforcement.

Wayne Lowery, spoke regarding CC&R enforcement, Marble Valley Specific Plan & district's support of the alternative boundary. Correction on Page 5 of the Staff Report - should say Solid Waste Services to the city.

Norb Witt, Resident, asked to have the Business Park included in the city.

Paul Raveling, Resident, asked that the CC&R enforcement be transitional for the first year, to be handled by the City when the time comes.

Chair Manard closed the public hearing at 8:19, called for a break, reconvening at 8:31 p.m.

Mr. Nat Taylor, reviewed individual Issues/Decisions regarding Boundaries for Commission action with staff clarifying action:

1. Should the boundary include the Promontory and Carson Creek? **Recommendation:** Modify the boundary to include the Promontory and the Carson Creek properties.

**MOTION**

\_\_\_\_\_  
**Commissioner Costamagna moved staff recommendation, second by Commissioner Paine.**

**ACTION**

**The motion was supported unanimously.**

2. Should the former Williamson Act "islands" be included within the city boundary? **Recommendation:** Include the islands within the city boundary.

**MOTION**

\_\_\_\_\_  
**Commissioner Dupray moved staff recommendation, second by Commissioner Costamagna.**

**ACTION**

**The motion was supported unanimously.**

3. Should the boundary include the entire Marble Valley project area?

**MOTION**

\_\_\_\_\_  
**Commissioner Costamagna moved to exclude Marble Valley, second by Commissioner Colvin.**

**ACTION**

**The motion carried. AYES: Dupray, Costamagna, Colvin, Allen, Manard  
NOES: Paine, Long  
ABSTAIN: None  
ABSENT: None**

4. Should the boundary exclude the Hickok Road and Arroyo Vista CSD areas? **Recommendation:** Modify the boundary to exclude parcels in the Arroyo Vista and Hickok Road areas, including all territory east of Salmon Falls Road and north of Green Valley Road, thereby resulting in an incorporation area that would not be difficult to serve.

**MOTION**

\_\_\_\_\_  
**Commissioner Dupray moved staff recommendation, second by Commissioner Paine.**

**ACTION**

**The motion was supported unanimously.**

5. Which of the parcels south of the Business park should LAFCO include within the incorporation area? **Recommendation No. 1:** The southern boundary of the incorporation area should include parcels 108-050-05 through 108-050-08, plus parcels 108-050-14, 108-05017 (collectively, the "Sierra Pacific" Parcels) and 108-050-42 (the "High School Parcel"). **Recommendation No 2:** The southern boundary of the incorporation area should include the industrially designated parcels and exclude the High School parcel.

**MOTION**

\_\_\_\_\_  
**Commissioner Paine moved to exclude the Mehrten parcel, second by Commissioner Costamagna.**

**ACTION**

**The motion was supported unanimously.**

**MOTION**

\_\_\_\_\_  
**Commissioner Costamagna moved to exclude the Dunlap parcel, second by Commissioner Allen.**

**ACTION**

**The motion was supported unanimously.**

**MOTION**

\_\_\_\_\_  
Commissioner Costamagna moved to include the Sierra Pacific parcel, second by Commissioner Long.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

**MOTION**

\_\_\_\_\_  
Commissioner Colvin moved to include the EDUHSD parcel, second by Commissioner Allen.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

6. Should the boundary be shifted north from Bass Lake Road to Green Springs Creek? **Recommendation:** Approve boundaries for the City following the existing boundary of EDHCSD and its sphere of influence in the Bass Lake area and the area west of "New Bass Lake Road".

**MOTION**

\_\_\_\_\_  
Commissioner Dupray moved to exclude, second by Commissioner Paine.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

7. Should the boundary include the two potential school sites west of "New Bass Lake Road"?

**MOTION**

\_\_\_\_\_  
Commissioner Dupray moved to exclude, second by Commissioner Colvin.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

8. Should the boundary include the Marble Mountain Homeowners CSD?

**MOTION**

\_\_\_\_\_  
Commissioner Costamagna moved to exclude, second by Commissioner Colvin.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

9. Should the boundary include the Green Springs Ranch subdivision?

**MOTION**

\_\_\_\_\_  
Commissioner Paine moved to include, second by Commissioner Dupray.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

10. Should the boundary include the El Dorado Hills Business Park.

**MOTION**

\_\_\_\_\_  
Commissioner Paine moved to include, second by Commissioner Costamagna.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously, with roll call vote.

11. Should the Lakehills/Equestrian Village area be included within the incorporation boundaries?

**MOTION**

\_\_\_\_\_  
Commissioner Dupray moved to exclude, second by Commissioner Paine.

week. Commissioner Long asked for the motion to be amended to continue this item to next

Commissioner Dupray withdrew his motion, second concurred.

Commissioner Long moved to carry over this item to next weeks meeting, second by Commissioner Colvin.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously, with roll call vote.

Ms. Chamberlain asked the commission to approve the other staff recommended determinations other than those voted on previously.

**MOTION**

**Commissioner Paine moved to accept, second by Commissioner Long.**

**ACTION**

**The motion was supported unanimously.**

Mr. Taylor asked for action on the Service Issues:

1. Should LAFCO require the collection of the Fire District Improvement Fee and to provide the Fire District with the authority to determine the amount of the Fee?

Mr. Bill Wright stated that fire districts support staff recommendation.

**MOTION**

**Commissioner Costamagna moved to recommend adoption, second by Commissioner Long.**

**ACTION**

**The motion was supported unanimously.**

2. What is the most effective means of continuing pre-incorporation service levels for wildland fire protection?

Ms. Chamberlain revised the staff recommendation to conform the Terms & Conditions & Determinations to the commission's prior actions in the CEQA document. (Replacement A&B)

**MOTION**

**Commissioner Costamagna moved to recommend adoption, second by Commissioner Long.**

**ACTION**

**The motion was supported unanimously.**

3. Should LAFCO require the new City to administer architectural review process and enforce existing CC&Rs within its jurisdiction? **Recommendation:** With respect to architectural review and enforcement of conditions, convenets and restrictions for sub-divisions within El Dorado Hills CSD the city shall continue to provide such services at a level of not less than provided by the CSD for not less than one year following the effective date of incorporation.

**MOTION**

**Commissioner Costamagna moved to approve staff recommendation, second by Commissioner Paine.**

**ACTION**

**The motion was supported unanimously.**

4. Should LAFCO require the new City to adopt the park development standards and development policies of the EDH CSD? **Recommendation:** Include within the Terms and Conditions of Incorporation a provision requiring the new City to adopt the park development standards and related development impact fees for park and recreation services.

**MOTION**

**Commissioner Colvin moved to approve staff recommendation, second by Commissioner Allen.**

**ACTION**

**The motion was supported unanimously.**

Ms. Chamberlain asked the commission to approve Services-Related Determinations, Section B.

**MOTION**

**Commissioner Paine moved to approve staff recommendations thru 6, second by Commissioner Costamagna.**

**ACTION**

**The motion was supported unanimously.**

**MOTION**

\_\_\_\_\_  
Commissioner Costamagna moved to approve Number 7 (Fire District Improvement Fee) of staff recommendations, second by Commissioner Paine.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

There was an affirmation that #8 will be Revised and brought back to the Commission.

**MOTION**

\_\_\_\_\_  
Commissioner Costamagna moved to approve Number 9 of staff recommendations of enforcement of CC&R's, second by Commissioner Paine.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

**MOTION**

\_\_\_\_\_  
Commissioner Colvin moved to approve Number 10 of staff recommendations (Park Development & Maintenance Standards), second by Commissioner Costamagna.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

The discussion turned to the Draft Terms and Conditions.

Ms. Chamberlain suggested to revise Item K Cemetery El Dorado County and others. Air Pollution Control Services will continued to be provided by the County.

**MOTION**

\_\_\_\_\_  
Commissioner Dupray moved to approve Terms & Conditions listed as Number 1 & 2 (Services) as revised to delete 2L, Mosquito Abatement, second by Commissioner Paine.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

**MOTION**

\_\_\_\_\_  
Commissioner Paine moved to approve Items 3 thru 8 (Wildland Fire Protection) with revised language for 4 , second by Commissioner Long.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

Item 9 - El Dorado Transit - Additional Language submitted by Transit

**MOTION**

\_\_\_\_\_  
Commissioner Dupray moved to approve Item 9 with additional language , second by Commissioner Costamagna.

\_\_\_\_\_  
Commissioner Dupray moved to defer this item, second by Commissioner Costamagna.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

Item 10, 11 & 12 - Conditions relating to Roads

**MOTION**

\_\_\_\_\_  
Commissioner Dupray moved to approve Items 11 & 12 and continue Item 10 , second by Commissioner Long.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

Item 13 - Requirement for City to initiate a Sphere of Influence

**MOTION**

\_\_\_\_\_  
Commissioner Costamagna moved to approve Item 13 , second by Commissioner Allen.

**ACTION**

\_\_\_\_\_  
The motion was supported unanimously.

Item 14 - County to provide the same level of services for the first year.

**MOTION**

Commissioner Paine moved to approve Item 14 , second by Commissioner Long.

**ACTION**

The motion was supported unanimously.

Item 15 - Detachment of City area from County Service Area No. 9

**MOTION**

Commissioner Dupray moved to approve Item 15 , second by Commissioner Long.

**ACTION**

The motion was supported unanimously.

Item 16 - Prohibits agencies from doing something unlawful

**MOTION**

Commissioner Costamagna moved to approve Item 16 , second by Commissioner Colvin.

**ACTION**

The motion was supported unanimously.

Item 17 - Dissolving Districts

**MOTION**

Commissioner Costamagna moved to approve Item 17 excluding Marble Mountain Homeowners CSD and conditions A thru K , second by Commissioner Dupray.

**ACTION**

The motion was supported unanimously.

Item 18 - Payment of all LAFCO fees

**MOTION**

Commissioner Costamagna moved to approve Item 18 , second by Commissioner Allen.

**ACTION**

The motion was supported unanimously.

**MOTION**

Commissioner Paine moved to close the comment period for the fiscal analysis public hearing tonight and receive and accept additional comments on the fiscal analysis until 5p.m. on Friday, second by Commissioner Long.

**ACTION**

The motion was supported unanimously.

**6. OTHER BUSINESS**

**A. LEGISLATION**

Report will be submitted at next meeting.

**B. COMMISSIONER ANNOUNCEMENTS**

Commissioner Costamagna asked that bills affecting Vehicle Licensing Fees be presented at next meeting.

**C. COUNSEL REPORT**

None

**D. EXECUTIVE OFFICER REPORT**

Executive Officer report will be given at the next regular LAFCO meeting.

**7. ADJOURNMENT**

Chair Manard adjourned the meeting at 9:15 p.m.  
The next regularly scheduled LAFCO meeting will be June 22, 2005  
Special Meetings will be June 1, 2005 (Bldg. C) and June 8, 2005 (EDHCSD)

**APPROVED BY THE COMMISSION  
AUTHENTICATED AND CERTIFIED**

\_\_\_\_\_  
**Clerk to the Commission**

\_\_\_\_\_  
**Chairperson**

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