

MINUTES OF SEPTEMBER 23, 2009

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held September 23, 2009, was called to order at 5:30 p.m. by Chair Loftis in the meeting room, Building C of the Government Center, 2850 Fair Lane, Placerville, California. Regular Members present were: City Members Jerry Birdwell and Carl Hagen, District Members Ken Humphreys and Harry Norris, County Member Ron Briggs, and Public Member Francesca Loftis. Others present were: Alternate Public Member Norm Rowett, Executive Officer José C. Henriquez, and LAFCO Counsel Andrew Morris.

ROLL CALL - VOTING MEMBERS:

Birdwell, Briggs, Hagen, Humphreys, Loftis, and Norris

2. CONSENT CALENDAR

- A. ADOPTION OF AGENDA
- B. MINUTES OF THE REGULAR MEETING OF JULY 22, 2009
- C. APPROVAL OF CLAIMS

MOTION

Commissioner Briggs moved to adopt the consent calendar, second by Commissioner Hagen.

ACTION

The motion was approved by the following vote:

AYES: Birdwell, Briggs, Hagen, Humphreys, Norris, Loftis
NOES: None
ABSTAIN: None
ABSENT: Sweeney

3. PUBLIC FORUM/PUBLIC COMMENT

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

4. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE SUMMER BROOK ANNEXATION TO THE EL DORADO IRRIGATION DISTRICT (LAFCO PROJECT #2008-03)

Mr. Henriquez reviewed the staff report with the recommendation that the Commission take the following actions:

1. Recognize that El Dorado County, as the lead agency, has prepared a Mitigated Negative Declaration and CEQA determinations which, along with an accompanying Addendum prepared by LAFCO staff, have been found to be adequate and complete for the purposes of annexation. The Commission certify the Addendum and direct staff to file a Notice of Determination pursuant to Title 14, Chapter 3, Section 15094 of the California Code of Regulations for the project.

2. Adopt LAFCO Resolution L-2009-07, adding any additional conditions the Commission finds appropriate, and approve the Summer Brook Annexation to the El Dorado Irrigation District; LAFCO Project No. 2008-03.
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.

As they considered the project, the Commissioners deliberated their mandate under the law to prevent urban sprawl and to protect agriculture and open space and how to balance those responsibilities with the availability of service and the landowners' and the County's desire to move the project forward. They asked staff questions relating to the adequacy of the environmental review, the required factors under Government Code §56668, and whether State Law gave greater weight to one factor over others. Among the issues discussed were the impacts to EID, the creation of service islands on EID's service area, the preservation of agriculture and wetlands, the proposed project's impact to surrounding lands and the project's ability to assist in meeting regional housing goals.

Chair Loftis opened the public forum.

Olga Sciorelli, representing the applicant, stated she would like to answer some of the Commission's questions and help them make a decision. Regarding wetlands, the project exercised total avoidance; none of the wetlands would be filled. All of the road crossings would exercise open-bottom culverts and no wetlands would be filled to place development on it. She said that regarding the agriculture, some of it would be in open space and some in people's backyards, referencing those who may have vineyards, adding that not all of the site was zoned agriculture-exclusive. She also stated that the project better assists with meeting housing goals because the applicant can build 19 homes on the lot "by right" using well water. However, by using piped water it allows the landowners to better utilize the space by increasing the size of the lots and by using septic systems they can prevent sprawl because she asserts that public sewer service leads to more sprawl than piped water.

In response to Commissioner Humphreys' question of whether the middle school across the street, which has stop lights, would be the main access into Green Valley Road, Ms. Sciorelli stated that there are two access points to Green Valley, one right at the intersection at the stop light, which would be made into a four-way stop light, and the second access would be 450 feet west and it would be right in and right out.

Commissioner Norris commented that from the standpoint of looking at fire safety, he would rather have 29 lots that have piped EID water that the Rescue Fire Department can access; it would be a lot safer for rest of the communities around it, rather than 19 lots around it that have well water and no public water or pressure.

Commissioner Humphreys asked if the open space was going to be used for anything else.

Ms. Sciorelli replied that it would be used for hiking and maintained by a home owner's association. There are plans for a hiking trail of compacted dirt or decomposed granite.

Commissioner Hagen asked if the open space was open to the general public or to the homeowners only.

Ms. Sciorelli's response was that the sub-division would be gated; however, pedestrian gates could be accommodated; no vehicle traffic, just pedestrian.

Dr. Richard Boylan, a Diamond Springs concerned citizen representing himself, stated the project was "a poster child" and its kind should not be approved for annexation. He stated the Commission should take a big-picture look at the project because the implications for agriculture are obvious because you cannot have agriculture and small lots. He added that leach fields are not notorious for working well in a wetland environment and the biological resources aspect had not been adequately addressed. By annexing this project and giving it a green light to go ahead could preclude the area from being identified as being a biological corridor and preserved. He brought up the concerns of flooding and other prospects if the area is chopped up into houses and paved; it is wetlands for a reason because the natural flow of water through an area concentrates in that area. He also spoke about air quality, which is affected by each residential sub-division.

Jamie Buetler, a concerned citizen representing herself, commented that with this particular project there were a great many questions that were unanswered. Questions regarding the surrounding areas, the water, fire protection, the environment, and air quality. She thinks the project needs an EIR and some CEQA feedback and, until there are some answers to questions, she would recommend a no vote.

Commissioner Humphreys questioned Dr. Boylan about the problems of the septic systems being close to the wetlands area. He asked how close the nearest lot was from the wetland.

Dr. Boylan responded that he did not have that information because it was not in his packet.

MOTION

Commissioner Hagen moved to accept staff's recommendation, second by Commissioner Norris.

ACTION

The motion failed by the following vote:

AYES: Briggs, Hagen, Norris
 NOES: Birdwell, Humphreys, Loftis
 ABSTAIN: None
 ABSENT: Sweeney

5. CONSIDER APPROVING THE CONTRACT WITH CITYGATE ASSOCIATES TO PREPARE A FIRE AND EMERGENCY SERVICES STUDY ON BEHALF OF THE COUNTY OF EL DORADO AND THE LOCAL FIRE AGENCIES

Mr. Henriquez reviewed the staff report with the recommendation that the Commission approve the contract with Citygate Associates LLC to prepare the Fire and Emergency Services Study on behalf of the County and the fire districts and authorize the Chair to sign the final document. The County of El Dorado will pay the cost of completing the study.

Chair Loftis opened the public forum.

Tom Keating, Fire Chief representing the Fire Chiefs' Association, commended Mr. Henriquez and Mr. Ron Grassi, Assistant CAO, for their help during the process; he expected they would get a great product out of it.

Chair Loftis thanked the chiefs for their work on the study.

MOTION

Commissioner Humphreys moved to approve the contract, second by Commissioner Briggs.

ACTION

The motion was approved by the following vote:

AYES: Birdwell, Briggs, Hagen, Humphreys, Norris, Loftis
 NOES: None
 ABSTAIN: None
 ABSENT: Sweeney

6. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE MUNICIPAL SERVICES REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE KELSEY CEMETERY DISTRICT (LAFCO PROJECT #2009-02)

Mr. Henríquez 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 Kelsey Cemetery District.
2. Open the public hearing on this matter;
3. Accept the statutory exemption from environmental review as the appropriate environmental review;
4. Adopt the municipal service review and sphere of influence update for Kelsey Cemetery District; and
5. Direct staff to complete the necessary filings and transmittals as required by law.

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

MOTION

Commissioner Hagen moved to adopt the Environmental Review, Municipal Services Review, and the Sphere of Influence update for the Kelsey Cemetery District and record the Notice of Exemption, second by Commissioner Norris.

ACTION

The motion was approved by the following vote:

AYES: Birdwell, Briggs, Hagen, Humphreys, Norris, Loftis
 NOES: None
 ABSTAIN: None
 ABSENT: Sweeney

7. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE MUNICIPAL SERVICES REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE KNOLLS PROPERTY OWNERS COMMUNITY SERVICES DISTRICT (LAFCO PROJECT #2009-04)

Mr. Henríquez 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 Mortara Circle Community Services District;
2. Open the public hearing on this matter;
3. Accept the statutory exemption from environmental review as the appropriate environmental review;
4. Adopt the municipal service review and sphere of influence update for Knolls Property Owners Community Services District; and
5. Direct staff to complete the necessary filings and transmittals as required by law.

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

MOTION

Commissioner Norris moved to adopt the Environmental Review, Municipal Services Review, and the Sphere of Influence update for the Knolls Property Owners CSD and record the Notice of Exemption, second by Commissioner Briggs.

ACTION

The motion was approved by the following vote:

AYES: Birdwell, Briggs, Hagen, Humphreys, Norris, Loftis

NOES: None

ABSTAIN: None

ABSENT: Sweeney

8. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE MUNICIPAL SERVICES REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE MORTARA CIRCLE COMMUNITY SERVICES DISTRICT (LAFCO PROJECT #2009-05)

Mr. Henriquez 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 Mortara Circle Community Services District;
2. Open the public hearing on this matter;
3. Accept the statutory exemption from environmental review as the appropriate environmental review;
4. Adopt the municipal service review and sphere of influence update for Mortara Circle Community Services District; and
5. Direct staff to complete the necessary filings and transmittals as required by law.

Commissioner Briggs asked Mr. Henriquez what difference the letter written by Mr. Robert Laurie would have on the report's finding.

Mr. Henriquez replied that it would not have an impact. The report is a valuation of the services and the valuation of how Mortara Circle is currently operated and the sphere of influence is the extrapolation of how much it should grow over time. If the letter is incorporated into the report, it is more of a flag for the next MSR. If the Commission chooses not to include it, that would be OK because the potential for a subdivision is not in the sphere of influence anyway. If and when the project comes before the Commission, assuming they want to annex into Mortara, that would be the time to value the impacts and determine whether or not to amend the sphere to include the subdivision.

Mr. Morris agreed that it had no significance either way.

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

MOTION

Commissioner Humphreys moved to adopt the Environmental Review, Municipal Services Review, and the Sphere of Influence update for the Mortara Circle CSD and record the Notice of Exemption, second by Commissioner Norris.

ACTION

The motion was approved by the following vote:

AYES: Birdwell, Briggs, Hagen, Humphreys, Norris, Loftis

NOES: None

ABSTAIN: None

ABSENT: Sweeney

9. CONSIDER PROVIDING INPUT TO CALAFCO REGARDING A POSSIBLE REGIONAL RESTRUCTURE OF THE ORGANIZATION

Mr. Henríquez reviewed the staff report with no recommendation. This item is placed on the agenda at the request of CALAFCO. Its Board of Directors is considering the establishment of a regional structure to the organization. It is asking its members to submit comments on the proposal. Mr. Henríquez speculated that CALAFCO's proposal came about because smaller, more rural counties have in the past complained of the sessions that CALAFCO sessions tend to concentrate more on the issues affecting urbanized LAFCOs.

Commissioner Norris stated it might work for CALAFCO, relating it to the water agencies in the foothill, Mountain County Water Association and Region 3; the two groups have empowered the mountain counties much more than they have in the past.

Commissioner Hagen stated regionalism works in the transportation area, too.

Chair Loftis replied that when attending the CALAFCO conferences, they are usually dominated by Los Angeles and the larger cities. CALAFCO has a tendency to be pushing issues that may not benefit the smaller LAFCOs and she believes regionalization would benefit El Dorado County.

10. OTHER BUSINESS

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

Mr. Henríquez updated the Commission on the Special District Election, stating that they are still one vote short of reaching a quorum. He added that another mailing was being prepared to send out and he had contact a couple of fire agencies, with Commissioner Briggs and Commission Cooper contacting agencies urging them to vote.

Commissioner Humphreys asked if Summer Brook wished to contest the Commission's decision, how long would they have.

Mr. Henríquez replied that within 30 days any member of the public, not just the applicant, can request reconsideration and it would be put on the calendar for the next agenda, adding that it would have to be noticed.

11. ADJOURNMENT

MOTION

Commissioner Hagen moved to adjourn the meeting, second by Commissioner Humphreys.

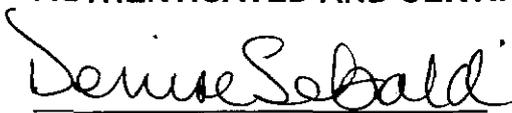
ACTION

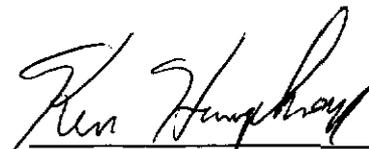
The motion was unanimously approved by the Commission.

Chair Loftis adjourned the meeting at 7:30 pm.

The next regularly scheduled LAFCO meeting will be October 21, 2009.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**


Interim Clerk to the Commission


Chairperson