

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2007-03

Naef Reorganization LAFCO Project No. 05-06

WHEREAS, on March 2, 2005, Rodney and Kathryn Naef, owners of 100% of the assessed value of the territory originally included in the proposal [Assessors Parcel Number (APN) 110-430-04, hereinafter referred to as the "Naef Property"], submitted a landowner petition ("petition") requesting the annexation of the subject territory into the El Dorado Irrigation District (EID); and

WHEREAS, on April 28, 2005, Rodney and Kathryn Naef, submitted written consent requesting amendment of the petition to include annexation of the subject territory into the El Dorado Hills Community Services District (EDHCSD) with concurrent detachment from County Service Area (CSA) 9, Zone 17 and to include APN 126-100-21 in the reorganization proposal; and

WHEREAS, on January 25, 2006, Rodney and Kathryn Naef, submitted written consent requesting amendment of the petition to include APNs 110-020-30 and 126-100-22 in the reorganization proposal; and

WHEREAS, on January 17, 2006, Marie Mitchell, owner of 100% of the assessed value of APN 110-020-30 (hereinafter referred to as the "Mitchell Property"), submitted written consent for the inclusion of this property in the reorganization application including annexation to EID and EDHCSD; and

WHEREAS, on January 18, 2006, Ken and Peggy Christensen, owners of 100% of the assessed value of APN 126-100-22 (hereinafter referred to as the "Christensen Property"), submitted written consent for the inclusion of this property in the reorganization application including annexation to EID and EDHCSD; and

WHEREAS, on February 3, 2006, Laura S. Gill, Chief Administrative Officer for El Dorado County, owner of 100% of the assessed value of APN 126-100-21 (hereinafter referred to as the "County Property"), submitted written consent for the inclusion of this property in the reorganization application including annexation to EID and EDHCSD; and

WHEREAS, Rodney and Kathryn Naef, as 25% of landowners who own 38.68% of the assessed value of the land shown in "Exhibit A" (hereinafter referred to as the "subject territory"), initiated the petition in conformance with Government Code §56864; and

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

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WHEREAS, the proposal was assigned LAFCO Project No. 05-06 and is referred to as the "Naef et al Reorganization to the El Dorado Irrigation District and the El Dorado Hills Community Services District"; and

WHEREAS, the subject territory is commonly known as Assessor's Parcel Numbers (APNs) 110-430-04, 110-020-30, 126-100-22 and 126-100-21 (approximately 18.59 acres); and

WHEREAS, the petition requests annexation of the subject territory into EID for the provision of municipal water service and EDHCSO for the provision of parks and recreation, CC&R enforcement, street lighting and landscape, solid waste management and cable television services with concurrent detachment from CSA 9, Zone 17; and

WHEREAS, a Categorical Exemption #19 under State Code §15319(a) has been prepared for the Naef Property and Christensen Property portions of the project by El Dorado LAFCO, as outlined by the California Environmental Quality Act ("CEQA"), and said Exemption is to be filed by March 1, 2007; and

WHEREAS, a General Exemption under State Code §15061(b)(3) has been prepared for the Mitchell Property and County Property portions of the project by El Dorado LAFCO, as outlined by the California Environmental Quality Act ("CEQA"), and said Exemption is to be filed by March 1, 2007; and

WHEREAS, within the scope of this environmental review, any potential environmental impacts of the project were considered and addressed; and

WHEREAS, the Executive Officer has examined the petition, certified that it is adequate and has accepted the petition for filing on December 14, 2006; and

WHEREAS, EID and EDHCSO 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, 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") on April 4, 2006, by EID on April 10, 2006 and by EDHCSO on March 32, 2006; and

WHEREAS, the Executive Officer set a public hearing for January 24, 2007 for consideration of the petition, Categorical Exemption #19 and General Exemption 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, Categorical Exemption #19 and General Exemption would be considered by this Commission at the hearing; and

WHEREAS, the Commission continued the public hearing until February 28, 2007 in order to comply with Noticing requirements outlined in Government Code §56145; 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 February 28, 2007 meeting during which the petition was considered; and

WHEREAS, on February 28, 2007, 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 Categorical Exemption #19, the General Exemption 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 Categorical Exemption #19 and determination, the General Exemption and 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 the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Government Code §56000 et seq.
3. The following agencies and districts were notified concerning this petition: El Dorado County Representing County Service Areas 7, 9, 10 and 10 Zone D; El Dorado Hills County Water District; Rescue Union Elementary School District; El Dorado Union High School District; Los Rios Community College District; El Dorado County Water Agency; El Dorado County Resource Conservation

- District; El Dorado County Assessor; El Dorado County Planning Department; El Dorado County Agricultural Commission; Farm Bureau; El Dorado County Surveyor's Office; and U.S. Bureau of Reclamation – Michael R. Finnegan.
4. There are five registered voters in the subject territory; therefore the subject territory is considered uninhabited per Government Code §56046.
 5. Rodney and Kathryn Naef, Ken and Peggy Christensen, Marie Mitchell and El Dorado County, as owners of 100% of the assessed value of the land within the subject territory, have given their written consent to the reorganization.
 6. EID and EDHCSD, as the subject agencies, have 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. The subject territory is within the EID and EDHCSD spheres of influence and is contiguous to the existing boundaries.
 9. All four parcels included in the subject property are designated Medium Density Residential (MDR) by the 2004 County General Plan.
 10. The Christensen Property, Mitchell Property and County Property are zoned Residential Estate, 10-acre minimum (RE-10).
 11. The Naef Property is zoned Residential Estate, 5-acre minimum (RE-5).
 12. The Naef Property and Christensen Property are currently developed land, each with existing single family residences.
 13. The County Property consists of two small undeveloped turnout areas located on the west side of Salmon Falls Road.
 14. The Mitchell Property is currently undeveloped land that is unbuildable due to steep topography.
 15. The petition is consistent with the County's 2004 General Plan.
 16. The subject territory consists of one tax rate area and is currently within TRA100-150.
 17. The total assessed land value of the subject territory is \$704,699.
 18. The petition will not affect 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.
 19. Upon approval of the reorganization petition, EID shall provide municipal water service to the subject territory.

20. EID has planned for the provision of municipal water service to the subject territory and has developed a fee schedule, bonding funds, and assessments to provide funding for that service.
21. Upon approval of the reorganization petition, EDHCSD shall provide parks and recreation, CC&R enforcement, street lighting and landscape, solid waste management and cable television services to the subject territory.
22. EDHCSD has planned for the provision of parks and recreation, CC&R enforcement, street lighting and landscape, solid waste management and cable television services to the subject territory and has developed a fee schedule, bonding funds, and assessments to provide funding for that service.
23. 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 and EDHCSD spheres of influence and the El Dorado LAFCO Policies and Guidelines.
24. CEQA Statute §15319(a) provides for the annexation of an area containing an existing private structure that is allowed under the current zoning.
25. CEQA Statute §15061(b)(3) finds that where it can be seen with certainty that there is no possibility of an activity having a significant effect on the environment, the activity is not subject to CEQA.
26. This petition is hereby found to be exempt from CEQA pursuant to a Categorical Exemption #19 for the Naef and Christensen Properties and a General Exemption §15061(b)(3) for the Mitchell and County Properties.
27. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
28. The reorganization 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.
29. The area proposed for reorganization represents an orderly, logical and a justifiable extension of the EID and EDHCSD boundaries.
30. The proposal is assigned the following short form designation:

Naef Reorganization
LAFCO Project No. 05-06
31. The Naef Reorganization, annexing the subject territory to EID and EDHCSD and detaching it from CSA 9, Zone 17 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 and EDHCS.
 - (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 February 28, 2007.
 - (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.
32. 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.
 33. The Executive Officer is hereby authorized and directed to file with the Clerk of the County of El Dorado, Notices of Exemption for the reorganization, pursuant to Title 14 California Code of Regulations §15062.
 34. 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.

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- 35. 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 and EDHCSD, hereafter referred to as "the Districts";
 - (b) Shall have the same rights and duties as if the affected territory has been a part of the Districts 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 Districts, including amounts which shall become due on account of any outstanding or then authorized but thereafter issued obligations of the Districts;
 - (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 Districts as now existing or hereafter amended.

- 39. All interested parties, including without limitation Rodney and Kathryn Naef, Ken and Peggy Christensen, Marie Mitchell and El Dorado County, 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 February 28, 2007 by the following vote of said Commission.

AYES:
 NOES:
 ABSTAIN:
 ABSENT:

ATTEST:

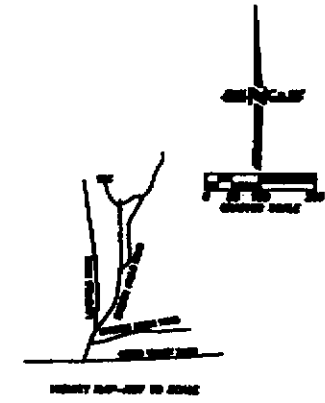
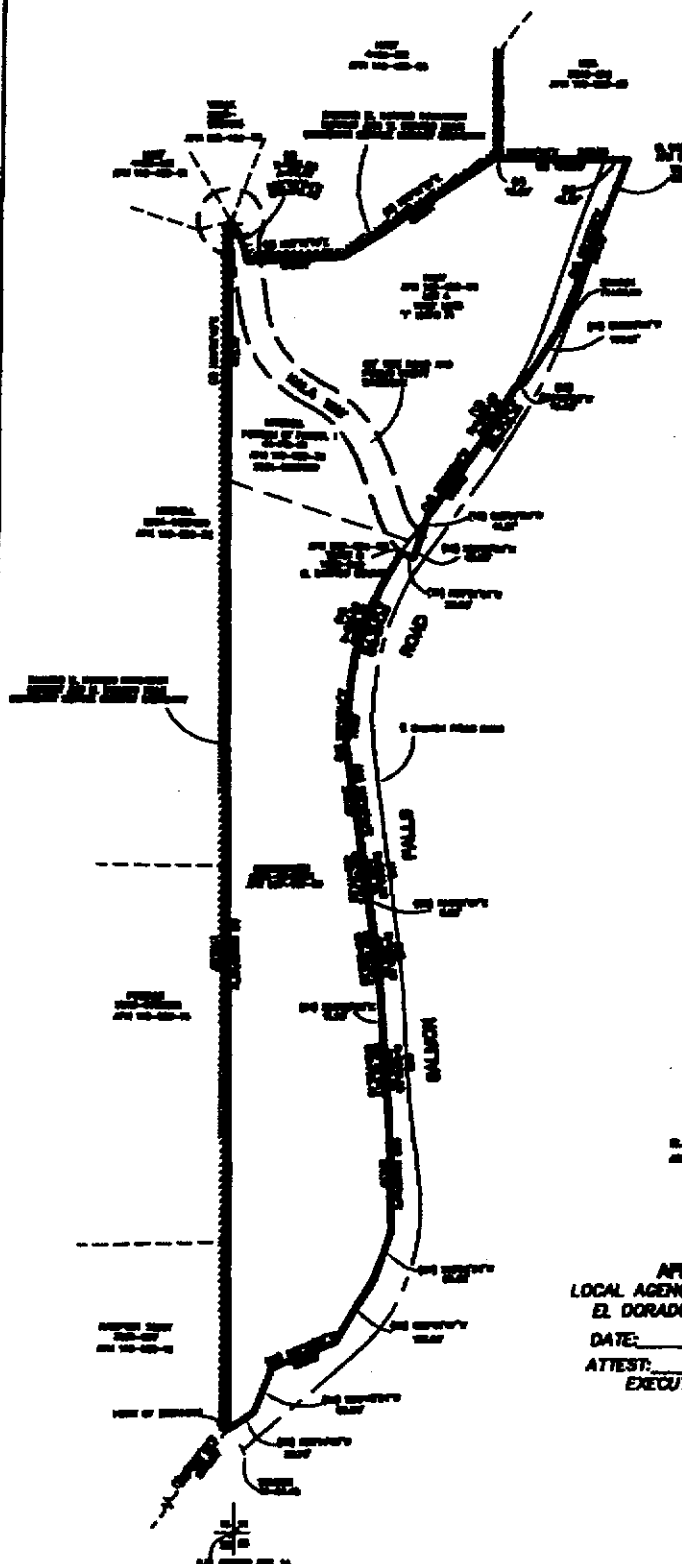
Clerk to the Commission

Chairperson

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BOUNDARY MAP
 A BOUNDARY MAP OF THE COUNTY OF EL DORADO, CALIFORNIA, SHOWING THE BOUNDARIES OF THE COUNTY OF EL DORADO, CALIFORNIA, AS DEFINED BY THE CONSTITUTION OF THE STATE OF CALIFORNIA, AND THE BOUNDARIES OF THE COUNTY OF EL DORADO, CALIFORNIA, AS DEFINED BY THE ACTS OF THE LEGISLATURE OF THE STATE OF CALIFORNIA.

BOUNDARY MAP
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LEGEND
 THE BOUNDARIES OF THE COUNTY OF EL DORADO, CALIFORNIA, AS DEFINED BY THE CONSTITUTION OF THE STATE OF CALIFORNIA, AND THE BOUNDARIES OF THE COUNTY OF EL DORADO, CALIFORNIA, AS DEFINED BY THE ACTS OF THE LEGISLATURE OF THE STATE OF CALIFORNIA.

SCALE
 1:100,000

COUNTY BOUNDARY
 THE BOUNDARIES OF THE COUNTY OF EL DORADO, CALIFORNIA, AS DEFINED BY THE CONSTITUTION OF THE STATE OF CALIFORNIA, AND THE BOUNDARIES OF THE COUNTY OF EL DORADO, CALIFORNIA, AS DEFINED BY THE ACTS OF THE LEGISLATURE OF THE STATE OF CALIFORNIA.

ROADS
 THE BOUNDARIES OF THE COUNTY OF EL DORADO, CALIFORNIA, AS DEFINED BY THE CONSTITUTION OF THE STATE OF CALIFORNIA, AND THE BOUNDARIES OF THE COUNTY OF EL DORADO, CALIFORNIA, AS DEFINED BY THE ACTS OF THE LEGISLATURE OF THE STATE OF CALIFORNIA.

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LEGEND
 THE BOUNDARIES OF THE COUNTY OF EL DORADO, CALIFORNIA, AS DEFINED BY THE CONSTITUTION OF THE STATE OF CALIFORNIA, AND THE BOUNDARIES OF THE COUNTY OF EL DORADO, CALIFORNIA, AS DEFINED BY THE ACTS OF THE LEGISLATURE OF THE STATE OF CALIFORNIA.

AFFIRMED BY
 LOCAL AGENCY FORMATION COMMISSION
 EL DORADO COUNTY, CA 95867
 DATE: _____
 ATTEST:
 EXECUTIVE OFFICER



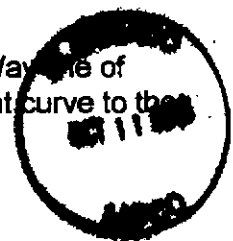
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**L.A.F.C.O. PROJECT 05-06
ANNEXATION TO THE EL DORADO HILLS COMMUNITY SERVICE DISTRICT AND
THE EL DORADO IRRIGATION DISTRICT
WITH CONCURRENT DETACHMENT FROM ZONE 17 OF CSA 9.
GEOGRAPHIC DESCRIPTION**

All that certain real property, situate in a portion of the west 1/2 of Section 14, Township 10 North, Range 8 East, M.D.M., County of El Dorado, State of California, being: all of Lot 4, as laid out and shown on the map entitled "Naef Lots" filed in Book "I" of Maps, at Page 71, in the office of the El Dorado County Recorder; a portion of Parcel 1, as laid out and shown on the map filed in Book 44 of Parcel Maps, at Page 91, in said office of the El Dorado County Recorder; all of that Parcel described in a deed conveyed to the Ken G. Christensen and Peggy R. Christensen Trust and filed as Document 2006-0040036 in said office of the El Dorado County Recorder; and, all those two Tracts described in a deed conveyed to the County of El Dorado, California and recorded in Book 1385 at page 366 in said office of the El Dorado County Recorder, and all more particularly described as follows:

Beginning at the southern most corner of the first above mentioned deed to the Christensen Trust, said Point of Beginning being common with the eastern most corner of Parcel "D" as laid out and shown on that Parcel map filed in Book 16 of Parcel Maps, at Page 48, in said office of the El Dorado County Recorder and on the western Right of Way line of Salmon Falls Road, said Point of Beginning being

- (1) North 38°07'52" East 2,113.28 feet from the southwestern most corner of said section 14; thence along the existing El Dorado Community Service District and the El Dorado Irrigation District the following Five courses, and along the western most boundary of said the first above mentioned deed conveyed to said Christensen Trust the following course:
- (2) North 00°36'09" West 1,733.53 feet; thence through said above mentioned Parcel 1
- (3) North 00°26'48" East 472.14 feet to the center of the cul-de-sac at the end of Kaila Way, as laid out and shown on said map of "Naef Lots" and to the beginning of a 150.00 feet radius non-tangent curve to the right; thence along the southwestern boundary of Lot 3 as laid out and shown on said map of "Naef Lots",
- (4) southeasterly along said curve an arc distance of 78.91 feet, through a central angle of 30°08'24", and subtended by a chord which bears South 22°39'04" East 78.00 feet to the northwestern most corner of said above mentioned Lot 4; thence along the northern boundary of said Lot 4 the four following courses:
- (5) North 87°13'13" East 175.84 feet; thence
- (6) North 55°31'31" East 320.41 feet; thence
- (7) South 89°26'43" East 15.00 feet; thence leaving said existing boundary of the El Dorado Community Service District and the El Dorado Irrigation District and continuing,
- (8) South 89°26'43" East 183.98 feet to said western Right of Way line of Salmon Falls Road and the northwestern most corner of "Tract 10" as described in the second above mentioned deed conveyed to said El Dorado County; thence along the northern and eastern boundary of said "Tract 10" the four following courses:
- (9) South 89°26'43" East 41.57 feet; thence
- (10) South 21°33'30" West 337.19 feet; thence
- (11) South 33°23'30" West 108.81 feet; thence
- (12) South 54°40'00" West 19.45 feet to a point on said western Right of Way line of Salmon Falls Road and the beginning of a 1,060.00 feet radius non-tangent curve to the



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right; thence along said Right of Way and the eastern boundary of said Lot 4 the two following courses:

(13) Southwesterly along said curve an arc distance of 139.40 feet, through a central angle of 07°32'06", and subtended by a chord which bears South 31°23'49" West 139.30 feet; thence

(14) South 35°09'52" West 140.46 feet to northern most corner of "Tract 9" as described in said second above mentioned deed to El Dorado County; thence along the eastern and southern boundary of said "Tract 9" the three following courses:

(15) South 18°04'20" West 41.21 feet; thence

(16) South 16°50'30" West 40.00 feet; thence

(17) North 67°31'54" West 25.03 feet to a point on said western Right of Way line of Salmon Falls Road and the beginning of a 540.00 feet radius non-tangent curve to the left; thence along said Right of Way and the eastern boundary of said first herein mentioned deed to said Christensen Trust the fifteen following courses:

(18) southerly along said curve an arc distance of 298.38 feet, through a central angle of 31°39'33", and subtended by a chord which bears South 17°32'29" West 294.60 feet; thence

(19) South 01°42'44" West 73.65 feet; thence

(20) South 07°49'44" East 206.25 feet to the beginning of a 2,890.00 feet radius curve to the left; thence

(21) southerly along said curve an arc distance of 77.53 feet, through a central angle of 01°32'13", and subtended by a chord which bears South 08°35'50" East 77.52 feet; thence

(22) South 09°21'57" East 0.09 feet to the beginning of a 1,960.00 feet radius curve to the right; thence

(23) southerly along said curve an arc distance of 220.62 feet, through a central angle of 06°26'57", and subtended by a chord which bears South 06°08'29" East 220.50 feet; thence

(24) South 02°55'00" East 11.13 feet to the beginning of a 3,040.00 feet radius curve to the left; thence

(25) southerly along said curve an arc distance of 166.50 feet, through a central angle of 03°08'17", and subtended by a chord which bears South 04°29'08" East 166.48 feet; thence

(26) South 01°25'43" East 213.13 feet; thence

(27) South 18°02'34" West 84.85 feet; thence

(28) South 29°42'47" West 136.60 feet; thence

(29) South 67°46'37" West 123.18 feet; thence

(30) South 20°45'24" West 85.00 feet; thence

(31) South 55°14'43" West 58.70 feet to the point of beginning.

Containing 16.338 acres of land.

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 the basis for an offer for sale of the land described.


10-06-06
ALAN R. DIVERS, L-6013
MY LICENSE EXPIRES 3-31-2007

