

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2010-14

El Dorado Union High School District Latrobe Road Property Annexation to the El Dorado Irrigation District; LAFCO Project No. 2009-09

WHEREAS, on October 8, 2009, the El Dorado Union High School District (EDUHSD), owner of 100% of the assessed value of the territory initially included in the proposal [Assessor's Parcel Number (APN) 117-020-03], submitted a District resolution requesting the annexation of the subject territory into the El Dorado Irrigation District (EID); and

WHEREAS, the resolution authorized Sherry J. Smith, Superintendent, and Patty McClellan, Facilities Director, to sign on behalf of the EDUHSD for documents required in connection with the annexation to EID; and

WHEREAS, on October 8, 2009, Patty McClellan submitted a landowner petition on behalf of EDUHSD amending the annexation proposal (hereinafter referred to as the "Project") to include APN 117-020-25; and

WHEREAS, the Project includes APNs 117-020-03 and 117-020-25, shown in "Exhibit A" (hereinafter referred to as the "subject territory"); and

WHEREAS, on October 23, 2009, M. D. Emmerson Chief Financial Officer and Vice President of the Sierra Pacific Holding Company (sole member of the El Dorado Investment Company, LLC), owning of 100% of the assessed value of APN 117-020-25, submitted written consent for the inclusion of this parcel in the annexation application to EID; and

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

WHEREAS, the Project was assigned LAFCO Project No. 2009-09 and is referred to as the "El Dorado Union High School District Annexation to the El Dorado Irrigation District"; and

WHEREAS, the EDUHSD has referred to the Project as the "El Dorado Union High School District Latrobe Road Property Annexation to the El Dorado Irrigation District"; and

WHEREAS, the two parcels comprising the subject territory consist of a total of approximately 215 acres; and

WHEREAS, the Project requests the annexation of the subject territory, into EID for the provision of water, wastewater and recycled water service; 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 December 10, 2009 and by EID on November 17, 2009; and

WHEREAS, EID requested termination of the informational hearing proceedings pursuant to Government Code §56857(b); and

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

WHEREAS, a Proposed Sixth High School Environmental Impact Report #201266 (EIR) has been prepared for the high school development portion of the Project by the EDUHSD as outlined by the California Environmental Quality Act (“CEQA”); and

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

WHEREAS, a Mitigated Negative Declaration of Environmental Impact (MND) has been prepared for the annexation portion of the Project by the EDUHSD 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, within the scope of the EIR and MND, any potential environmental impacts of the Project were considered and addressed; and

WHEREAS, the Executive Officer has examined the Project, certified that it is adequate and has accepted the Project for filing on September 15 2010; and

WHEREAS, the Executive Officer set a public hearing for October 27, 2010 for consideration of the Project, EIR and MND 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 Project, EIR and MND would be considered by this Commission at the hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code §56665, has reviewed this Project 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 October 27, 2010 meeting during which the petition was considered; and

WHEREAS, on October 27, 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 Project, EIR, MND 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 Project 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 EIR, MND 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.

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. This resolution making determinations is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Government Code §56000 et seq.
3. The following agencies and districts were notified concerning this petition: El Dorado County CSA 7, 9, 9 Zone 17, 10 and 10 Zone E; El Dorado Hills County Water District; El Dorado County Pre-Hospital Joint Powers Authority; El Dorado Hills Community Services District; El Dorado County Water Agency; El Dorado County Resource Conservation District; El Dorado County Department of Agriculture; El Dorado County Office of Education; Latrobe Union School District; Los Rios Community College District; El Dorado County Planning Department; El Dorado County Surveyor's Office; El Dorado County Elections

Department; El Dorado County Sheriff's Department; the Farm Bureau and the U.S. Bureau of Reclamation.

4. There are no registered voters in the subject territory; therefore, the subject territory is considered uninhabited per Government Code §56046.
5. EDUHSD, as owner of APN 117-020-03, which comprises 0.0% of the assessed value of the land within the subject territory, has given written consent to the annexation.
6. El Dorado Investment Company, LLC, as owner of APN 117-020-25, which comprises 100.0% of the assessed value of the land within the subject territory, has given written consent to the annexation.
7. Annexation of APN 117-020-25, which is a portion of Wetsel-Oviatt Road that bisects APN 117-020-03, was recommended by LAFCO staff in order to create a more orderly district boundary.
8. EID, as the subject agency, has not requested in writing or otherwise that LAFCO hold protest proceedings on this petition.
9. The Conducting Authority proceedings are hereby waived in accordance with Government Code §56663(c).
10. The subject territory is within the EID sphere of influence and is contiguous to the existing boundary.
11. The subject territory is split zoned for residential agricultural and rural residential use (RA-80 / RE-10), which allow the development of public school facilities with an approved special use permit.
12. The subject property was deemed consistent with the El Dorado County General Plan for the purchase and development of a school site on the subject territory, by default.
13. The subject property is currently undeveloped vacant land.
14. Approximately 65 acres of the 215-acre subject property is proposed to be developed into a new high school and related school facilities for the EDUHSD.
15. The subject territory consists of a single tax rate area and is currently within TRA 076-010.
16. APN 117-020-03 is an inactive, non-taxable parcel because it is owned by a public school district. The assessed value is \$0.00.

17. APN 117-020-25 is an administrative parcel, assigned an assessed value of \$1.00 by the County Assessor.
18. The total assessed land value of the subject territory is \$1.00.
19. The Project does not include any residential development and will not assist 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.
20. Upon completion of the approval proceedings, EID shall provide water, wastewater and recycled water, if available, to the business subject properties.
21. EID has planned for the provision of water, wastewater and recycled water to the subject properties and has developed a fee schedule, bonding funds, and assessments to provide funding for those services.
22. The Project 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 EID sphere of influence and the El Dorado LAFCO Policies and Guidelines.
23. This Commission has reviewed and considered the information contained in the EIR, MND, Initial Study and administrative record for the petition.
24. This Commission finds that the EIR, MND and Initial Study contain a complete, accurate and objective reporting of the environmental impacts associated with annexation of the business park and reflect the independent judgment of the Commission.
25. This Commission further finds that the EIR, MND and Initial Study have been completed in compliance with CEQA, the State CEQA Guidelines and the Commission's Local CEQA Guidelines as detailed in the El Dorado LAFCO Policies and Guidelines.
26. A full and fair public hearing was held on the EIR and MND for the annexation.
27. This Commission has considered all comments received thereon in response to the public circulation of the EIR and MND, and said EIR and MND are hereby approved and adopted as the environmental documents for the Project.
28. The EIR and MND addressed, among other things, impacts to agricultural resources, hydrology and water quality, land use and planning, population and housing, public services, transportation and traffic, utilities and service systems, and recreation.

29. The EIR and MND included a Mitigation Monitoring Program that addressed measures necessary to mitigate the potentially significant effects that the project could have on the surrounding area, and identified the responsible parties and included the provisions to be followed.
30. EDUHSD, in accordance with the California Environmental Quality Act (CEQA) ultimately determined that, with the mitigation measures specified in the EIR and MND, the annexation would not have a significant impact on the environment.
31. This Commission hereby finds on the basis of its review of the Initial Study and comments on the EIR and MND, and all other written and oral evidence presented to the Commission, there is no substantial evidence in the administrative record to support a fair argument that the proposed change of organization may result in a significant impact on the environment. This Commission further finds that the annexation will not cause any significant environmental impacts.
32. EDUHSD's EIR for development of the new high school and MND for the annexation are hereby accepted as the appropriate environmental documents for the Project in accordance with CEQA.
33. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
34. 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.
35. The area proposed for annexation represents an orderly, logical and a justifiable extension of the EID boundaries.
36. The proposal is assigned the following short form designation:

El Dorado Union High School District Latrobe Road Property
Annexation to the El Dorado Irrigation District
LAFCO Project No. 2009-09
37. The El Dorado Union High School District Latrobe Road Property Annexation to the El Dorado Irrigation 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 EID.

- (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) 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 October 27, 2010.
38. 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.
39. The Executive Officer is hereby authorized and directed to file with the Clerk of the County of El Dorado, two Notices of Determination, one for the EIR for the development of the high school and one for the MND for the annexation, pursuant to Title 14 California Code of Regulations §15075.
40. 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.
41. Upon and after the effective date of said annexation, the subject 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 EID, 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 their 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.

50. All interested parties, including without limitation El Dorado Union High School District and El Dorado Investment Company, 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.

51. 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 October 27, 2010 by the following vote of said Commission.

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Interim Clerk to the Commission

Chairperson