

# EL DORADO LAFCO

## LOCAL AGENCY FORMATION COMMISSION

### **RESOLUTION NUMBER L-2020-11**

AT&T / Bloxsom Annexation to El Dorado County Fire Protection District  
LAFCO Project No. 2019-04

**WHEREAS**, on September 3, 2019, Jason and Jennifer Bloxsom, owners of 100% of the assessed value of the land shown in “Exhibit A” (hereinafter referred to as the “subject territory”), represented by Complete Wireless Consulting, Inc. on behalf of AT&T Mobility, submitted a landowner petition (“petition”) requesting the annexation of the subject territory into the El Dorado County Fire Protection District (EDCFPD); and

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

**WHEREAS**, the proposal was assigned LAFCO Project No. 2019-04 and is referred to as the “AT&T/Bloxsom Annexation to the El Dorado County Fire Protection District”; and

**WHEREAS**, the subject territory includes Assessor’s Parcel Number (APN) 089-010-075; and

**WHEREAS**, the subject territory consists of approximately 50.0 acres; and

**WHEREAS**, the petition requests the annexation of the subject territory, into EDCFPD for the provision of fire protection and emergency medical services; 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 December 10, 2019 by Resolution 213-2019; and

**WHEREAS**, EDCFPD adopted Resolution 2019-09 on December 12, 2019, agreeing to the proposed property tax increment and supporting the proposed change of organization; and

**WHEREAS**, pursuant to Government Code §56857(e), informational hearing proceedings were not required; and

**WHEREAS**, acting on behalf of El Dorado County as Lead Agency, the El Dorado County Planning Commission adopted a Mitigated Negative Declaration of Environmental Impact (MND) for the project on May 23, 2019, 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 MND, 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, LAFCO has independently reviewed and considered El Dorado County’s MND, and has determined that any potential environmental impacts of the project were considered and addressed within the scope of the MND; and

**WHEREAS**, the Executive Officer examined the petition, certified that it is adequate and has accepted the petition for filing on June 11, 2020; and

**WHEREAS**, the Executive Officer set a public hearing for July 22, 2020 for consideration of the petition and the MND 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 July 22, 2020 meeting during which the petition was considered; and

**WHEREAS**, on July 22, 2020, 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 Zone 19, 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, El Dorado Irrigation District, El Dorado Union High School District, Gold Trail Union School District, Los Rios Community College District, and Rescue Fire Protection District.
4. Jason and Jennifer Bloxsom, as owners of 100% of the assessed value of the land within the subject territory, have given their 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 EDCFPD, as the subject agency, has/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 EDCFPD sphere of influence and is contiguous to the existing boundary.
9. The subject property is designated Agricultural Lands (AL) and is zoned Agricultural Grazing, 40-Acre Minimum (AG-40) by the 2015 Land Use Element of the County's General Plan.
10. The subject territory is currently developed land with a single-family residence, barn, and 115-foot stealth mono-broadleaf communications tower (AT&T Gold Hill/Coloma Telecommunications Facility).

11. The AT&T Gold Hill/Coloma Telecommunications Facility is a conditionally permitted use in the AG-40 zone, allowed by Conditional Use Permit CUP18-0007, approved by the El Dorado County Planning Commission on May 23, 2019.
12. The petition is consistent with the County's 2015 Updates to its General Plan.
13. The subject territory consists of a single tax rate area and is currently within TRA 072-054.
14. The total assessed land value of the subject territory is \$93,466.
15. The subject territory is under an active Williamson Act Contract for agricultural conservation.
16. 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.
17. Upon completion of the approval proceedings, the EDCFPD shall provide fire protection and emergency medical services to the subject territory.
18. The EDCFPD has planned for the provision of fire protection and emergency medical services to the subject territory and has developed a fee schedule 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 EDCFPD sphere of influence and the El Dorado LAFCO Policies and Guidelines.
20. This Commission independently reviewed and considered the information contained in the MND, Initial Study and Notice of Determination (collectively referred to as "environmental determination") and administrative record for the petition and hereby authorizes the filing and posting of a Notice of Determination 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 environmental determination included a Mitigation Monitoring and Reporting 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 Mitigated Negative Declaration 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 judgement 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 environmental determination, 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 EDCFPD boundaries.
31. The proposal is assigned the following short form designation:

AT&T / Bloxsom Annexation into the El Dorado County Fire Protection District  
(EDCFPD)  
LAFCO Project No. 2019-04
32. The AT&T / Bloxsom Annexation into the El Dorado County Fire Protection 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 the EDCFPD.
  - (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 July 22, 2020.
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 Determination for the annexation, pursuant to Title 14 California Code of Regulations §15075.
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 EDCFPD, 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 Jason and Jennifer Bloxsom, Complete Wireless Consulting, Inc. and AT&T Mobility, 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 July 22, 2020 by the following vote of said Commission.

	AYE	NO	ABSTAIN	ABSENT	NOT VOTING
Commissioner Acuna	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Bass	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Frentzen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Morrison	<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 Palmer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Powell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Anderly	<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 Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alt. Commissioner Veerkamp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

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Executive Officer

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Chairperson