

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2022-04

Pacileo Annexation into the El Dorado Irrigation District LAFCO Project No. 2021-03

WHEREAS, on July 2, 2021, Richard and Virginia Pacileo, 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 petition is in conformance with Government Code §56650 et seq.; and

WHEREAS, the proposal was assigned LAFCO Project No. 2021-03 and is referred to as the “Pacileo Annexation into the El Dorado Irrigation District”; and

WHEREAS, the subject territory is commonly known as Assessor’s Parcel Number (APN) 092-060-055 and consists of approximately 0.83 acres; and

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

WHEREAS, Revenue and Taxation Code §99 requires an agreement for the exchange of property tax revenues in the event of a jurisdictional change of local agencies; and

WHEREAS, property tax exchange negotiations were completed and approved by the County of El Dorado (“the County”) in Resolution 137-2021 on November 9, 2021; and

WHEREAS, EID Board Policy 9030 authorizes the General Manager to represent the EID Board of Directors in negotiations; and

WHEREAS, on September 13, 2021, the EID General Manager accepted the County’s property tax increment, requested termination of the informational hearing proceedings, and supported the annexation for purposes of Government Code §56857(e); and

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

WHEREAS, the Executive Officer reviewed the annexation for conformance under the California Environmental Quality Act (“CEQA”) and determined that the annexation is consistent with the determinations of a Class 19 Categorical Exemption under Section 15319 of the State CEQA Guidelines; and

WHEREAS, the Executive Officer examined the petition, certified that it is adequate and has accepted the petition for filing on April 20, 2022; and

WHEREAS, the Executive Officer set a public hearing for May 25, 2022 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 May 25, 2022 meeting during which the petition was considered; and

WHEREAS, on May 25, 2022, 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 true and correct.
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, 9 Mother Lode Recreation Tax, 10, and 10 Zone H, El Dorado County Resource Conservation District, El Dorado County Sheriff's Department, El Dorado County Surveyor's Office, El Dorado County Water Agency, Diamond Springs-El Dorado Fire Protection District, El Dorado Union High School District, Mother Lode Union School District, Los Rios Community College District, and U.S. Bureau of Reclamation.

4. Richard and Virginia Pacileo, as owners of 100% of the assessed value of the land within the subject territory, have given written consent to the annexation.
5. There are two (2) registered voters in the subject territory; therefore, the subject territory is considered uninhabited per Government Code §56046.
6. The EID, as the subject agency, has not requested in writing or otherwise that LAFCO hold protest proceedings on this petition.
7. The Conducting Authority proceedings are hereby waived in accordance with Government Code §56663(c).
8. APN 092-060-055 is within the EID sphere of influence and is contiguous to the existing boundary.
9. The subject property is designated Medium Density Residential (MDR) and is zoned One-acre Residential (R1A) by the 2015 Targeted General Plan Amendment and Zoning Ordinance Update.
10. The subject territory is currently developed with a 1,328 sq.ft. single-family residence.
11. The petition is consistent with the County's 2015 updates to its General Plan.
12. The subject territory consists of a single tax rate area and is currently within TRA 078-001.
13. The total assessed land value of the subject territory is \$9,562.
14. The petition will neither assist nor detract from the County's ability to meet its Regional Housing Needs Assessment allocations as determined by the Sacramento Area Council of Governments for any income groups.
15. Upon completion of the approval proceedings, EID shall continue to provide water service to the subject territory.

16. EID has planned for the provision of water service to the subject territory and has developed a fee schedule, bonding funds, and assessments to provide funding for that service.
17. CEQA Guidelines Section §15319(a) provides a categorical exemption to CEQA (Class 19) for, “annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.”
18. This petition is hereby found to be categorically exempt from CEQA pursuant to California Code of Regulations §15319.
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. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
21. 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.
22. The area proposed for reorganization represents an orderly, logical and a justifiable extension of the EID boundaries.
23. The proposal is assigned the following short form designation:

Pacileo Annexation into the El Dorado Irrigation District (EID);
LAFCO Project No. 2021-03
24. The Pacileo Annexation into 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 May 25, 2022.
 - (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.
25. 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.
26. 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.
27. 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.
28. 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 the El Dorado Irrigation District, 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.

29. All interested parties, including without limitation Richard and Virginia Pacileo, 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.

30. 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 May 25, 2022 by the following vote of said Commission.

	AYE	NO	ABSTAIN	ABSENT	NOT VOTING
Commissioner Bass	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Hidahl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Neau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Turnboo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Veerkamp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner White	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Borelli	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Saunders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Thomas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

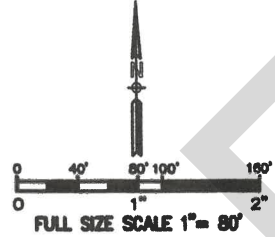
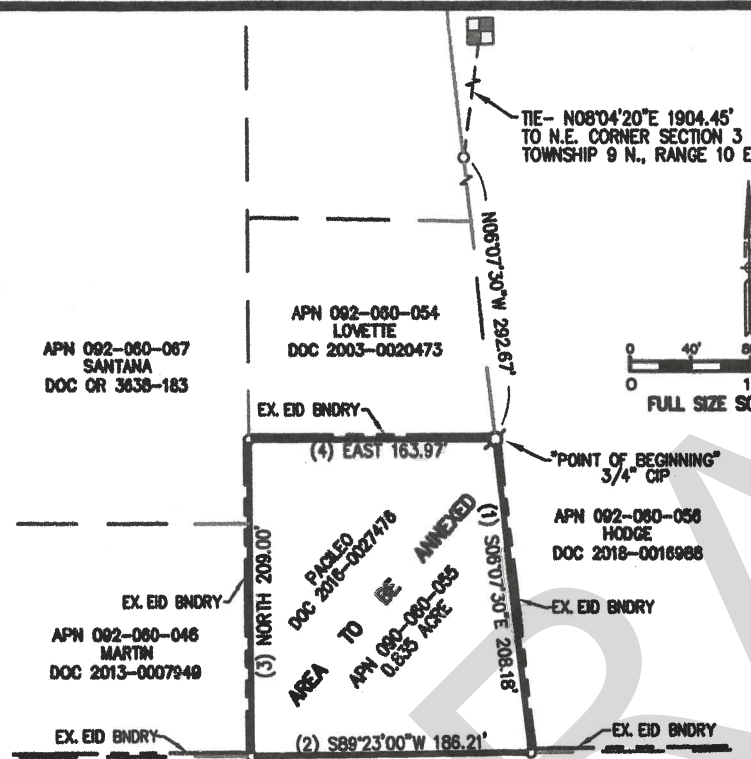
ATTEST:

Interim Executive Officer

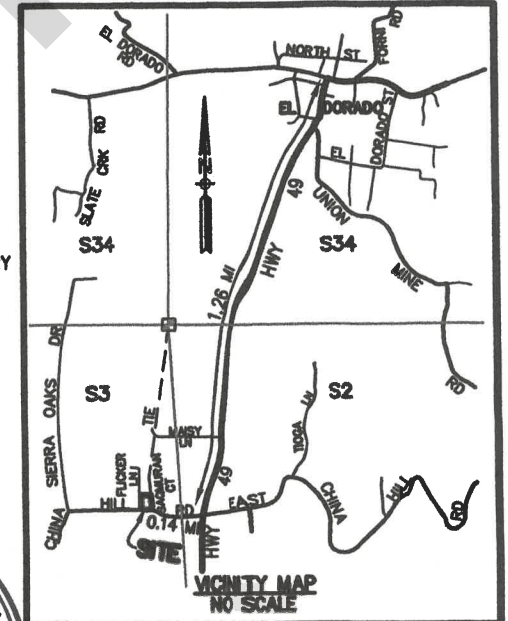
Chairperson

BOUNDARY MAP

LAFCO PROJECT NO. 21-03
PACLEO ANNEXATION TO EL DORADO IRRIGATION DISTRICT
A PORTION OF THE NORTHEAST 1/4 OF SECTION 3,
T. 9 N., R. 10 E., M.D.M.
COUNTY OF EL DORADO - STATE OF CALIFORNIA
MARCH, 2022 SCALE 1" = 80'



- LEGEND**
- DEED BOUNDARY
 - - - EXISTING EID BOUNDARY
 - - - EXISTING ADJOINER PARCEL BNDRY
 - - - EXISTING SECTION LINE
 - S2 USGS SECTION NUMBER
 - CORNER MONUMENT AS SHOWN.
 - DIMENSION PT
 - EX. EXISTING
 - BNDRY BOUNDARY
 - (1) COURSE NUMBER
 - SECTION CORNER



CHINA HILL RD

APN 092-080-051
BROOKS
DOC 2011-0017991

SURVEYOR'S STATEMENT

THIS BOUNDARY MAP WAS PREPARED IN DECEMBER 2021 AND IS FOR ASSESSMENT PURPOSES ONLY



Ken W. Purcell 3/24/22
KEN W. PURCELL RCE 20329 DATED

COUNTY SURVEYOR'S STATEMENT

THIS EXHIBIT MEETS THE REQUIREMENTS OF THE STATE BOARD OF EQUALIZATION, THE EL DORADO COUNTY RECORDER'S OFFICE AND CONFORMS TO THE LINES OF ASSESSMENT.



Brian K. Frazier 4-8-22
BRIAN K. FRAZIER PLS 9590 DATED

APPROVED BY:

LOCAL AGENCY FORMATION COMMISSION
EL DORADO COUNTY, CA

EXECUTIVE OFFICER _____ DATED _____

EL DORADO
APR 15 2022
LAFCO

21-03 BNDRY MAP REV 1

LAFCO PROJECT NO. 2021-03
ANNEXATION TO EL DORADO IRRIGATION DISTRICT
GEOGRAPHIC DESCRIPTION

All that portion of the Northeast 1/4 of Section 3, Township 9 North, Range 10 East, M.D.B.& M., described as follows:

BEGINNING at the Northeast corner of the parcel herein described, a 3/4 inch capped iron pipe, from which the Northeast corner of said Section 3 bears (2 courses) North 06°07'30" West 292.67' and North 08°04'20" East 1904.45'; thence, from said **Point of Beginning**,

- (1) Along the existing boundary of the El Dorado Irrigation District (E.I.D.), South 06°07'30" East 208.18' to the Southeast corner of the herein described parcel and an angle point in the existing boundary of E.I.D.,
- (2) Thence leaving the existing boundary of E.I.D., South 89°23'00" West 186.21' to the Southwest corner of the herein described parcel, to an angle point in the existing boundary of E.I.D.,
- (3) Thence along the existing boundary of E.I.D., North 209.00' to the Northwest corner of the herein described parcel; thence,
- (4) Continuing along the existing boundary of E.I.D., East 163.97" to the Point of Beginning,

Containing 0.835 acres more or less

This description is for assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as a basis for an offer for sale of the land described.



Ken W. Purcell, RCE 20329

4/8/22

DATED



3/24/22
Rev2

EL DORADO
APR 15 2022
LAFCO