

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2019-06

Eells Ranch Rd. Annexation to the Garden Valley Fire Protection District
LAFCO Project No. 2018-03

WHEREAS, on June 18, 2018, Jennifer Boyd, Linda Eaton, Linda Szczepanik, Michelle Tanzi, Norma Jean Schneider, Jonathan Wilson, S. Husari and E. Lewis Revocable Trust, and Vincent and Susan Revers, owners of 100% of the assessed value of the land shown in "Exhibit A" (hereinafter referred to as the "subject territory") submitted a landowner petition ("petition") requesting the annexation of the subject territory into the Garden Valley Fire Protection District (GVFPD); and

WHEREAS, the subject territory includes Assessor's Parcel Numbers (APNs) 062-111-51, 062-111-52, 062-111-53, and 062-111-54; and

WHEREAS, Norma Jean Schneider and Jonathan Wilson are the owners of APN 062-111-51, the S. Husari and E. Lewis Revocable Trust is the owner of APN 062-111-52, Vincent and Susan Revers are the owners of APN 062-111-53, and Jennifer Boyd, Linda Eaton, Linda Szczepanik and Michele Tanzi are the owners of APN 062-111-54; and

WHEREAS, the petition is in conformance with Government Code §56650 et seq.; and

WHEREAS, the proposal was assigned LAFCO Project No. 2018-03 and is referred to as the "Eells Ranch Rd. Annexation to the Garden Valley Fire Protection District"; and

WHEREAS, the subject consists of approximately 40.636 acres; and

WHEREAS, the petition requests the annexation of the subject territory, into GVFPD for the provision of structural fire protection services; and

WHEREAS, Revenue and Taxation Code §99 requires an agreement for the exchange of property tax revenues in the event of a jurisdictional change of local agencies; and

WHEREAS, property tax exchange negotiations were completed and approved by the County of El Dorado ("the County") on August 28, 2018; and

WHEREAS, GVFPD on August 21, 2018, the GVFPD Board of Directors adopted Resolution 2018-09, supporting the proposed change of organization; and

WHEREAS, pursuant to Government Code §56857(e) the Commission terminated the informational hearing proceedings; and

WHEREAS, the Executive Officer reviewed the annexation for conformance under the California Environmental Quality Act ("CEQA") and determined that the annexation is consistent with the determinations of a Class 19 Categorical Exemption under Section 15319 of the State CEQA Guidelines, and a Class 20 Categorical Exemption under Section 15320 of the State CEQA Guidelines; and

WHEREAS, the Executive Officer examined the petition, certified that it is adequate and has accepted the petition for filing on January 14, 2019; and

WHEREAS, the Executive Officer set a public hearing for February 27, 2019 for consideration of the petition and the environmental determination 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 that date; and

WHEREAS, said Notice stated that the petition and the environmental determination would be considered by this Commission at the hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code §56665, has reviewed this petition and prepared and distributed a report, including recommendations, and has furnished a copy of this report to each person entitled to a copy at least five (5) days prior to the February 27, 2019 meeting during which the petition was considered; and

WHEREAS, on February 27, 2019, the matter came on regularly for hearing before this Commission, at the time and place specified in the Notice of the Public Hearing; and

WHEREAS, at said hearing, the petition, the environmental determination, and the Executive Officer's Report and Recommendations were reviewed and considered; and

WHEREAS, an opportunity was given to all interested persons, organizations, and agencies to present oral or written protests, objections, and any other information concerning the proposal and all related matters; and

WHEREAS, this Commission has received, heard, discussed and considered all oral and written testimony related to the petition, including, but not limited to, protests and objections, the Executive Officer's report and recommendations, the environmental determination, plans for providing service, spheres of influence, applicable General and Specific Plans, each of the policies, priorities and functions set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including those set forth in Government Code §§56377, 56668 and 56668.3, LAFCO's Policies and Guidelines and all other materials presented as prescribed by law.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED, ORDERED AND FOUND by the El Dorado Local Agency Formation Commission as follows:

1. Each of the foregoing recitals is incorporated herein as a substantive finding of this resolution. The findings contained therein are true and correct, based upon substantial evidence in the record as a whole, and provides a legal basis for this resolution and the actions to be taken pursuant to this resolution.
2. This resolution making determinations is made pursuant to and in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Government Code §56000 *et seq.*, CEQA, California Public Resources Code § 21000, *et seq.*, and all other applicable law, regulations, policies and procedures.
3. The following agencies and districts were notified concerning this petition: Black Oak Mine Unified School District, El Dorado County Assessor's Office, El Dorado County Auditor's Office, El Dorado County Chief Administrative Office, El Dorado County Department of Agriculture, El Dorado County Elections Department, El Dorado County Emergency Services Authority, El Dorado County Farm Bureau, El Dorado County Office of Education, El Dorado County Planning Department, El Dorado County Representing County Service Areas 7, 9, 10, and 10 Zone H, El Dorado County Sheriff's Department, El Dorado County Surveyor's Office, El Dorado County Water Agency, Garden Valley Fire Protection District, Georgetown Divide Public Utility District, Georgetown Divide Resource Conservation District, and Los Rios Community College District.
4. Jennifer Boyd, Linda Eaton, Linda Szczepanik, Michelle Tanzi, Norma Jean Schneider, Jonathan Wilson, S. Husari and E. Lewis Revocable Trust, and Vincent and Susan Revers, as owners of 100% of the assessed value of the land within the subject territory, have given their written consent to the annexation.
5. There are seven (7) registered voters in the subject territory; therefore, the subject territory is considered uninhabited per Government Code §56046.
6. The GVFPD, as the subject agency, has not requested in writing or otherwise that LAFCO hold protest proceedings on this petition.
7. The Conducting Authority proceedings are hereby waived in accordance with Government Code §56663(c).
8. The subject territory is within the GVFPD sphere of influence and is contiguous to the existing boundary.

9. The subject property is designated Rural Residential (RR) and is zoned Rural Lands, 10-Acre Minimum (RL-10) by the 2015 Land Use Element of the County's General Plan.
10. The subject territory is mostly improved land; APNs 061-111-51 and 062-111-53 each contain a single-family residence, APN 062-111-54 contains a single-family residence and a secondary residence, APN 062-111-52 is vacant land with no structures and an approved electrical permit for a well.
11. The petition is consistent with the County's 2015 Updates to its General Plan.
12. The subject territory consists of a single tax rate area and is currently within TRA 083-035.
13. The total assessed land value of the subject territory is \$321,986.
14. The petition will neither assist nor detract from the County's ability to meet its Regional Housing Needs Assessment allocations as determined by the Sacramento Area Council of Governments for any income groups.
15. Upon completion of the approval proceedings, the GVFPD shall provide structural fire protection service to the subject territory.
16. The GVFPD has planned for the provision of structural fire protection service to the subject territory and has developed a fee schedule, bonding funds, and assessments to provide funding for that service.
17. CEQA Guidelines Section §15319(a) provides a categorical exemption to CEQA (Class 19) for, "annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities."
18. CEQA Guidelines Section §15320 provides a categorical exemption to CEQA (Class 20) for, "changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised."
19. This petition is hereby found to be exempt from CEQA pursuant to California Code of Regulations §§15319 and 15320.
20. The petition meets the intent, policies, and priorities of this Commission, and the laws and policies within its jurisdiction and authority, including but not limited to

the GVFPD sphere of influence and the El Dorado LAFCO Policies and Guidelines.

21. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
22. The annexation will not result in negative impacts to the cost and adequacy of services otherwise provided in the area and it is in the best interests of the affected area and the total organization of local government agencies.
23. The area proposed for reorganization represents an orderly, logical and a justifiable extension of the GVFPD boundaries.
24. The proposal is assigned the following short form designation:

Eells Ranch Rd. Annexation to the Garden Valley Fire Protection District
(GVFPD); LAFCO Project No. 2018-03
25. The Eells Ranch Rd. Annexation to the Garden Valley Fire Protection District is hereby approved, subject to the following conditions:
 - (a) The subject territory shall be liable for any authorized or existing taxes, fees, service charges, assessments and any bonded indebtedness of the GVFPD.
 - (b) The applicant and the real party of interest, if different, shall agree to defend, indemnify, hold harmless and release the El Dorado Local Agency Formation Commission, its agents, officers, attorney and employees from any claim, action or proceeding brought against them or any of them, the purpose of which to attack, set aside, void, condition, challenge or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of, related to or in connection with the approval of this application, whether or not there is concurrent passive negligence of the part of the El Dorado Local Agency Formation Commission or its agents, officers, attorney or employees.
 - (c) The Certificate of Completion shall be issued and recorded subsequent to final payment of all LAFCO, State Board of Equalization and County fees, costs and charges associated with the project and necessary to complete the required filings and transmittals.
 - (d) Proponents shall complete all map and legal description requirements for final recording and filing, including documents required by the State Board of Equalization, within 180 days of February 27, 2018.

26. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries and conditions set forth in the attachments and any terms and conditions specified in this resolution.
27. The Executive Officer is hereby authorized and directed to file with the Clerk of the County of El Dorado, a Notice of Exemption for the annexation, pursuant to Title 14 California Code of Regulations §15062.
28. The effective date shall be the five (5) working days after recordation by the County Recorder of the Executive Officer's Certificate of Completion, which shall be prepared and recorded after the conditions set forth above are met.
29. Upon and after the effective date of said reorganization, the affected territory, all inhabitants within such territory, and all persons entitled to vote by reasons of residing or owning land within the territory:
 - (a) Shall be subject to the jurisdiction of the GVFPD, hereafter referred to as "the District";
 - (b) Shall have the same rights and duties as if the affected territory has been a part of the District upon its original formation;
 - (c) Shall be liable for the payment of any authorized or existing taxes, fees, assessments and any bonded indebtedness of the District, including amounts which shall become due on account of any outstanding or then authorized but thereafter issued obligations of the District;
 - (d) Shall be subject to the collection of all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such services;
 - (e) Shall be subject to all of the rules, regulations and ordinances of the District as now existing or hereafter amended.
30. All interested parties, including without limitation Norma Jean Schneider, Jonathan Wilson, the S. Husari and E. Lewis Revocable Trust, Vincent and Susan Revers, Jennifer Boyd, Linda Eaton, Linda Szczepanik, and Michelle Tanzi, agree that LAFCO retains in perpetuity the authority to enforce, through legal action or otherwise, all of the terms and conditions of the project approval.
31. The documents and materials which constitute the record of proceedings on which these findings are based are located at 550 Main Street, Suite E, Placerville, CA 95667. The custodian of these records is the Executive Officer.

PASSED AND ADOPTED by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held February 27, 2018 by the following vote of said Commission.

	AYE	NO	ABSTAIN	ABSENT	NOT VOTING
Commissioner Acuna	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Bass	<input 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 Palmer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Powell	<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 Anderly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Hidahl	<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 Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Assistant Policy Analyst

Chairperson