

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

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## *EXECUTIVE OFFICER'S REPORT*

*AGENDA OF FEBRUARY 28, 2007*

### *REGULAR MEETING*

**TO:** Ted Long, Chairman, and  
Members of the El Dorado County Local Agency Formation  
Commission

**FROM:** José C. Henríquez, Executive Officer

**PREPARED BY:** Erica Sanchez, Policy Analyst

**AGENDA ITEM #5:** Kregoski Annexation to the El Dorado Irrigation District

**LAFCO Project No.** 2006-02

**PROPONENT(S):** Malinda Kregoski

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#### **DESCRIPTION OF PROJECT**

The proposal is to annex one parcel, Assessor's Parcel Number (APN) 069-290-44, into the El Dorado Irrigation District (EID) for the provision of municipal water service. The parcel is approximately 28.43 acres and is contiguous to EID's service boundary. The property includes one primary residence, a secondary residence for the landowner's parents and a 50-horse equestrian ranch.

#### **PURPOSE**

Ms. Kregoski wishes to annex into EID in order to continue the provision of municipal water to her property. The property currently has a private well which does not produce a sufficient volume of water to meet the needs of the two homes and equestrian ranch that exist on the parcel. The landowner entered into a Temporary Agreement for Service with EID in 2004, which required district annexation within three years. A Certificate of Completion for annexation must be filed by April 11, 2007 in order for the parcel to continue to receive water service from EID.

#### **RECOMMENDATIONS**

Staff recommends that the Commission take the following actions:

1. Find that the project is exempt from provisions of the California Environmental

Quality Act under Section 15319(a) of the Public Resources Act and direct staff to file the Notice of Exemption in compliance with CEQA and local ordinances implementing the same.

2. Adopt LAFCO Resolution L-2007-02 (Attachment F), adding any additional conditions the Commission finds appropriate and approve the Kregoski Annexation to the El Dorado Irrigation District; LAFCO Project No. 2006-02.
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**

Annexation into EID is necessary to continue the provision of municipal water to the parcel. The parcel is developed with a total of two residences and an equestrian ranch, which are in need of water service. The property's well has inadequate production, despite landowner efforts of re-drilling, replacing the pump and utilizing storage tanks. The landowner has a Temporary Service Agreement with EID and is currently receiving water service from the District; however, the agreement will terminate on April 11, 2007 if annexation is not approved.

### **LOCATION**

The property is located directly south of Green Valley Road in the Rescue area. The situs addresses are 3984 and 3982 Green Valley Road, which are between Oak Lane Drive and Sierra Vista Drive.

### **CEQA**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15319(a) of the Public Resources Act (Annexations of Existing Facilities). In particular, this section provides for the annexation of an area containing an existing private structure that is allowed under the current zoning.

### **BACKGROUND**

On or about April of 2004, the landowner began to experience problems with the viability of her well. After replacing the well pump and unsuccessful re-drilling, it became apparent that the well-water supply under the parcel was not adequate to serve the residential and agricultural uses of the property. Ms. Kregoski contacted EID to inquire about connecting to their water line for agricultural and residential water service. On April 11, 2004, Ms. Kregoski entered into a Temporary Service Agreement, at outside-district rates, with EID allowing her to connect a 1-inch water line extension to the

existing 6-inch water line at the northeast corner of her property near Green Valley Road. The water line runs southwest on her property and branches off to serve both residences and all three barns. The water meter is located at the corner of the property near the connection.

EID did not require an out-of-agency service agreement (OASA) from the applicant since they interpreted §56133(e) to allow them to provide water to parcels outside of their district engaged in agricultural activities without an OASA approved by the Commission. The Temporary Service Agreement between Ms. Kregoski and EID does however stipulate that, unless terminated earlier, the agreement would remain in effect for a period of three (3) years from the recording date (April 11, 2004) or the date that a Certificate of Completion is recorded for annexation of the property into the District's service area, whichever comes first.

**SUMMARY OF STATUTORY AND POLICY CONSIDERATIONS**

Government Code §56668 and LAFCO Policies require that the review of a proposal shall consider the following factors:

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Need for organized services, probable future needs	1 – Consistent	Annexation is a condition of the Temporary Service Agreement with EID and will allow the landowner to continue to receive municipal water for her two homes and equestrian ranch. The landowner currently has a failing well and has been receiving EID water at outside district rates since April 2004.
Ability to serve, level and range of service, time frames, conditions to receive service	2 – Consistent	The subject parcel is currently receiving approximately 2 EDUs of water from EID. EID has stated that it has the necessary water to continue to serve the parcel upon annexation.
Timely availability of adequate water supply	3 – Consistent	EID has 2,285 EDUs of water available in the Western/Eastern Water Service Area. 907 of these have been previously committed, leaving a total of 1,378 EDUs.

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Alternatives to service, other agency boundaries, and local gov't structure	4 – Consistent	There are no other public service alternatives to provide water to the subject parcel. The existing well cannot support the residential and agricultural needs of the parcel. Water transportation is not a feasible option due to the high cost.
Significant negative service Impacts	5 – Consistent	There do not appear to be any negative service impacts to existing EID customers as a result of service to the Kregoski parcel, nor has EID received any neighbor feedback.
Coordination of applications	6 – Consistent	The subject parcel does not appear to require any other services, nor do the neighboring parcels at this time.
Present cost/adequacy of governmental services, including public facilities	7 – Consistent	Present EID infrastructure and water supply appear adequate to continue to serve the Kregoski parcel with municipal water.
Effect of proposal on cost & adequacy of service in area and adjacent areas	8 – Consistent	EID has not received any reports of negative impacts on neighboring customers due to the extension of water to the Kregoski parcel. There is no reason to believe that continuing service to the subject property would have an adverse effect on other existing customers.
Effect of alternative courses of action on cost & adequacy of service in area and adjacent areas	9 – Consistent	Use of a private well or transporting water are not viable options for the landowner due to the inadequacy of the current well, unsuccessful past drilling and the high cost of water delivery as a long term solution.

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Sufficiency of revenues, per capital assessed valuation	10 – Consistent	Based upon the revenue share agreement and EID’s in-district user fees, EID should receive sufficient revenue for providing service to this parcel.
Revenue producing territory	11 – Consistent	No significant revenue generation is proposed; the user fees and property tax increment are expected to offset the cost of continuing to provide water service.
56668.3 “best interest”	12 – Consistent	The annexation is consistent with LAFCO and EID policies and appears to be in the best interest of the landowner and EID.
Boundaries: logical, contiguous, not difficult to serve, definite and certain	13 – Consistent	Annexation of the subject parcel will not produce an area that is difficult to serve and existing infrastructure will be utilized to continue the service to the parcel.
Topography, natural boundaries, drainage basins, land area	14 – Consistent	Infrastructure to the parcel is already in place and there are no topographical features that will hinder service to this area.
Creation of islands, corridors, irregular boundaries	15 – Consistent	The annexation will comprise the entire parcel and will not create an irregular boundary, island, peninsula, cherry stem or flag configuration.
Conformance to lines of assessment, ownership	16 – Consistent	The proposed boundaries conform to the existing lines of assessment and ownership and have been reviewed for accuracy by the County Surveyor.

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Spheres of Influence	17 – Consistent	The boundaries for the proposed annexation are fully contained within the EID sphere of influence.
Effect on adjacent areas, communities of interest	18 – Consistent	The annexation will not impact any communities of interest, nor will it introduce growth-inducing effects on the adjacent parcels or on the subject property itself.
Information or comments from landowners or owners	19 – Consistent	The sole landowner of the subject property has given written consent for the proposed annexation. No comments or protest from neighboring landowners have been received.
Effect on other community services, schools	20 – Consistent	There is not expected to be any significant effect on the need for additional community services as a result of this annexation. School impact fees were collected at the time building permits were issued to mitigate any increased need for school service.
Other agency comments, objections	21 – Consistent	No objections or significant agency comments were received regarding this proposal.
Fair share of regional housing needs	22 – No effect	The reorganization will neither contribute to, nor hinder the County in achieving its fair share of regional housing needs.
Land use, information relating to existing land use designations	23 – Consistent	The parcel is zoned RE-10 and has AL land use designation. The current uses and proposed annexation are consistent with these designations.

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Population, density, growth, likelihood of growth in, and in adjacent areas, over 10 years	24 – Consistent	There are currently three registered voters residing in the subject property. The annexation will not effect the population of the proposal area.
Proximity to other populated areas	25 – Consistent	Adjacent land uses are primarily rural residential and some agricultural uses. The subject property is in close proximity to other parcels zoned RE-10, RE-5, R2A and AE. The 200-acre AE parcel is currently under a Williamson Act Contract; the annexation is not expected to hinder or interfere with the agricultural activities of this territory in any way.
Consistency with General Plans, specific plans, zoning	26 – Consistent	The subject property is completely developed and in conformance with the land use designation (AL) and zoning (RE-10), as is the annexation proposal.
Physical and economic integrity of agriculture lands and open space	27 – Consistent	The parcel consists of primarily choice soils and is used for two residences and an equestrian ranch. Annexation is not expected to interfere with any agricultural activities in the surrounding area.
Optional factor: regional growth goals and policies	28 – Unknown	Neither SACOG nor SPO could provide applicable regional growth goals and policies.

**DETERMINATIONS**

The Commission should review the factors summarized above and discussed below, then 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 petition of the landowner.

2. The territory proposed for annexation is within the Sphere of Influence of the El Dorado Irrigation 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 Section 15319(a) 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 result in a decrease in water supply available for the build-out of regional housing needs determined by the Sacramento Area Council of Governments. The annexation will not, however, have a significant foreseeable effect on the ability of the County to adequately accommodate its fair share of those needs.

### **DISCUSSION**

Government Code §56668 and LAFCO Policies require that the review of an annexation proposal shall consider the following factors:

#### **(Numbered items 1-6 relate to services)**

1. ***NEED FOR ORGANIZED COMMUNITY SERVICES, PROBABLE FUTURE NEEDS:*** Applicants shall demonstrate the need and/or future need for governmental services and that the proposal is the best alternative to provide service (Policies 3.1.4(b), 6.1.7; §56668(b)).

***RESPONSE:*** The purpose of this petition is to annex the Kregoski parcel into EID's service boundary for continuation of the provision of municipal water. The parcel is already connected to EID's infrastructure and has been receiving EID water for nearly three years. Ms. Kregoski entered into an Agreement for Temporary Service at outside district rates with EID on April 11, 2004 (Attachment E), which allowed her to begin receiving both agricultural and residential water at outside district rates. The agreement was a direct result of a failing well that could not sustain the equestrian ranch or two residences on the property. A condition placed on the agreement was that Ms. Kregoski would formally pursue annexation and the Certificate of Completion would be recorded within three (3) years of the recording date of the agreement. If this does not occur by April 11, 2007, the agreement will be terminated along with the service.

The parcel currently has one meter installed, which would not be increased as a result of Commission approval of this annexation. Denial of the annexation would result in the discontinuation of service and removal of the existing meter. Past attempts by the landowner to drill new wells have been unsuccessful and there are no other water purveyors in this area of the County that may feasibly extend services to this site.



2. **ABILITY TO SERVE, LEVEL AND RANGE OF SERVICE, TIME FRAMES, CONDITIONS TO RECEIVE SERVICE:** Prior to annexation the applicants and proposed service providers shall demonstrate that the annexing agency will be capable of providing adequate services which are the subject of the application and shall submit a plan for providing services (Policy 3.3, §56668(j)).

**RESPONSE:** A Facility Improvement Letter (FIL) from EID, dated February 7, 2006 (Attachment D), addressed the water availability in the Western/Eastern Water Supply Region and the existing 1-inch water meter on the property. Because the service is already being provided to the parcel, it has been demonstrated that EID has the necessary water and capacity to serve the property. The FIL clearly stated that no additional water was being requested by the applicant at that time, and did not address any possible increases for the future.

3. **TIMELY AVAILABILITY OF ADEQUATE WATER SUPPLY:** The Commission shall consider the timely availability of water supplies adequate for projected needs (§56668(k)).

**RESPONSE:** The Kregoski parcel is within EID's Western/Eastern Water Supply Region, which according to the 2006 Water Resources and Service Reliability Report has 1,378 EDUs available in this region of EID after all contractual commitments are fulfilled. Annexations approved by LAFCO after publication of this report account for an additional 446-453 EDU commitments<sup>1</sup>, bringing the total amount of available EDUs to approximately 925-932. The subject parcel currently requires approximately 2 EDUs of water, which has been accounted for in the above availability estimate. Future water usage is not expected to change as a result of this annexation. Service to the parcel at outside district rates will continue until either the annexation is approved and the Certificate of Completion is recorded, or until April 11, 2007, at which point the temporary agreement will expire.

<sup>1</sup>Preacher 05-15 (3 EDUs), Marble Valley 05-08 (443-450 EDUs)

4. **ALTERNATIVES TO SERVICE, OTHER AGENCY BOUNDARIES, AND LOCAL GOVERNMENT STRUCTURE:** The Commission shall consider alternatives to the proposal, proximity of other agency boundaries and alternative courses of action. Where another agency objects to the proposal, LAFCO will determine the best alternative for service (Policies 3.3.2.2(g), 6.1.3).

**RESPONSE:** There are no other public service alternatives to provide water to the subject parcel. Ms. Kregoski has made previous attempts to drill new wells and replace well pumps; however, this has not resulted in a viable well that can support her residential and agricultural needs. Due to the expense involved with transporting potable and non-potable water to the site, water delivery is not a fiscally possible alternative for the landowner.

5. **SIGNIFICANT NEGATIVE SERVICE IMPACTS:** Services provided to the territory will not result in a significant negative impact on the cost and adequacy of services otherwise provided (Policy 6.2.4, §56668.3(b)).

**RESPONSE:** There do not appear to be any negative service impacts to existing EID customers as a result of service to the Kregoski parcel. EID has not received any written or verbal communication from neighbors stating that they have experienced adverse effects due to service to this parcel.

6. **COORDINATION OF APPLICATIONS:** If a project site can be anticipated to require additional changes of organization in order to provide complete services, the proposal shall be processed as a reorganization (Policy 3.1.10). Where related changes of organization are expected on adjacent properties, petitioners are encouraged to combine applications and LAFCO may modify boundaries, including the addition of adjacent parcels to encourage orderly boundaries (Policy 3.1.9).

**RESPONSE:** The subject parcel is within the Rescue Fire Protection District for fire suppression services and has an existing septic system to handle the wastewater generated from the residence. No other services appear to be necessary for this parcel. There are no neighboring properties that appear to require reorganization or additional services at this time.

**(Numbered items 7-12 relate to cost and revenues)**

7. **PRESENT COST/ADEQUACY OF GOVERNMENTAL SERVICES, INCLUDING PUBLIC FACILITIES:** The Commission shall consider existing government services and facilities, cost and adequacy of such services and facilities (§56668(b), Policy 3.3). If service capacity and/or infrastructure will be expanded, the applicant will submit cost and financing plans (Policy 3.3.2.2).

**RESPONSE:** Present infrastructure and water supply appear adequate to continue to serve the Kregoski parcel with municipal water. EID does not appear to have any current service deficiencies which would hinder the continued provision of water to this property.

8. **EFFECT OF PROPOSAL ON COST & ADEQUACY OF SERVICE IN AREA AND ADJACENT AREAS:** The Commission shall consider existing and proposed government services and facilities, the cost and adequacy of such services and facilities and probable effect of the proposal on the area and adjacent areas (§56668(b) and Policy 3.3). LAFCO will discourage projects that shift the cost of service and/or service benefits to others or other service areas (Policy 6.1.8).

**RESPONSE:** The effect of overall service in the area is negligible. EID has not received any reports of negative impacts on neighboring customers due to the extension of water to the Kregoski parcel. There is no reason to believe that continuing service to the subject property would have an adverse effect on other existing customers.

9. **EFFECT OF ALTERNATIVE COURSES OF ACTION ON COST & ADEQUACY OF SERVICE IN AREA AND ADJACENT AREAS:** The Commission shall consider the cost and adequacy of alternative services and facilities (§56668).

**RESPONSE:** At this time, there are no other water service providers in this area of the county. The alternative would be the use of a private well or transported water. These are not viable options for Ms. Kregoski due to the inadequacy of her current well, unsuccessful past drilling and the high cost of water delivery as a long term solution.

**10. SUFFICIENCY OF REVENUES, PER CAPITA ASSESSED VALUATION: 56668(j)**

**RESPONSE:** The current assessed value of APN 069-290-44 is \$485,219, less the homeowner exemption value. Upon formal annexation to EID, the assessed value may increase slightly. The County and EID have negotiated a property tax revenue sharing agreement, with EID receiving 2.667% of the property tax revenue. Ms. Kregoski is currently paying one-and-a-half times the Agricultural Metered Irrigation (AMI) rate for district customers, which will decrease if annexed into the District. If annexed, EID will receive approximately 50% less revenue in the form of user fees; however, based upon the property tax revenue share agreement and EID's in-district user fees, EID should receive sufficient compensation for providing service to this parcel.

**11. REVENUE PRODUCING TERRITORY:** The proposed annexation shall not represent an attempt to annex only revenue-producing territory (Policy 6.1.1).

**RESPONSE:** The increase in property value as a result of annexation is expected to be minor. If annexed, EID will begin to receive a share of the property tax revenue and EID's user fees will decrease by approximately 50% to reflect the normal in-district rates; no significant revenue generation is proposed. The user fees and property tax increment is expected to offset the cost of continuing to provide water service.

**12. "BEST INTEREST":** The Commission shall consider whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district (§56668.3).

**RESPONSE:** The annexation is consistent with LAFCO and EID policies and appears to be in the best interest of the landowner and EID. Without annexation approval, the landowner will not continue to have potable water for her two residences or equestrian ranch. The Temporary Service Agreement between the landowner and EID is set to expire April 11, 2007 in the absence of a Certificate of Completion for district annexation.

**(Numbered items 13-17 relate to boundaries)**

**13. BOUNDARIES: LOGICAL, CONTIGUOUS, NOT DIFFICULT TO SERVE, DEFINITE AND CERTAIN:** The proposed boundary shall be a logical and reasonable expansion and shall not produce areas that are difficult to serve

(§56001). Lands to be annexed shall be contiguous (Policy 3.9.3, §56741-cities) and should not create irregular boundaries, islands, peninsulas or flags (Policy 3.9.4). The boundaries of the annexation shall be definite and certain and conform to existing lines of assessment and ownership (Policy 3.9.2, §56668(f)).

**RESPONSE:** The parcel is contiguous with the EID service area; the entire eastern boundary and approximately half of the northern boundary are adjacent to the District boundary. A 1-inch water meter to serve the parcel is connected to a 6-inch line running along Vista Drive at the northeastern corner of the property. Existing infrastructure will be utilized to continue the service to the parcel. Annexation of the subject parcel will not produce an area that is difficult to serve. Parcel boundaries conform to existing lines of ownership and assessment.

- 14. TOPOGRAPHY, NATURAL BOUNDARIES, DRAINAGE BASINS, LAND AREA:** Natural boundary lines which may be irregular may be appropriate (Policy 3.9.6). The resulting boundary shall not produce areas that are difficult to serve (Policy 3.9.7).

**RESPONSE:** The subject parcel is fairly level and vegetation exists in the form of native trees and grasses. Infrastructure to the parcel is already in place and there are no topographical features that will hinder service to this area.

- 15. CREATION OF IRREGULAR BOUNDARIES:** Islands, peninsulas, "flags", "cherry stems", or pin point contiguity shall be strongly discouraged. The resulting boundary shall not produce areas that are difficult to serve. The Commission shall determine contiguity (Policies 3.9.3, 3.9.4, 3.9.7).

**RESPONSE:** The annexation will comprise the entire parcel and will not create an irregular boundary, island, peninsula, cherry stem or flag configuration.

- 16. CONFORMANCE TO LINES OF ASSESSMENT, OWNERSHIP:** The Commission shall modify, condition or disapprove boundaries that are not definite and certain or do not conform to lines of assessment or ownership (Policy 3.9.2).

**RESPONSE:** The proposed boundaries conform to the existing lines of assessment and ownership. The project maps have been reviewed by the County Surveyor.

- 17. SPHERES OF INFLUENCE:** Commission determinations shall be consistent with the spheres of influence of affected local agencies (Policy 3.9.1).

**RESPONSE:** The boundaries for the proposed annexation are fully contained within the EID sphere of influence.

**(Numbered items 18-21 relate to potential effect on others and comments)**

- 18. EFFECT ON ADJACENT AREAS, COMMUNITIES OF INTEREST:** The Commission shall consider the effect of the proposal and alternative actions on adjacent areas, mutual social and economic interests and on the local governmental structure of the county (§56668(c)).

**RESPONSE:** The proposed annexation does not break any Community of Interest, nor will it affect the social or economic interests of adjacent areas. The subject parcel is located within a Rural Region of the County. The annexation is in conformance with the uses in the area and will not introduce growth-inducing effects on the adjacent parcels or on the subject property itself.

- 19. INFORMATION OR COMMENTS FROM THE LANDOWNER OR OWNERS:** The Commission shall consider any information or comments from the landowner or owners.

**RESPONSE:** The sole landowner of the subject property has given written consent for the proposed annexation. Due to 100% landowner consent, the Noticing requirement of neighbors within 300 feet of the project was not required. No comments or protest from neighboring landowners have been received.

- 20. EFFECT ON OTHER COMMUNITY SERVICES, SCHOOLS:** LAFCO's review of services refers to governmental services whether or not those services are provided by local agencies subject to the Cortese-Knox-Hertzberg Act, and includes public facilities necessary to provide those services.

**RESPONSE:** The parcel is completely developed and contains one existing single family home as well as a secondary residence. School impact fees were collected at the time building permits were issued to mitigate any increased need for school service. There is not expected to be any significant effect on the need for additional community services as a result of this annexation. No comments were received from the local school districts, state agencies or other community service providers regarding this proposal.

- 21. OTHER AGENCY COMMENTS, OBJECTIONS:** All affected and interested agencies are provided application related material and notified of the proposal and proposed property tax redistribution plan. Comments have been requested and shall be considered (Policy 3.1.4 (I), §56668(i)).

For district annexations and city detachments only, the Commission shall also consider any resolution objecting to the action filed by an affected agency (§56668.3(4)). The Commission must give great weight to any resolution objecting to the action which is filed by a city or a district. The Commission's consideration shall be based only on financial or service related concerns expressed in the protest (§56668.3(5b)).

**RESPONSE:** The following agencies were provided an opportunity to comment on this proposal:

- El Dorado Irrigation District
- El Dorado County Representing County Service Areas 7, 9, 9 Zone 17, 10 and 10 Zone D
- Rescue Fire Protection District
- El Dorado County Water Agency
- El Dorado County Resource Conservation District
- El Dorado County Agricultural Commission
- El Dorado County Office of Education
- Rescue Union Elementary School District
- El Dorado Union High School District
- Los Rios Community College District
- El Dorado County Planning Department
- El Dorado County Surveyor's Office
- El Dorado County Committee on School District Organization
- U.S. Bureau of Reclamation

The Rescue Fire Protection District submitted comments stating that, after discussion with EID staff, the agricultural water line would be allowed without installation of a fire hydrant. In the event that any additional building or facility improvements are planned, a fire hydrant would be required. The landowner has stated that beyond the existing single family residence, secondary residence and three agricultural buildings, she does not have any impending plans to expand.

The Department of Agriculture commented that the subject parcel consisted of almost entirely choice soils; however they were not aware of agricultural use on the parcel. The property consists of an equestrian ranch that currently accommodates approximately 50 horses. Annexation would allow the landowner to continue to receive municipal water from EID, which would support the existing agricultural activities.

No agency objections were received regarding this proposal.

**(Numbered items 22-26 relate to land use, population and planning)**

**22. FAIR SHARE OF REGIONAL HOUSING NEEDS:** The Commission shall review the extent to which the proposal will assist the receiving entity in achieving its fair share of regional housing needs as determined by Sacramento Area Council of Governments (SACOG) (§56668(l)).

**RESPONSE:** The proposal will have no effect in assisting the County in meeting its Regional Housing Needs Assessment. The parcel is entirely developed with a single family residence, secondary residence and three agricultural buildings. The annexation is not expected to contribute to, nor hinder, the County in achieving its fair share of regional housing needs.

- 23. LAND USE, INFORMATION RELATING TO EXISTING LAND USE DESIGNATIONS:** The Commission shall consider any information relating to existing land use designations (§56668(m)).

**RESPONSE:** The parcel is zoned Residential Estate, 10-acre minimum (RE-10) and has an Agricultural Land (AL) land use designation. The AL designation is consistent with County Policy 8.1.1.8 in that the property contains almost entirely choice soils and is located in a Rural Region of the County. The current use of the parcel is consistent with the 2004 General Plan. The proposed annexation is also in conformance with these designations and is not expected to change the future use of the property.

- 24. POPULATION, DENSITY, GROWTH, LIKELIHOOD OF GROWTH IN AND IN ADJACENT AREAS OVER 10 YEARS:** The Commission will consider information related to current population, projected growth and number of registered voters and inhabitants in the proposal area.

**RESPONSE:** There are currently three registered voters residing in the subject property. This is not expected to change as a direct result of the annexation. The continued provision of municipal water will serve the two residences and equestrian ranch that occupy the property and will not effect the population of the proposal area.

- 25. PROXIMITY TO OTHER POPULATED AREAS:** The Commission shall consider population and the proximity of other populated areas, growth in the area and in adjacent incorporated and unincorporated areas during the next 10 years (Policy 3.1.4 (a)).

**RESPONSE:** The adjacent land uses are primarily rural residential with some agricultural uses as well. Other RE-10 zoned parcels are directly south and west from the subject parcel and Estate Residential, 5-acre minimum (RE-5) parcels border the east and lie further to the west. North of the subject parcel, along Green Valley Road, is a cluster of five small parcels zoned Single Family, 2-acre (R2A). North of Green Valley Road, northwest of the subject parcel, is a large area of land (approximately 200 acres) zoned Exclusive Agricultural (AE), which is currently under a Williamson Act Contract. The annexation is not expected to hinder or interfere with the agricultural activities of this territory in any way.

- 26. CONSISTENCY WITH GENERAL PLANS, SPECIFIC PLANS, ZONING:** The Commission shall consider the general plans of neighboring governmental entities (Policy 3.1.4(g)).

**RESPONSE:** The subject property is completely developed and in conformance with the land use designation (AL) and zoning (RE-10). The property contains one primary residence and one secondary residence, as well as three agricultural buildings. The current structures are all fully permitted with the County.

**27. PHYSICAL AND ECONOMIC INTEGRITY OF AGRICULTURE LANDS AND OPEN SPACE LANDS:** LAFCO decisions will reflect its legislative responsibility to maximize the retention of prime agricultural land while facilitating the logical and orderly expansion of urban areas (Policy 3.1.4(e), §56016, 56064).

**RESPONSE:** The parcel consists of approximately 85-90% choice soils, with a small section on the eastern boundary that is non-choice. The property is not under a Williamson Act contract; however, an adjacent parcel to the northwest is currently in Agricultural Preserve under Williamson Act contract. The annexation is not expected to interfere with the agricultural activities in the surrounding area.

**28. OPTIONAL FACTOR: REGIONAL GROWTH GOALS AND POLICIES:** The Commission may, but is not required to, consider regional growth goals on a regional or sub-regional basis (§56668.5).

**RESPONSE:** Staff contacted both SACOG and the Sierra Planning Organization. Neither agency could provide applicable regional growth goals and policies under this provision for LAFCO consideration.

- Attachment A: Project Map & Legal Description**
- Attachment B: Landowner Petition & Project Information**
- Attachment C: Auditor's Report**
- Attachment D: Facility Improvement Letter (FIL)**
- Attachment E: EID Agreement for Temporary Service**
- Attachment F: LAFCO Resolution L-2007-02**

Attachments are not available online; please contact the LAFCO office for copies.