

# EL DORADO LAFCO

## LOCAL AGENCY FORMATION COMMISSION

### **RESOLUTION NUMBER L-2018-06**

Bass Lake North Annexation to the El Dorado Irrigation District (EID)  
LAFCO Project No. 2017-05

**WHEREAS**, on August 7, 2017, N.C. Brown Development, LLC, Obed and Lynn Patty Family Revocable Trust, Allan and Barbara Showler Family Revocable Trust, and Sequoia Investments, LLC, as owners of 100% of the assessed value of the land shown in 'Exhibit A' (hereinafter referred to as the "subject territory") submitted a landowner petition ("petition") requesting the annexation of the subject territory into the El Dorado Irrigation District (EID); and

**WHEREAS**, the subject territory includes Assessor's Parcel Numbers (APNs) 115-400-06, 115-400-07, 115-400-08, and 115-400-09; and

**WHEREAS**, the Obed and Lynn Patty Family Revocable Trust is the owner of APN 115-400-06, N.C. Brown Development, LLC is the owner of APN 115-400-07, and the Barbara Showler Family Revocable Trust was the owner of APN 115-400-08 (hereinafter referred to collectively as the "Bass Lake North Project"); and

**WHEREAS**, Sequoia Investment Partners, LLC is the owner of APN 115-400-09 (hereinafter referred to as "Parcel 66" of the Bass Lake Hills Specific Plan); and

**WHEREAS**, on October 20, 2017, ownership of APN 115-400-08 was transferred from the Allan and Barbara Showler Family Revocable Trust to BL Road, LLC; and

**WHEREAS**, on March 7, 2018, BL Road, LLC submitted a written statement affirming, and consenting to, the inclusion of APN 115-400-08 in the annexation petition; and

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

**WHEREAS**, the proposal was assigned LAFCO Project No. 2017-05 and is referred to as the "Bass Lake North Annexation to the El Dorado Irrigation District"; and

**WHEREAS**, the subject territory consists of approximately 50.31 acres; and

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

**WHEREAS**, property tax exchange negotiations were completed and approved by the County of El Dorado ("the County") on December 12, 2017, and by EID on October 10, 2017; 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**, acting on behalf of El Dorado County as Lead Agency, the El Dorado County Board of Supervisors certified the Bass Lake Road Study Area (“BLRSA”) Final Program Environmental Impact Report (the “Program EIR”) on March 17, 1992 (State Clearing House No. 1990020375). The densities evaluated in the Program EIR would have yielded development of a maximum of 2,847 dwelling units on approximately 1,223 acres and included mitigation measures to reduce impacts; however, impacts to the following areas were determined to remain significant and unavoidable, even after mitigation: vegetation and wildlife; land use; population and housing; traffic; utilities (water); public services (fire and schools); and visual and aesthetic resources; and

**WHEREAS**, El Dorado County prepared and adopted an Addendum to the Program Environmental Impact Report for the Bass Lake Hills Specific Plan, dated September 2016, (“the Addendum”) in accordance with the California Environmental Quality Act (“CEQA”); and

**WHEREAS**, prior to making a decision on the project and in accordance with State CEQA Guidelines section 15096, the El Dorado Local Agency Formation Commission (“LAFCO”), as a Responsible Agency under CEQA independently reviewed the Addendum, a copy of which is filed and available for public inspection at the LAFCO office; and

**WHEREAS**, in LAFCO’s limited role as a Responsible Agency under CEQA, the LAFCO has independently reviewed and considered El Dorado County’s CEQA determinations made pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 and all supporting documentation and, based upon its independent judgement and analysis, hereby makes the following Responsible Agency findings: (1) that all environmental impacts of the project have been fully analyzed in the Program EIR and the Addendum; (2) that LAFCO’s adoption of this resolution does not present a substantial change from, or new information pertinent to, the project evaluated in the Program EIR and the Addendum, and therefore, (3) that LAFCO concurs with El Dorado County’s CEQA determination that no supplemental environmental review is required; and

**WHEREAS**, an Exemption under State CEQA Guidelines Section 15182 (Residential Projects with an EIR Pursuant to a Specific Plan) has been filed for the project by El Dorado County, as outlined by the California Environmental Quality Act (“CEQA”), and said Exemption was filed on March 7, 2017; and

**WHEREAS**, the Executive Officer reviewed the annexation for conformance with the Bass Lake Hills Specific Plan and CEQA’s requirements and determined that the

annexation is consistent with the determinations of the 2016 Addendum and State CEQA Guidelines Section 15182 (Residential Projects with an EIR Pursuant to a Specific Plan) and, as described below and as supported by substantial evidence in the record as a whole, no further environmental review is required; and

**WHEREAS**, the project qualifies for an exemption from further CEQA review under Government Code Section 65457 and CEQA Section 15182 in that (1) the project is part of a residential project undertaken pursuant to and in conformity with a specific plan for which an EIR was prepared after January 1, 1980 and (2) in light of the whole record none of the events described in Public Resources Code Section 21166 or CEQA Guidelines Section 15162 are present in that there are (a) no substantial changes proposed in the project which will require major revisions to the Program EIR or the Addendum due to the involvement of a new significant environmental effect or a substantial increase in the severity of previously identified significant environmental effects; (b) no substantial changes in the circumstances under which the project is undertaken which will require major revisions of the Program EIR or the Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant environmental effects; or (c) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Program EIR was certified or the Addendum adopted that shows (i) the project will have one or more significant effects not discussed in the Program EIR or the Addendum; (ii) significant effects previously examined will be substantially more severe than shown in the Program EIR or Addendum; (iii) mitigation measures or alternatives that the project proponent declines to adopt and were previously found not to be feasible are in fact feasible and would substantially reduce one or more significant environmental effects; or (iv) mitigation measures or alternatives that the project proponent declines to adopt, which are significantly different from those analyzed in the Program EIR or the Addendum to be infeasible would in fact be feasible and would reduce one or more significant environmental effects; and

**WHEREAS**, as a separate and independent basis for CEQA compliance, reliance on the Program EIR and the Addendum is appropriate, and no further environmental review is required or authorized because, as described in the foregoing, none of the circumstances described in Public Resources Code Section 21166, CEQA Guidelines Section 15162 or 15163 is present; and

**WHEREAS**, the Program EIR, the Addendum and Exemption under CEQA Guidelines Section 15182, 15162 and 15163 and other Sections discussed in this resolution and the record as a whole will be collectively referred to as “the environmental determination” for purposes of this resolution; and

**WHEREAS**, the Executive Officer examined the petition, certified that it is adequate and has accepted the petition for filing on February 15, 2018; and

**WHEREAS**, the Executive Officer set a public hearing for March 28, 2018 for consideration of the petition and the environmental determination 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 petition and the environmental determination 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 28, 2018 meeting during which the petition was considered; and

**WHEREAS**, on March 28, 2018, 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, the environmental determination, 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 environmental determination, 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 incorporated herein as a substantive finding of this resolution. The findings contained therein are true and correct, based upon substantial evidence in the record as a whole, and provides a legal basis for this resolution and the actions to be taken pursuant to this resolution.
2. This resolution making determinations is made pursuant to and in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Government Code §56000 *et seq.*, CEQA, California Public Resources Code § 21000, *et seq.*, and all other applicable law, regulations, policies and procedures.
3. The following agencies and districts were notified concerning this petition: El Dorado County Assessor's Office, El Dorado County Auditor's Office, El Dorado

County Chief Administrative Office, El Dorado County Department of Agriculture, El Dorado County Elections Department, El Dorado County Emergency Services Authority, El Dorado County Farm Bureau, El Dorado County Office of Education, El Dorado County Planning Department, El Dorado County Representing County Service Areas 7, 9, 10, and 10 Zone E-Library, El Dorado County Resource Conservation District, El Dorado County Sheriff's Department, El Dorado County Surveyor's Office, El Dorado County Water Agency, El Dorado Hills Community Services District, El Dorado Hills County Water District, El Dorado Irrigation District, El Dorado Union High School District, Los Rios Community College District, Rescue Union School District, and U.S. Bureau of Reclamation

4. N.C. Brown Development, LLC, Obed and Lynn Patty Family Revocable Trust, BL Road, LLC, and Sequoia Investments, LLC, as owners of 100% of the assessed value of the land within the subject territory, have given their written consent to the annexation.
5. EID, as the subject agency, has not requested in writing or otherwise that LAFCO hold protest proceedings on this petition.
6. The Conducting Authority proceedings are hereby waived in accordance with Government Code §56663(c).
7. The subject territory is within the EID sphere of influence and is contiguous to the existing boundary.
8. The subject territory is within the Bass Lake Hills Specific Plan (BLHSP).
9. The subject territory is designated Adopted Plan (AP) by the 2015 Land Use Element of the County's General Plan, a designation that pertains to those areas where specific plans have been adopted, in this case, the BLHSP.
10. The subject territory is zoned Single-Unit Residential-Planned Development (R1-PD) by the 2015 Targeted General Plan Amendment & Zoning Ordinance Update.
11. The subject territory is mostly undeveloped land; the Bass Lake North Project parcels are undeveloped, Parcel 66 contains a barn with a loft and an associated residence that has been burned down.
12. There are two (2) registered voters in the subject territory (Parcel 66); therefore, the subject territory is considered uninhabited per Government Code §56046.
13. The petition is consistent with the County's 2015 Updates to its General Plan and with the Bass Lake Hills Specific Plan.
14. The subject territory consists of a single tax rate area and is currently within TRA 100-080.

15. The total assessed land value of the subject territory is \$402,796.
16. The petition will assist the County's ability to meet its Regional Housing Needs Assessment allocations as determined by the Sacramento Area Council of Governments for moderate to high income groups.
17. Upon completion of the approval proceedings, EID shall provide water and wastewater services to the subject territory.
18. EID has planned for the provision of water and wastewater services to the subject territory and has developed a fee schedule, bonding funds, and assessments to provide funding for that service.
19. The petition 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.
20. This Commission independently has reviewed and considered the information contained in the Program EIR, the Addendum, 2016 Notice of Exemption (collectively referred to as "environmental determination") and administrative record for the petition and hereby authorizes the filing and posting of a Notice of Exemption in accordance with applicable CEQA statutory and Guidelines provisions.
21. The environmental determination 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.
22. The Program EIR and the 2016 Addendum included a Mitigation Monitoring Program that addressed measures necessary to mitigate the potentially significant effects of the entire project that the project could have on the surrounding area, and identified the responsible parties and included the provisions to be followed.
23. El Dorado County, in accordance with the California Environmental Quality Act ("CEQA") ultimately determined that, with implementation of adopted mitigation measures as described in the Program EIR, the Addendum and the Mitigation Monitoring and Reporting Program adopted for the annexation and other actions taken pursuant to this resolution would not have a significant impact on the environment.
24. This Commission finds that the environmental determination contains a complete, accurate and objective reporting of the environmental impacts associated with the annexation and reflect the independent judgment of the Commission.

25. This Commission further finds that the environmental determination has 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 environmental determination for the annexation.
27. This Commission has considered all comments received thereon in response to the public circulation of the 2016 Addendum and Notice of Exemption and said environmental determination is hereby accepted as the environmental review for the petition.
28. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
29. 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.
30. The area proposed for reorganization represents an orderly, logical and a justifiable extension of the EID boundaries.
31. The proposal is assigned the following short form designation:

Bass Lake North Annexation to the El Dorado Irrigation District (EID)  
LAFCO Project No. 2017-05
32. The Bass Lake North 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) 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.
  - (d) 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 March 28, 2018.
  - (e) 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.
33. 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.
34. The Executive Officer is hereby authorized and directed to file with the Clerk of the County of El Dorado, a Notice of Exemption for the annexation, pursuant to Title 14 California Code of Regulations §15062.
35. 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.
36. Upon and after the effective date of said reorganization, the affected 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 its 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.
39. All interested parties, including without limitation N.C. Brown Development, LLC, Obed and Lynn Patty Family Revocable Trust, BL Road, LLC, and Sequoia Investments, 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.
40. 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 March 28, 2018 by the following vote of said Commission.

	<b>AYE</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>	<b>NOT VOTING</b>
Commissioner Acuna	<input type="checkbox"/>				
Commissioner Anderly	<input type="checkbox"/>				
Commissioner Frentzen	<input type="checkbox"/>				
Commissioner Humphreys	<input type="checkbox"/>				
Commissioner Laine	<input type="checkbox"/>				
Commissioner Palmer	<input type="checkbox"/>				
Commissioner Veerkamp	<input type="checkbox"/>				
Alt. Commissioner Clerici	<input type="checkbox"/>				
Alt. Commissioner Morrison	<input type="checkbox"/>				
Alt. Commissioner Powell	<input type="checkbox"/>				
Alt. Commissioner Ranalli	<input type="checkbox"/>				

ATTEST:

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Interim Clerk to the Commission

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Chairperson