

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF SEPTEMBER 23, 2020

REGULAR MEETING

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

FROM: José C. Henríquez, Executive Officer

**AGENDA ITEM #4C: OPEN THE PUBLIC COMMENT PERIOD FOR THE DRAFT
MUNICIPAL SERVICE REVIEW AND SPHERE OF
INFLUENCE STUDY FOR COUNTY SERVICE AREA #9
(LAFCO PROJECT NO. 2018-04)**

RECOMMENDATION

Staff recommends that the Commission:

1. Open the Public Hearing to receive comments on the Draft County Service Area 9 Municipal Service Review and Sphere of Influence Study; and
2. Continue the Public Hearing until the December 2, 2020 meeting to allow sufficient time and opportunity for the public, the County Board of Supervisors (acting as the CSA 9 Board of Directors and County staff to review and comment on the study. Staff will return this item in December for final action and adoption.

REASON FOR RECOMMENDED ACTION

The County Service Area 9 Municipal Service Review (MSR) and Sphere of Influence (SOI) Update provides a current snapshot of service delivery for the agency, and also identifies areas of potential growth for future extension of services, as well as areas of potential reduction for lack of services, where appropriate.

BACKGROUND

County Service Area #9 (or simply CSA 9) was formed in 1989 and serves the western slope of El Dorado County with the exception of the City of Placerville. Its active powers are cemetery, drainage, including landscaping and wetlands maintenance, road maintenance, street and highway lighting and parks and recreation services. Its latent powers are all other services authorized under Government Code Section 25213 that are not one of the services currently being provided by CSA 9. Services from CSA 9 are not provided to everyone in the unincorporated territory. Instead, CSA 9 services are delivered only to the residents within its 102 zones of benefit.

It should be noted that CSA 9 is not an exclusive provider of services within its boundaries. Several areas inside CSA 9 are served by another provider, such as another special district, County services, or private organizations, like homeowner's associations or landowners on their own.

Municipal Service Review Determinations

The MSR provides analysis for the statutory criteria set forth within the CKH Act, as well as additional locally adopted requirements. These criteria are listed as follows:

- Growth and Population Projections
- Disadvantaged Unincorporated Communities
- Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies
- Financial Ability to Provide Services
- Status of, and Opportunities for, Shared Facilities
- Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies
- The Potential Effect of Agency Services on Agricultural and Open Space Lands

Throughout the analysis portions of the report, LAFCO staff did not identify any substantial areas for improvement or current issues faced by the District that needed to be addressed or resolved as a part of this Municipal Service Review. Overall, the MSR found that the CSA 9 provides sufficient services within its boundaries, consistent with the residents' expectations, as identified by the Board of Supervisors.

MSR Determination 1 – The 2004 General Plan serves as the overall guiding policy document for land use, development, and environmental quality for the unincorporated portions of El Dorado County. The Land Use Element of the General Plan designates the general distribution and intensity of all present and future uses of land in the community, anticipating future growth, future land uses, population increases, and development over a time span of 20 years. The General Plan Diagram is the site-specific map that illustrates the desired arrangement and location of land uses. Development that occurs within unincorporated portions of the County must be consistent with the County's General Plan and Zoning Ordinance.

The County's Zoning Ordinance and Zoning Map, Title 11 of the El Dorado County Municipal Code, provide specific development and land use regulations for the County. The Zoning Ordinance, adopted in 2015 and modified in 2018, is designed to implement the General Plan and promote, protect, and preserve the general public health, safety, and welfare of the residents within the County.

No significant growth or population increases are currently anticipated by CSA 9 staff to affect their ability to adequately provide roadway maintenance or other services. Any expansion of the CSA 9 service area would involve the creation of a separate, self-contained Zone of Benefit to provide services to that area. Thus, any new areas created would not impact existing Zones of Benefit.

MSR Determination 2 – Encompassing the Western Slope, CSA 9 contains multiple areas that are considered disadvantaged communities. As defined by the California

Water Code, a Disadvantaged Unincorporated Community (DUC) is an area of inhabited territory (12 or more registered voters) located within an unincorporated area of a county in which the annual median household income is less than 80 percent of the statewide median household income. According to the most recent 5-year estimate data from the U.S. Census American Community Survey (2014-2018), the California statewide annual medium household income is \$71,228; eighty percent of the statewide median household income is \$56,982. The California Department of Water Resources (DWR) designated several areas in or around the center of CSA 9 as belonging to a disadvantaged community.

Pursuant to Government Code Section 56430, disadvantaged unincorporated communities also lack water, waste water, and structural fire protection services. CSA 9 does not provide any of these services. For the disadvantaged areas identified by DWR, water and wastewater services in all but one of the Block Groups are provided by either the Georgetown Divide Public Utility District (GDPUD) or the El Dorado Irrigation District (EID). Fire suppression is provided by either Cameron Park CSD, or the Diamond Springs/El Dorado, El Dorado County, Garden Valley, Georgetown, or Pioneer Fire Protection District.

MSR Determination 3 – County Service Area 9 currently maintains infrastructure in 47 road maintenance zones, 62 drainage zones, 17 multi-purpose zones, one cemetery zone, four recreation zones, and three street lighting zones. Facilities are constructed on a subdivision by subdivision basis and are constructed according to County standards and approvals. Pertinent County staff reviews plans and provides input during construction.

Road and Road Maintenance Services – CSA 9 maintains approximately 91.08 miles of roadway, with roadway surfaces ranging from asphalt to dirt. CSA 9 has approximately 78 miles being a combination of chip sealed and asphalt concrete, with the remaining 13 miles of gravel or dirt roadway. CSA 9 contracts with private providers for roadway services as needed.

Drainage Services – The drainage facilities in these zones of benefit are County maintained. They include approximately 20 miles of above-ground drainage canals, ditches and rock lined swales. Drainage and lighting facilities are planned and built on a subdivision by subdivision basis. The existing landscaping and lighting facilities within CSA 9 were developer built and are based on County approved plans, ensuring facilities are sufficient to accommodate existing demands.

Cemetery Services – The Georgia Slide Cemetery has 339 plots available and Georgetown Pioneer - Renke Annex has 139 plots available (not including niche spaces). Basic maintenance services for the cemeteries within Zone 3 are contracted out to a private entity. Volunteer efforts from members of the Georgetown Cemetery Advisory Committee also support the landscaping of the cemeteries. Regular maintenance includes weed abatement, brush and tree trimming, removal of leftover flower arrangements and garbage.

Parks and Recreation Services – Four zones of benefit are empowered to provide parks and recreation services, however; none of these zones receive a dedicated allocation of funds. Funding for parks and recreation services comes from Quimby Act fees paid to the County by developers as a condition of the approval of a tentative or parcel subdivision map.

Lighting and Landscaping Services – Lights and lighting poles are located in three zones of benefit, with a combined total of 182 lighting poles within them. All street lights are utility owned and maintained by Pacific Gas and Electric (PG&E). The ZoBs in this case act as revenue generators to pay for the maintenance and upkeep of the lighting poles.

MSR Determination 4 – CSA 9 is primarily financed through benefit assessments and special taxes. Any property taxes going to CSA 9 are calculated by the County and transferred to CSA 9's fund for general purposes. The only ZoB collecting user fees is Zone 3 Cemeteries for burial services. The MSR contains tables showing the amount collected from each ZoB to fund services.

MSR Determination 5 – This section addresses the potential for CSA 9 to utilize additional facilities sharing options in order to reduce costs or increase efficiency within its operations.

Road and Road Maintenance, Drainage and Park and Recreation Services – CSA 9 currently shares space within two County-owned facilities. Two offices in the Department of Transportation Maintenance Division Building are used by CSA 9 Zone of Benefit staff, one in the Maintenance Division and the other in Construction Engineering.

Cemetery Services – The Georgetown Cemetery Zone of Benefit utilizes existing County Cemetery Administration staff for administration operations and has the option of utilizing County Parks and Grounds Maintenance staff and equipment for maintenance operations when contracting or volunteering opportunities are not available.

Street Lighting Services – No facilities are needed at the County since PG&E owns, maintains and repairs all lighting poles.

MSR Determination 6 – The Board of Supervisors, acting as the “district's board,” creates policy by adopting resolutions or ordinances through duly noticed public hearings. There appear to be ample opportunities for public involvement and input. Information regarding the County is readily available to members of the public. Although budget numbers for CSA 9 can be found on the County's website, the numbers are in the aggregate; they are not broken down by ZoB. Financial data and the financial statements for CSA 9 are comingled with other County departments and functions. As a result, a private citizen would have to be familiar with the governmental nature of dependent districts and adept at navigating the County's website to find financial information on CSA 9.

Road and Road Maintenance Services, Drainage Services and Street Lighting and Landscape Services – The County Board of Supervisors appoints an “advisory committee” for the Zones of Benefit established prior to 1999. These committees serve in a consultative capacity to direct and determine the roadway maintenance required within each Zone of Benefit. The Advisory Committees are also subject to the same provisions regarding open meeting laws that govern the Board of Supervisors. For all ZoBs created after 1999, the appointment of an Advisory Committee is optional.

Cemetery Services – The Georgetown Zone of Benefit Cemetery Advisory Committee (GCAC) reports to the Board of Supervisors and makes recommendations regarding

matters applicable to the Georgetown Cemeteries. Recommendations are made through the Cemetery Director.

Park and Recreation Services – CSA 9 does not have an advisory committee for these ZoBs since these services do not have an independent source of revenue outside of Quimby Act fees.

Staffing – CSA 9 utilizes existing County personnel to perform its administrative functions, while using contractors for staffing. County personnel are available if needed. For the administration of cemetery services, Planning and Building staff are used primarily. All other services are overseen by the County Department of Transportation.

MSR Determination 7 – In other places around the state, countywide CSAs can lead to growth and development pressures if the services being provided are water and wastewater. In the case of CSA 9, one of the services it provides, road and road maintenance can be growth inducing in that new routes can make more lands accessible to development; however, CSA 9 does not provide any of its empowered services outside of a zone of benefit. As a result, it is unlikely that CSA 9's services would induce urban growth or the premature conversion of agricultural land to urban uses. CSA 9 has no plans to expand road maintenance services, either by adding more roadway zones of benefit or by providing services outside of a ZoB. The two places it could expand, either through the creation of a West Slope Cemetery ZoB or by taking over services for CSA 2, should not have or add additional impacts to the economic viability of surrounding agricultural operations.

Sphere of Influence Determinations

The MSR also includes a review of the existing SOI for the District to determine if changes should be made. Written determinations are included within the MSR consistent with the requirements of CKH that address the following:

- Present and Planned Land Uses in the Area, including Agricultural and Open-Space Lands
- Present and Probable Need for Public Facilities and Services
- Present Capacity of Public Facilities and Adequacy of Public Services
- Existence of Any Social or Economic Communities of Interest

SOI Determination 1 – Present land uses within the CSA 9 include residential, commercial, industrial, institutional, and open space. Planned land uses are defined in the County's general plan land use designations. CSA 9 does not extend services outside its designated zones of benefit.

SOI Determination 2 – Present needs for public facilities and services are being met. Needs for public facilities and services are expected to remain the same within the designated zones of benefit. There may be two services with areas for growth for CSA 9:

Cemetery Services: Should the voters approve a special tax to support the proposed Western Slope Cemetery Zone of Benefit, the County would be responsible for the maintenance and upkeep of numerous cemeteries under the umbrella of CSA 9 (as opposed to the current situation of maintaining them under general services with financial support from the General Fund).

Roadway Services:

- CSA 2: Because roadway services are provided by CSAs 2 and 9 by the same staff and CSA 9's service territory includes that of CSA 2 (though there is no overlap in services because CSA 9 only provides services within its roadway maintenance zones of benefit), then dissolving CSA 2 and turning over its zones of benefit to CSA 9 is logical from a governmental structure perspective. It is unknown whether there will be internal administrative savings to County personnel, although it is conceivable that there will be some given that both CSAs require financial and operational tracking given that they are separate legal entities.
- Road Maintenance CSDs: For the several CSDs that have been struggling with governance and operations, it would be orderly to have CSA 9 absorb those districts and take over the road maintenance functions. Reluctance on the part of Department of Transportation staff (over service impacts and the increase in service demand) and on the part of these CSD's Board of Directors (loss of local control) prevent these reorganizations from occurring.

SOI Determination 3 – The present capacity of public facilities provided is adequate for the current level of service demanded, although desired levels of service in some zones of benefit are not presently met due to financial limitations.

SOI Determination 4 – There are many communities within the western slope of El Dorado County, however; given the diversity in size and location of the ZoBs, there are no social or economic communities of particular relevance to CSA 9.

SOI Determination 5 – Although CSA 9's service area encompasses many disadvantaged communities, none of the services provided by CSA 9 are applicable to this section.

Sphere of Influence Recommendations

County Service Area 9's SOI was last updated on February 27, 2008. Based upon the information contained in this report, it is recommended that the sphere of influence for CSA 9 be affirmed to be concurrent with its existing service area depicted in Attachment B.

Staff Outreach and Public Comment Period

Staff reached out to Elizabeth Zangari in 2018 up until prior to her retirement in early 2020. Since then, Mss. Sherrie Busby, Shahann Findley and Julianne Melchor provided information to staff and reviewed an administrative draft of the report. Comments were submitted to LAFCO staff. Most comments were incorporated into the report as appropriate.

The Board of Supervisors and the general public will have until the end of the public comment period on December 2, 2020 to submit comments for the Final MSR and SOI Update.

Attachments:

- Attachment A: Draft County Service Area 9 Municipal Service Review and Sphere of Influence Study (LAFCO Project #2018-04)
- Attachment B: Recommended County Service Area 9 SOI Map