

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF FEBRUARY 27, 2019

REGULAR MEETING

TO: Shiva Frentzen, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer 

PREPARED BY: Erica Sanchez, Assistant Executive Officer

AGENDA ITEM #7: Eells Ranch Rd. Annexation to the Garden Valley Fire
Protection District

LAFCO Project No. 2018-03

PROPONENTS: Norma Jean Schneider and Jonathan Wilson
Susan Husari and Elizabeth Lewis
Vincent and Susan Revers
Jennifer Boyd, Linda Eaton, Linda Szczepanik and Michele
Tanzi

AGENT: Jennifer Boyd

DESCRIPTION OF PROJECT

Landowners have submitted a petition to annex four parcels (APNs 062-111-51, 062-111-52, 062-111-53 and 062-111-54), consisting of approximately 41 acres total, into the Garden Valley Fire Protection District in order to receive structural fire protection services.

LOCATION

The parcels are located in the Darling Ridge area of Garden Valley, off Eells Ranch Road, approximately one mile east of the intersection of Bear Creek Road and Darling Ridge Road. The parcels are within the Garden Valley Fire Protection District (GVFPD) sphere of influence and are adjacent to the current GVFPD service boundaries.

PURPOSE

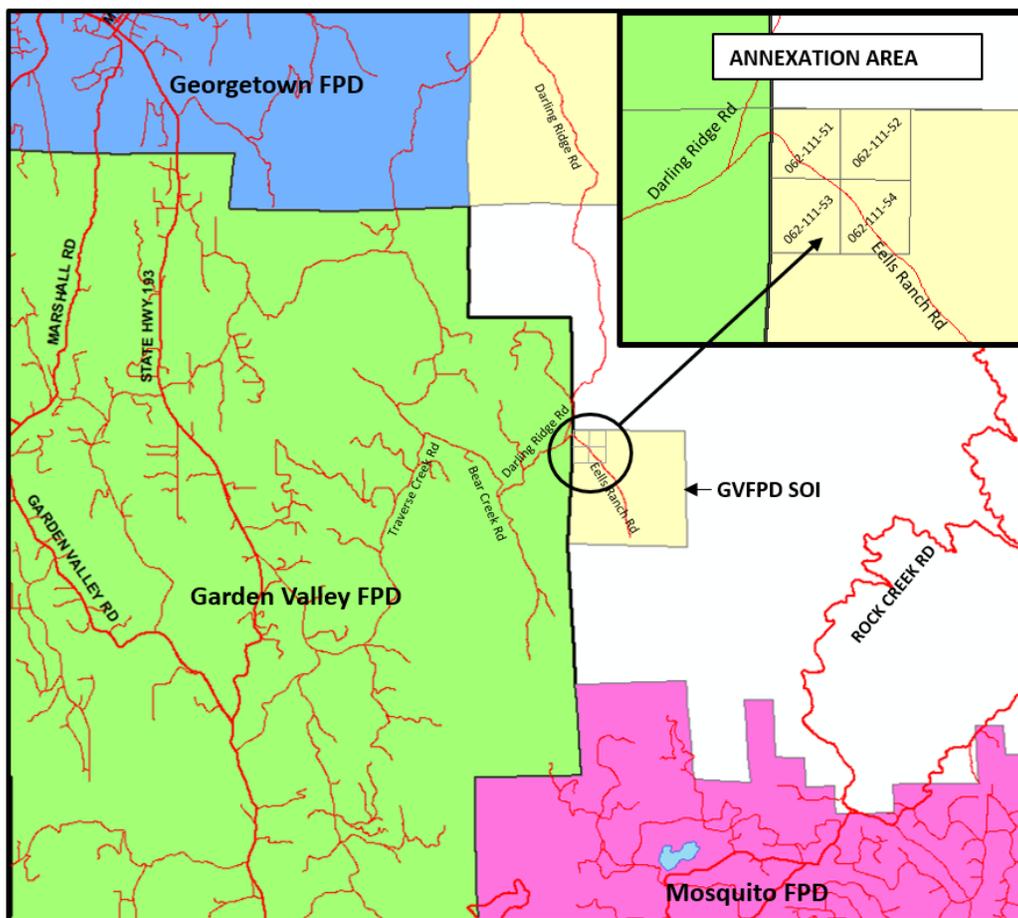
Annexation makes sense from a public safety and District equity standpoint. The annexation will allow the GVFPD to extend fire protection and emergency medical

services to the four parcels, and allow GVFPD to recoup the costs of services from the parcels through a portion of the property taxes direct charges levied by the District.

Three of the four subject parcels are developed with single-family residences; the fourth parcel is currently vacant, but the landowners have indicated they intend to construct a residence in the future.

APN	Situs Address	Landowner(s)	Acreage
062-111-51	6900 Darling Ridge Road	Norma Jean Schneider Jonathan Wilson	10.167
062-111-52	6920 Darling Ridge Road	S. Husari and E. Lewis Revocable Trust (vacant land)	10.216
062-111-53	6905 Eells Ranch Road	Vincent Revers Susan Revers	10.102
062-111-54	6840 Eells Ranch Road	Jennifer Boyd Linda Eaton Linda Szczepanik Michele Tanzi	10.151

Total: 40.636



RECOMMENDATIONS

Staff recommends that the Commission approve the Eells Ranch Road Annexation into the Garden Valley Fire Protection District; LAFCO Project No. 2018-03, by taking the following actions:

1. Find that the project is exempt from provisions of the California Environmental Quality Act under Categorical Exemptions §§15319 and 15320 and direct staff to file the Notice of Exemption in compliance with CEQA and local ordinances implementing the same.
2. Adopt LAFCO Resolution L-2019-06 (***Attachment F***), adding any additional conditions the Commission finds appropriate and approve the Eells Ranch Rd. Annexation to the Garden Valley Fire Protection 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 approval of this agreement 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.

REASON FOR RECOMMENDATION

Following an analysis of the annexation with consideration of the factors listed in Government Code §56668 and LAFCO Policies, staff recommends the Commission approve the Eells Ranch Road Annexation into the GVFPD in order to provide structural fire protection services to the area.

BACKGROUND

The landowners first contacted LAFCO staff to inquire about annexation into the GVFPD in December 2010. Staff had several discussions with the landowners and the GVFPD Fire Chief at the time, Bill Dekker, about the process, costs, timeline and different options for initiating the annexation, by either landowner petition or district resolution. (It should be noted that three of the landowners are employed by the GVFPD in a volunteer capacity, one as the Assistant Fire Chief, and the other two as Battalion Chiefs. However, in all matters relating to this annexation, the landowners have represented themselves as private landowners and other District staff and Board members have represented the District.)

The GVFPD Board invited LAFCO staff to the February 8, 2011 board meeting to further discuss annexation options. Staff attended the meeting, where we were able to address questions from both the Board and several of the landowners. The Board felt the annexation would be beneficial for the District as well as the landowners; the question came down to who would submit the application to LAFCO, and thus bear the financial costs of the annexation. The Board and landowners ultimately decided that the responsibility would belong to the landowners. On May 10, 2011, the landowners presented a letter to LAFCO and the GVFPD Board stating that they were in unanimous support of the annexation and that Jennifer Boyd was selected to act on their behalf. At

that same meeting, the GVFPD Board directed Chief Dekker and Board member Dave Souza to assist in the annexation process in representing the interest of the District.

Despite the early progress, the landowners did not initiate contact with LAFCO again until June 2018, when they formally submitted a petition for annexation. The landowners are seeking annexation into GVFPD because they are faced with very high premiums for homeowners insurance. The landowners also recognize that the ability to obtain homeowners insurance is becoming more difficult state-wide for residences in more rural, fire-prone areas, and they have concerns about non-renewal from their current insurance carriers. Inclusion into a fire protection district will assist in having a broader range of insurance companies that will provide coverage.

CEQA

El Dorado LAFCO is the Lead Agency for the annexation. The Executive Officer reviewed the project for conformance under the California Environmental Quality Act (CEQA) and determined that the dissolution was categorically exempt from the provisions of CEQA under Sections 15319 and 15320 of the Public Resources Act.

Categorical exemption 15319 provides for annexations of areas containing existing public or private structures developed to the density allowed by the current zoning, provided that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. Three of the four parcels are developed with existing single-family residences, in accordance with the Rural Lands, Ten-Acre Minimum (RL-10) zoning designation. One of the parcels also has a secondary residence. There are no plans for further development on any of the parcels.

Categorical exemption 15320 provides for changes in the organization or reorganization of local government agencies where the changes do not change the geographical area in which previously existing powers are exercised. One of the four parcels is currently undeveloped, but the owner may construct a single-family residence in the future, in accordance with the RL-10 zoning designation. The property abuts United States Forest Service (USFS) land, which provides wildland fire suppression to the general area.

DISCUSSION OF STATUTORY AND POLICY CONSIDERATIONS

Government Code §56668 and LAFCO Policies require that the Commission review 28 factors of consideration in the review of a reorganization proposal. Each of the 28 factors is individually summarized in Table 1 (**Attachment B**), and fully addressed in the following sections: I. Services, II. Cost and Revenues, III. Boundaries, IV. Potential Effect on Others and Comments, and V. Land Use Population and Planning.

I. SERVICES

Need for Services

The annexation will allow for the provision of, and equitable reimbursement for, extending essential services to the existing residences. Three of the four parcels contain residences and the fourth has an electrical permit for a well. There are seven registered voters residing in the annexation area, increasing the potential need for structural fire protection and emergency medical services to the area.

Existing and Necessary Infrastructure to Deliver Service

The closest fire station to the subject parcels is GVFPD's main fire station, Station 51, located at 4860 Marshall Road in Garden Valley, approximately 9.1 miles from the project site. The estimated response time from Station 51 is approximately 20 minutes, which is consistent with the County General Plan standard of 20 minutes response time for rural areas 90% of time.

There are two 5,000-gallon water storage tanks approximately one quarter of a mile away from the annexation site, just off Darling Ridge Road. The tanks are located on Federal land but primarily maintained by the GVFPD. Through an agreement between GVFPD and the United States Forest Service (USFS), the tanks are available for both wildland and structural fire protection.

Ability of Annexing District to Provide Service

The subject parcels were added to the GVFPD sphere of influence in 2007, as a result of the *2006 Countywide Fire and Emergency Services Municipal Service Review and Sphere of Influence Update*. The annexing territory was discussed in the MSR and staff recommended inclusion of the subject parcels into the GVFPD sphere of influence in anticipation of annexation. The GVFPD Board adopted Resolution 2018-09 in support of the Eells Ranch Road Annexation (**Attachment C**).

Timely Availability of Water Supply

The proposed annexation will not have any effect on the provision of public water service to the subject parcels or any other parcels within the GVFPD service area. The subject parcels receive water from private wells.

Service Impacts to Existing District Customers

The level of service the GVFPD currently provides within its service area is not expected to change as a result of this annexation. The GVFPD and existing residents will benefit from the additional revenue from the annexed properties.

Alternatives to Service

There are no other agencies which provide structural fire protection in this area.

The privately-owned subject parcels are within the western boundaries of the El Dorado National Forest. The four parcels are entirely surrounded by Federally owned land, primarily owned by the USFS and Bureau of Land Management (BLM). While the subject parcels are designated as a State Responsibility Area, the surrounding territory and much of the land in the general area is in a Federal Responsibility Area.

GVFPD provides automatic aid to, and receives it from, the USFS. However, the USFS does not provide around the clock staffing and is not equipped to assist with calls such as interior structural fire protection, medical aid, hazardous materials incidents and rescues.

Regardless of annexation, GVFPD is likely to be the primary public fire agency to respond to a fire or medical emergency to the subject parcels. This creates an issue of fiscal inequity for the District, which does not currently receive any revenue to offset the cost of this service. GVFPD does not have out of district fees to recover costs for services.

Coordination of Applications

There are no additional services required by the Eells Ranch parcels. There are seven additional privately-owned parcels further down Eells Ranch Road which are also outside of a fire protection district, but these are separated from the four Eells Ranch parcels by a 540-acre piece of Forest Service land. These landowners could submit their own landowner petition for annexation into GVFPD at any time; Fire Protection District Law allows for the annexation of both contiguous and non-contiguous lands.

II. COST AND REVENUES

Cost to Provide Service

The annexation will allow GVFPD to collect property tax and direct charge revenue from the annexed properties to offset the costs of providing fire protection and emergency medical services to the area. In addition to property tax revenue, direct charges will support the cost of services. If the annexation is approved, GVFPD will receive an agreed upon portion of the property taxes collected from the subject properties, along with revenue from two special taxes levied by GVFPD on all parcels within the District (see below).

Assessed Value / Property Tax Exchange Agreements

Three of the four subject properties are assessed as improved rural residential land, the fourth is vacant rural residential land. The total assessed value of the subject parcels is \$1,199,230, amounting to an estimated \$11,922 in property tax revenue for FY 2018-19.

GVFPD and El Dorado County negotiated a property tax increment for the proposed annexation area of 7.7457% for GVFPD. The County adopted a property tax redistribution resolution approving this increment for the annexation on August 28, 2018 (**Attachment D**).

Sufficiency of Revenues

The annexation is expected to provide revenue that will offset the short- and long-term costs to the District. Based on the 2018-19 assessed valuation of the properties, the estimated portion of new tax revenue from the annexation area would be approximately \$5,409 annually (**Attachment D, Exhibit B**).

In addition to property tax revenue, GVFPD also has two direct charges, a \$35 special tax for fire and emergency medical services, passed in 1992, and a special assessment approved in 2005 for fire suppression in the amounts of \$78 for developed parcels and \$55 for undeveloped parcels. Upon annexation, these direct charges will be levied on all four annexing parcels, resulting in an additional \$429 in annual revenue for GVFPD.

If and when the vacant fourth parcel is developed, the landowners will be responsible for the \$78 developed parcel special assessment, as well as development impact fees of \$0.77 per square foot for residential units. Residences and commercial buildings that voluntarily install sprinkler systems are eligible for a discounted fee of \$0.39 per square foot. Development impact fees are used to provide additional facilities and

equipment to accommodate new development and maintain existing levels of service in the District.

III. BOUNDARIES

Proximity to District Boundaries / Sphere of Influence

Government Code §56375.5 requires LAFCO actions regarding changes of district boundaries be consistent with the affected district's sphere of influence. The subject parcels are adjacent to the GVFPD service boundaries and are within the District's sphere of influence (SOI). The subject parcels were added to SOI in 2007 as a result of the 2006 Countywide Fire Suppression and Emergency Services Municipal Services Review, which identified a total of twelve parcels immediately east of the District that were formerly public lands converted to private ownership, but were not within a fire protection district. GVFPD requested that LAFCO include these parcels within the SOI for future annexation consideration.

Creation of Irregular Boundaries

Annexing the subject parcels into the GVFPD will not create an irregular service boundary for the District. The proposed annexation map has been reviewed by the El Dorado County Surveyor's Office - the boundaries of the proposed annexation conform to the existing lines of assessment and ownership of all four subject parcels.

Topographical Information

The subject area sits at approximately 2,700 feet in elevation along Darling Ridge, west of Rock Creek. The parcels and surrounding area are heavily forested with a mix of conifers and some oak species. Topography in the general area is mountainous; however, there are no topographical features that will hinder service to this area.

Fire Hazard Mitigation Plan

Effective January 1, 2019, LAFCOs are required to consider information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone, if it is determined that such information is relevant to the area that is the subject of the proposal.

El Dorado County's Multi-jurisdictional Local Hazard Mitigation Plan (LHMP) serves as the implementation program for the coordination of hazard planning and disaster response efforts within the County. The LHMP can be found within the Health and Safety Element of the General Plan. The LHMP contains a Fire Hazard Severity Zone Map (**Attachment E**), which identifies moderate, high, and very high fire hazard zones. The annexation area, along with much of GVFPD's existing service area, is designated as a very high fire hazard zone. The LHMP requires the consultation of the Fire Hazard Severity Zone Map in the review of all discretionary projects so that standards and mitigation measures appropriate to each hazard classification can be applied. However, since the residential development within the annexation area is ministerial (building permits consistent with the zoning), approval was not subject to the LHMP requirements.

Annexation into the GVFPD benefits both the landowners and the District, and will

only add to the level of fire protection delivered in the subject area by transferring necessary funds to the District.

IV. POTENTIAL EFFECT ON OTHERS AND COMMENTS

Effect on Adjacent Areas

The proposed annexation will have a minimal effect on adjacent areas. The subject parcels are located in a rural region.

Effect on Other Community Services

There are no negative impacts expected for other public service providers to the proposal area. Other public service providers to the affected territory include: Georgetown Divide Recreation District (recreation), Black Oak Mine Unified School District (schools), and the El Dorado County Sheriff's Department (law enforcement).

Comments and/or Objections from Other Agencies

The following is a complete list of agencies which were notified of, and provided an opportunity to comment on, this proposal:

- Black Oak Mine Unified School District
- California Department of Forestry and Fire Protection (CAL FIRE)
- 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 Recreation District
- Georgetown Divide Resource Conservation District
- Los Rios Community College District

As part of the standard notification process, LAFCO sent a project notice requesting agency comments to all affected agencies in June 2018 and a project hearing notice in January 2019. As of the date of this report, LAFCO has not received any comments from the above affected agencies in response to the proposed annexation.

This annexation was initiated by the landowner petition, signed and submitted by all affected landowners of the subject parcels. All landowners are in full support of the annexation. The GVFPD Board adopted Resolution 2018-09 in support of the annexation on August 21, 2018.

Public Notice

A notice of public hearing was published in the Mountain Democrat 21 days in advance of this hearing (February 6, 2019). As of the date of this report, LAFCO has not received any comments from the public in response to the proposed annexation.

V. LAND USE, POPULATION AND PLANNING

Zoning and Land Use Designations, Consistency with General / Specific Plans

The subject parcels are designated Rural Residential (RR) per the El Dorado County General Plan and zoned Rural Lands, Ten-Acre Minimum (RL-10). The existing residential development is consistent with the zoning and land use and there is no further development proposed with this annexation.

Surrounding Land Uses

The subject parcels are within the El Dorado National Forest boundaries and are surrounded on all sides by Federally-owned land.

Impact to Agriculture / Open Space

The proposed annexation will have no effect on agricultural lands or open space.

The annexing parcels are designated for limited residential development and a minimum of ten acres (RL-10). This designation is based on topography, access, groundwater or septic capability, and other infrastructural requirements. Although agricultural uses are allowed, RL lands generally do not support exclusive agricultural use.

According to the California Department of Conservation Farmland Mapping and Monitoring Program, the proposed annexation site does not include Prime Farmland, Unique Farmland, Farmland of Statewide or Local Importance, or Grazing Land. The proposed annexation would not involve changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use. The Georgetown Divide Resource Conservation District and El Dorado County Agricultural Department reviewed the project and did not identify any impacts to agriculture.

Population and Growth in the Area

There are currently seven registered voters residing in the proposal area, therefore the subject territory is considered uninhabited per Government Code §56046, which states, *"Inhabited territory" means territory within which there reside 12 or more registered voters...All other territory shall be deemed "uninhabited"*.

Three of the four parcels are already developed in accordance with the RL-10 zoning. Under the current zoning, future development of the subject parcels could potentially include one additional single-family residence and one secondary residence on the fourth parcel or a secondary residence on one of two already developed parcels (one parcel already has a primary and secondary residence).

Regional Housing Needs Considerations

The annexation proposal does not include any type of new housing or other development; therefore, it will neither assist or detract from the County's ability to achieve its RHNA (Regional Housing Needs Assessment) targets.

DETERMINATIONS

After reviewing the factors discussed above and summarized in Table 1 (**Attachment B**), the Commission should make its own determinations regarding the project. Staff recommends the following determinations based on project research, State law and local policies:

1. The subject territory is "uninhabited" per Government Code §54046. Application for this annexation is made subject to Government Code §56650 et. seq. by landowner petition.
2. The territory proposed for annexation is within the sphere of influence of the Garden Valley Fire Protection District and is contiguous to the existing boundary. The annexation will provide a more logical and orderly boundary.
3. The project is exempt from the provisions of the California Environmental Quality Act under Sections 15319 and 15320 of the Public Resources Act.
4. The annexation will not result in negative impacts to the cost and adequacy of service otherwise provided in the area, and is in the best interests of the affected area and the total organization of local government agencies.
5. The annexation will not have an adverse effect on agriculture and open space lands.
6. The annexation will have no effect on water supply available for the buildout of regional housing needs determined by the Sacramento Area Council of Governments.

ATTACHMENTS

Attachment A: Project Map and Description

Attachment B: Table 1: Summary of Statutory and Local Policy Factors to be Considered

Attachment C: GVFPD Resolution 2018-09

Attachment D: BOS AB-8 Resolution 179-2018

Attachment E: EDC Fire Hazard Severity Zone Map

Attachment F: LAFCO Draft Resolution L-2019-06 and Map