

EL DORADO LAFCO
LOCAL AGENCY FORMATION COMMISSION

APPROVED

MINUTES OF FEBRUARY 28, 2018

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting of the Local Agency Formation Commission held February 28, 2018 was called to order at 5:30 p.m. by Chair Frentzen in the Board of Supervisors Chambers, Building A of the Government Center, 330 Fair Lane, Placerville, California. Regular Members present were: City Member Mark Acuna, County Members Shiva Frentzen, District Members Ken Humphreys and Tim Palmer and Public Member Dyana Anderly. Others present were: Alternate District Member Holly Morrison, Executive Officer José C. Henríquez, Assistant Executive Officer Erica Sanchez, and LAFCO Counsel Kara K. Ueda.

Commissioner Laine was not in attendance.

2. ROLL CALL

VOTING MEMBERS:

Acuna, Anderly, Frentzen, Humphreys, Palmer

3. ADOPTION OF AGENDA

MOTION

Commissioner Acuna moved to adopt the Agenda, second by Commissioner Anderly.

ACTION

The motion was approved by the following vote:

AYES: Acuna, Anderly, Humphreys, Palmer, Frentzen

NOES: None

ABSTAIN: None

ABSENT: Laine, Veerkamp

4. CONSENT CALENDAR

A. MINUTES OF THE REGULAR MEETING OF JANUARY 24, 2018

B. REVIEW OF CLAIMS

C. APPROVAL OF A ONE-YEAR TIME EXTENSION FOR THE FINAL CONDITIONS FOR THE MALCOLM DIXON ESTATES REORGANIZATION TO THE EL DORADO IRRIGATION DISTRICT AND THE EL DORADO HILLS COUNTY WATER DISTRICT (LAFCO PROJECT NO. 2013-01)

D. APPROVAL OF A ONE-YEAR TIME EXTENSION FOR THE FINAL CONDITIONS FOR THE PORTER ANNEXATION TO THE EL DORADO IRRIGATION DISTRICT (LAFCO PROJECT NO. 2013-02)

MOTION

Commissioner Acuna moved to adopt the consent calendar, second by Commissioner Humphreys.

ACTION

The motion was approved by the following vote:

AYES: Acuna, Anderly, Humphreys, Palmer, Frentzen

NOES: None

ABSTAIN: None

ABSENT: Laine, Veerkamp

5. PUBLIC FORUM/PUBLIC COMMENT

Chair Frentzen opened the public forum. No member of the public addressed the Commission.

6. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE MUNICIPAL SERVICES REVIEW AND SPHERE OF INFLUENCE UPDATE FOR CAMERON ESTATES COMMUNITY SERVICES DISTRICT (LAFCO PROJECT NO. 2017-07)

Ms. Sanchez reviewed the staff report with the recommendation that the Commission:

1. Receive and discuss the information related to the municipal services review and sphere of influence update for the Cameron Estates Community Services District;
2. Open the public hearing on the matter;
3. Accept statutory exemption §15061(b)(3) from environmental review as the appropriate environmental review;
4. Adopt the Cameron Estates Community Services District Municipal Service Review, along with one of the following options:
 - a. Adopt Resolution L-2018-04-A, adopting the following updates to the Cameron Estates Community Services District sphere of influence (**Attachment F**, staff recommendation):
 - 1) Addition of one parcel to the sphere of influence (APN 109-010-03)
 - 2) Removal of seven parcels from the sphere of influence (APNs 109-111-15, 109-111-16, 109-111-17, 109-111-18, 109-111-19, 109-161-01 and 109-161-31); or
 - b. Adopt Resolution L-2018-04-B, adopting the following updates to the Cameron Estates Community Services District sphere of influence (**Attachment G**):
 - 1) Addition of one parcel to the sphere of influence (APN 109-010-03); and
5. Direct staff to complete the necessary filings and transmittals as required by law.

Chair Frentzen opened the public forum.

Karen Moonitz, General Manager, representing Cameron Estates CSD, stated the Cameron Estates Board of Directors wanted the Commission to know that they agree with Staff recommendation to add the Deubel parcel (APN 109-010-03) into the sphere of influence; however, they are opposed to LAFCO staff recommendation to remove seven parcels from the District's sphere of influence. No property owner nor the District has initiated removal or detachment from the District; thus, they do not see a need to have them removed from the sphere of influence.

David McMurchie, Legal Counsel for Cameron Estates CSD, stated that the District is fully in support of annexing the Deubel parcel; they have been working on this project since 2012 and they do not want anything to complicate the annexation. He sees no purpose in reducing the sphere of influence.

MOTION #1

Commissioner Anderly moved to adopt Resolution L-2018-04-B with the addition of one parcel (109-010-03) to the sphere of influence, second by Commissioner Palmer.

MOTION #2

Commissioner Humphreys moved to approve staff recommendation Resolution L-2018-04-A; Removal of seven parcels from the sphere of influence (APNs 109-111-15, 109-111-16, 109-111-17, 109-111-18, 109-111-19, 109-161-01 and 109-161-31) and adding one parcel (APN 109-010-03).

ACTION #1

Motion failed due to lack of a second.

With the failure of Motion #2, the Commission acted on Motion #1, adopt Resolution L-2018-04-B.

ACTION #2

Motion was approved by the following vote:

AYES: Acuna, Anderly, Palmer, Frentzen

NOES: Humphreys

ABSTAIN: None

ABSENT: Laine, Veerkamp

MOTION #3

Commissioner Acuna moved to adopt Resolution L-2018-04-A, striking out APNs 109-161-01 and 109-161-31 and removing the five commercial parcels only from the sphere of influence (APNs 109-111-15, 109-111-16, 109-111-17, 109-111-18, 109-111-19) and the addition of APN 109-010-03, second by Commissioner Frentzen.

ACTION #3

Motion failed by the following vote:

AYES: Acuna, Palmer, Frentzen

NOES: Anderly, Humphreys

ABSTAIN: None

ABSENT: Laine, Veerkamp

7. PUBLIC HEARING TO CONSIDER AND APPROVE THE ENVIRONMENTAL REVIEW AND THE DEUBEL ANNEXATION TO THE CAMERON ESTATES COMMUNITY SERVICES DISTRICT (LAFCO PROJECT NO. 2012-03)

Ms. Sanchez reviewed the staff report with the recommendation that the Commission:

1. Recognize that the Cameron Estates Community Services District, as the lead agency for the project, has prepared a Mitigated Negative Declaration and CEQA determinations which have been found to be adequate for the purposes of the annexation and direct staff to file a Notice of Determination in compliance with CEQA and local ordinances implementing the same.
2. Adopt LAFCO Resolution L-2018-05, adding any additional conditions the Commission finds appropriate, and approve the Deubel Annexation to the Cameron Estates Community Services District.
3. Waive the Conducting Authority Proceedings subject to Government Code §56663 and local policies.
4. Direct the Executive Officer to complete the necessary filings and transmittals as required by law.
5. Determine the effective date of the annexation to be five (5) working days after recordation by the County Recorder of the Executive Officer's Certificate of Completion once the imposed conditions are met.

Chair Frentzen opened the public forum.

Martha Lofgren, Legal Counsel representing Deubel Enterprises, stated she wanted to thank the LAFCO staff and the Board for their patience, as they worked through the process, approving several extensions on the application. On a question from a Commissioner during Staff's report regarding water service to the parcel, Ms. Lofgren responded that they have had pre-application meetings with El Dorado County Planning staff and they will require demonstration of water availability before any parcel map subdivision is approved and that, likely, will require wells.

David McMurchie, Legal Counsel representing Cameron Estates CSD, reiterated that the Cameron Estates CSD is very much in approval of this annexation.

MOTION

Commissioner Palmer moved to approve the Deubel Annexation to the Cameron Estates CSD and adopt Resolution L-2018-05, second by Commissioner Humphreys.

ACTION

The motion was approved by the following vote:

AYES: Acuna, Anderly, Humphreys, Palmer, Frentzen

NOES: None

ABSTAIN: None

ABSENT: Laine, Veerkamp

8. CONSIDER AND APPROVE THE WELSH OUT-OF-AGENCY SERVICE AGREEMENT (LAFCO PROJECT NO. 2018-01)

Mr. Henríquez reviewed the staff report with the recommendation that the Commission approve the El Dorado Irrigation District's (EID) Out-of-Agency Service Agreement (OOSA) with Mr. Kenneth Welsh in order to extend water and wastewater service to his parcel.

Chair Frentzen opened the public forum.

Elizabeth Leeper, Legal Counsel representing El Dorado Irrigation District, responded to the questions from the Commission:

1. Water supply: The decision before LAFCO today is quite limited. She did not want to expand the scope of the discussion beyond the decision before the Commission. They have very robust planning documents that look at future buildout. Their long-term planning documents would not contemplate them serving at full buildout for this particular planning area because it is not currently within their service area.
2. Sufficient water supply for Mr. Welsh in the recent extreme drought: In those circumstances where there is long-term extreme drought, the District has drought-planning documents and procedures for what is done in those times of scarcity. This particular parcel and this particular OOSA is quite confined and limited in what can actually happen on this parcel and the limitations of the water service that we are agreeing to; it is limited to a single-family residential and associated water use.
3. Precedent concern: There were some OOSAs established in the 1990s and they were under a different EID Board policy that is currently in effect and they were grandfathered in under more lenient times. In light of Mr. Welsh's very compelling case, their Board did consider and ultimately adopt an amendment to their policy which does allow for out-of-district service, but that is limited to health and safety needs. Moving forward, if there was a concern that someone would point to Mr. Welsh's example, the Board would consider those on a case-by-case basis, which is established in their policies as well.

MOTION

Commissioner Acuna moved to approve the Welsh Out-of-Agency Service Agreement, second by Commissioner Palmer.

ACTION

The motion was approved by the following vote:

AYES: Acuna, Anderly, Humphreys, Palmer, Frentzen

NOES: None

ABSTAIN: None

ABSENT: Laine, Veerkamp

9. OTHER BUSINESS

- A. LEGISLATION
- B. COMMISSIONER ANNOUNCEMENTS
- C. COUNSEL REPORT
- D. EXECUTIVE OFFICER REPORT

10. ADJOURNMENT

Chair Frentzen adjourned the meeting at 7:35 pm.

The next regularly scheduled LAFCO meeting will be March 28, 2018.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**



Interim Clerk to the Commission



Chairperson