

EL DORADO LAFCO
LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2010-08

**Conducting Authority Proceedings on the
Clarksville Annexation to the El Dorado Irrigation District
LAFCO Project No. 2009-01**

WHEREAS, on February 19, 2009, Clarksville Professional Business Park, LLC, submitted a landowner petition ("petition") requesting the annexation of Assessor's Parcel Numbers (APNs) 121-280-03 and 121-280-05 shown in 'Exhibit A' (hereinafter referred to as the "subject territory") into the El Dorado Irrigation District (EID); and

WHEREAS, Clarksville Professional Business Park, LLC, as 50% of the landowners in the subject territory who own 99.82% of the assessed value of the subject territory, initiated the petition in conformance with Government Code §56864; and

WHEREAS, Clarksville Professional Business Park, LLC is the owner of APN 121-280-03 (hereinafter referred to as the "business park"); and

WHEREAS, the owners of the Clarksville Cemetery, as the other 50% of the landowners in the subject territory who own the remaining 0.18% of the assessed value of the subject territory, have not submitted written consent for the inclusion of the parcels into the annexation application; and

WHEREAS, five individuals or trusts comprise full ownership of the Clarksville Cemetery, APN 121-280-05 (hereinafter referred to as the "cemetery"); and

WHEREAS, the cemetery parcel is owned by the following parties: Newcomb Revocable Trust, McKinley Trust, Judith Woolverton Kielhofer, Renwick Revocable Trust, and Judith Woolverton (collectively referred to hereafter as the "Cemetery Trustees"); and

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

WHEREAS, the proposal was assigned LAFCO Project No. 2009-01 and is referred to as the "Clarksville Annexation to the El Dorado Irrigation District"; and

WHEREAS, the two parcels comprising the subject territory consist of a total of approximately 11.36 acres; and

WHEREAS, the petition requests the annexation of the subject territory, into EID for the provision of water and wastewater service; and

WHEREAS, a Mitigated Negative Declaration of Environmental Impact (MND) has been prepared for the business park portion of project by the County of El Dorado as outlined by the California Environmental Quality Act ("CEQA"); and

WHEREAS, the El Dorado Local Agency Formation Commission ("LAFCO") has reviewed said MND, a copy of which is filed at the LAFCO office; and

WHEREAS, the Executive Officer reviewed the cemetery portion of the project for conformance under CEQA and determined that this portion was consistent with the determinations under CEQA Guidelines §15183(a), which state that, "projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site," because the Executive Officer found that no project-specific effects requiring additional review were present; and

WHEREAS, within the scope of the MND and the exemption from CEQA under State Code §15183(a), any potential environmental impacts of the project were considered and addressed; and

WHEREAS, there is one registered voter in the subject territory; therefore, the subject territory is considered uninhabited per Government Code §56046.

WHEREAS, the Executive Officer has examined the petition, certified that it is adequate and has accepted the petition for filing on November 9, 2009; and

WHEREAS, after multiple continuances, the Executive Officer set the public hearing for March 24, 2010 for consideration of the petition, MND and exemption under CEQA Guidelines §15183(a) 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, notice of the proposed change of organization was mailed to all registered voters and landowners within 300 feet of the subject territory at least 21 days prior to the hearing in accordance with Government Code §56157; and

WHEREAS, said Notice stated that the petition, MND and CEQA Guidelines §15183(a) 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 March 24, 2010 meeting during which the petition was considered; and

WHEREAS, on March 24, 2010, 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, MND, CEQA Guidelines §15183(a) 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 MND, CEQA Guidelines §15183(a) and determinations, 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; and

WHEREAS, pursuant to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 of Title 5 of the California Government Code, this Commission approved the Clarksville Annexation to the El Dorado Irrigation District on March 24, 2010; and

WHEREAS, LAFCO Resolution No. L-2010-06 making determinations, adding conditions and approving the Clarksville Annexation to the El Dorado Irrigation District is attached and made a part of this order; and

WHEREAS, pursuant to Government Code §57000 et seq. the Commission directed the Executive Officer to set the Conducting Authority proceedings for April 28, 2010 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, notice of the Conducting Authority proceeding was mailed to all landowners within the subject territory at least 21 days prior to the hearing in accordance with Government Code §56157; and

WHEREAS, on April 28, 2010, after the conclusion of the public hearing specified in the notice of public hearing, this Commission reviewed, evaluated and accepted all valid landowner protests and authorized the Executive Officer to determine the value of written protests.

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 true and correct.
2. The number of valid protests filed and not withdrawn for the Clarksville Annexation to the El Dorado Irrigation District is ____.
3. The value of written protests filed and not withdrawn is found to be less than 50% of the number of owners of land owning less than 50% of the assessed value of the land within the territory.
4. Under the provisions of Government Code §57075(b), the Clarksville Annexation to the El Dorado Irrigation District is hereby ordered, subject to the following conditions, in addition to all conditions specified in LAFCO Resolution No. L-2001-06:
 - (a) 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.
 - (b) The Certificate of Completion shall be issued and recorded subsequent to the fixing and establishment of any necessary right of use of water by El Dorado Irrigation District in the subject territory (§56886j). Nothing in this condition shall operate or be interpreted to modify priorities of use, or right of use, to water, or capacity rights in any public improvements or facilities that have been fixed and established by a court or an order of the State Water Resources Control Board.
5. All interested parties, including without limitation Clarksville Professional Business Park LLC, 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.
6. 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 April 28, 2010 by the following vote of said Commission.

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Interim Clerk to the Commission

Chairperson

DRAFT