

EL DORADO LAFCO
LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2008-29

**Visman Annexation to EID
LAFCO Project No. 2007-05**

WHEREAS, on July 16, 2007, Michael and Nancy Visman and Doug and Kathleen Runkle submitted a landowner petition ("petition") to El Dorado LAFCO requesting the annexation of APNs 085-460-16, 085-460-20 and 085-460-21 (hereinafter referred to as the "Visman and Runkle Properties") into the El Dorado Irrigation District (EID); and

WHEREAS, on August 17, 2007, Richard Winkleman, owner of 100% of the assessed value of APN 085-740-35, submitted written consent for the inclusion of a 0.6-acre portion of this property into the annexation application; and

WHEREAS, Michael and Nancy Visman and Doug and Kathleen Runkle, as 80% of landowners who own 97.90% 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

WHEREAS, the proposal was assigned LAFCO Project No. 2007-05 and is referred to as the "Visman Annexation to the El Dorado Irrigation District"; and

WHEREAS, the subject territory is comprised of approximately 49.98 acres; and

WHEREAS, the petition requests the annexation of the subject territory, into the El Dorado Irrigation District for the provision of residential and agricultural water service; and

WHEREAS, within the scope of this environmental review, any potential environmental impacts of the project were considered and addressed; 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, 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 11, 2007, and by EID on December 18, 2007; and

WHEREAS, the Executive Officer reviewed the APN 085-460-16 (Visman) portion of the project for conformance under the California Environmental Quality Act ("CEQA") and determined that this portion was consistent with the determinations of a Categorical Exemption #19 under State Code §15319(a), a Notice of Exemption has been prepared, as outlined by CEQA, and said Exemption is to be filed on or about July 24, 2008; and

WHEREAS, the Executive Officer reviewed the APN 085-460-21 (Visman) and APN 085-460-20 (Runkle) portions of the project for conformance under CEQA and determined that this portion was consistent with the determinations under CEQA Regulation §15183(a), which state that, "projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site," because the Executive Officer found that no project-specific effects requiring additional review were present. A Notice of Exemption was prepared, as outlined by CEQA, and said Exemption is to be filed on or about July 24, 2008; and

WHEREAS, the Executive Officer reviewed the APN 085-740-35 portion of the project for conformance under CEQA and determined that this portion was consistent with the determinations of a General Exemption under State Code §15061(b)(3) has been prepared for the Farr Property portion of the project by El Dorado LAFCO, a Notice of Exemption was prepared, as outlined by CEQA, and said Exemption is to be filed on or about July 24, 2008; and

WHEREAS, on June 6, 2008, Lorin Farr, the new owner of 100% of the assessed value of APN 085-740-35 purchased from Mr. Winkleman (hereinafter referred to as the "Farr Property"), submitted written consent for the inclusion of a 0.6-acre portion of this property in the annexation application; and

WHEREAS, the Executive Officer has examined the petition, certified that it is adequate and has accepted the petition for filing on June 13, 2008; and

WHEREAS, the Executive Officer set a public hearing for July 23, 2008 for consideration of the petition, the respective CEQA exemptions applicable to this project 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, the Categorical Exemption #19, the exemptions under CEQA Regulation §15183(a) and General Exemption §15061(b)(3) 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 23, 2008 meeting during which the petition was considered; and

WHEREAS, on July 23, 2008, 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 exemptions under CEQA Regulation §15183(a) and General Exemption §15061(b)(3) 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, CEQA Regulation, 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 Irrigation District
 - El Dorado County CSA 7, 9, 10, 9 Zone 18, 10 Zone HH
 - El Dorado County 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
 - Camino 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
 - US Bureau of Reclamation
4. There are three registered voters in the subject territory; therefore the subject territory is considered uninhabited per Government Code §56046.
 5. Michael and Nancy Visman, Doug and Kathleen Runkle and Lorin Farr, as owners of 100% of the assessed value of the land within the subject territory, have given their written consent to the annexation.
 6. 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. The subject properties are within the EID sphere of influence and are contiguous to the existing boundary.
 9. The subject properties are designated Agricultural Land (AL) and is zoned Select Agricultural (SA-10) by the 2004 County General Plan.
 10. The subject territory is within the Camino Agricultural District Overlay implemented by the 2004 County General Plan.
 11. The subject properties are substantially developed land with agricultural and residential uses.
 12. The petition is consistent with the current zoning and the County's 2004 General Plan.
 13. The subject territory consists of one tax rate area(s) and is currently within TRA 055-027.
 14. The total assessed land value of the subject territory is \$700,645.
 15. The petition will not assist 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.
 16. Upon completion of the approval proceedings, EID shall provide residential and agricultural water to the subject territory.

17. 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.
18. 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.
19. CEQA Statute §15319(a) provides for the annexation of an area containing an existing private structure that is allowed under the current zoning.
20. CEQA Regulation 15183(a) provides for projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, shall not require additional review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. No project-specific effects were found.
21. 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.
22. This petition is hereby found to be exempt from CEQA pursuant to §§15319(a), 15183(a) and 15061(b)(3).
23. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
24. 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.
25. The area proposed for reorganization represents an orderly, logical and a justifiable extension of the EID boundaries.
26. The proposal is assigned the following short form designation:

Visman Annexation to EID
LAFCO Project No. 2007-05

27. The Visman Annexation to EID, annexing the subject territory to EID, 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 July 23, 2008.
 - (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.
28. 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.
 29. The Executive Officer is hereby authorized and directed to file with the Clerk of the County of El Dorado, Notices of Exemption for the annexation, pursuant to Title 14 California Code of Regulations §15062.
 30. 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.
 31. 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 Michael and Nancy Visman, Doug and Kathleen Runkle and Lorin Farr 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 23, 2008 by the following vote of said Commission.

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Clerk to the Commission

Chairperson

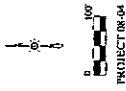
EXHIBIT A

EL DORADO
JUN -3 2008
LAFCO

BOUNDARY MAP
L.A.F.C.O. PROJECT No. 07-05
FARR, RUNKLE, & VISMAN ANNEXATION TO
EL DORADO IRRIGATION DISTRICT

A PORTION OF THE E. 1/2 OF SECTION 34, AND A PORTION OF THE W. 1/2 OF SECTION 35, T.11 N., R.11E., M.D.M.

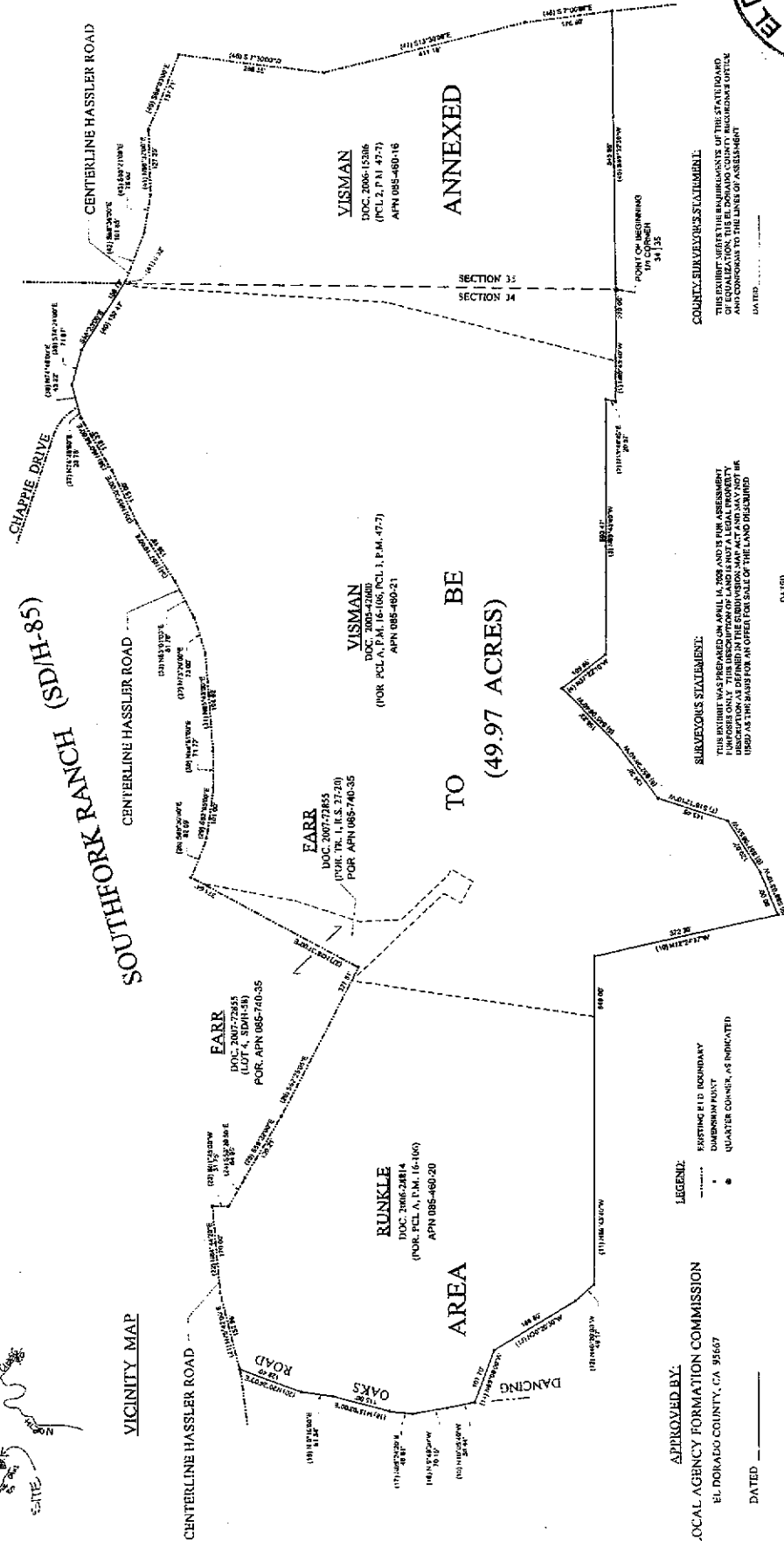
APRIL-2008



BASE OF BEARINGS
THE MEASUREMENT OF THIS SURVEY IS SUBSTANTIAL TO THAT OF P.M. 181614.4
P.M. 257 AND OF THE NINTH



VICINITY MAP



TO BE
(49.97 ACRES)

COUNTY SURVEYOR'S STATEMENT:
THIS EXHIBIT MEETS THE REQUIREMENTS OF THE STATUTORY
PURPOSE ONLY. THE SURVEYOR HAS CONDUCTED A VISUAL
INSPECTION OF THE LAND AND HAS FOUND IT TO BE
CONFORMANT TO THE LEVEL OF ACCURACY
DATE: _____ BY: _____
RICHARD L. BRUNN
COUNTY SURVEYOR
FACILITY: 4000 W. 10TH ST. STE. 100
P.O. BOX 100
DANFORTH, CA 95617

SUBSEQUENT STATEMENT:
THIS EXHIBIT WAS PREPARED ON APRIL 14, 2008 AND IS FOR ASSESSMENT
PURPOSE ONLY. THE SURVEYOR HAS CONDUCTED A VISUAL
INSPECTION OF THE LAND AND HAS FOUND IT TO BE
CONFORMANT TO THE LEVEL OF ACCURACY
DATE: _____ BY: _____
DAVID W. WARDEN
LICENSED SURVEYOR #9899

LEGEND:
- - - - - EXISTING E.I.D. BOUNDARY
• DIMENSION POINT
• QUARTER CORNER, AS INDICATED

APPROVED BY:
LOCAL AGENCY FORMATION COMMISSION
EL DORADO COUNTY, CA 95607

DATED _____
ATTEST: _____
EXECUTIVE OFFICER

34

L.A.F.C.O. PROJECT 07-05
GEOGRAPHIC DESCRIPTION

All that certain real property situated in the unincorporated area of the County of El Dorado, State of California, being a portion of the East half of Section 34, and the West half of Section 35, Township 11 North, Range 11 East, M.D.M., being more specifically portions of **Parcel A** of that certain map filed in Book 16 of **Parcel Maps** at Page 106, **Parcels 1 and 2** of that certain map filed in Book 47 of **Parcel Maps** at Page 7, and a portion of **Tract 1** of that certain map filed in Book 27 of **Record of Surveys** at Page 20, all on file in the office of the El Dorado County Recorder, more particularly described as follows:

Beginning at the quarter corner common to Sections 34 & 35, said point being on the South line of Parcel 2 of Parcel Map 47-7; thence from said **POINT OF BEGINNING** the following (49) courses and distances:

- (1) Westerly along the Southerly lines of Parcels 1 & 2 of said Parcel Map 47-7 North 89°43'40" West 220.00 feet; thence
- (2) North 13°46'45" East 20.57 feet; thence
- (3) North 89°43'40" West 503.47 feet; thence along the Southerly, Westerly, and Northerly lines of Parcel A of said Parcel Map 16-106
- (4) North 37°22'10" West 109.86 feet; thence
- (5) South 45°08'40" West 156.23 feet; thence
- (6) South 52°38'40" West 134.38 feet; thence
- (7) South 18°12'10" West 143.40 feet; thence
- (8) South 57°58'55" West 120.02 feet; thence
- (9) South 68°03'10" West 90.00 feet; thence
- (10) North 12°24'37" West 372.30 feet; thence
- (11) North 89°43'40" West 640.00 feet; thence
- (12) North 40°20'00" West 49.17 feet; thence
- (13) North 30°20'30" West 188.80 feet; thence
- (14) North 69°09'00" West 107.70 feet to the Westerly side of Dancing Oaks Road being also the Westerly line of said Parcel A; thence along the Westerly line of said Parcel A and the Westerly side of said road
- (15) North 10°05'40" West 56.44 feet; thence
- (16) North 09°49'30" West 70.15 feet; thence
- (17) North 05°24'20" East 46.61 feet; thence
- (18) North 15°03'00" East 115.00 feet; thence
- (19) North 08°16'00" East 61.54 feet; thence



- (20) North 20°24'00" East 128.40 feet to the centerline of Hassler Road and existing El Dorado Irrigation District Boundary being also the Northwest corner of said Parcel A; thence along said centerline, Northerly line of said Parcel A, and existing boundary
- (21) North 75°42'00" East 152.96 feet; thence
- (22) North 84°44'20" East 170.00 feet; thence leaving said centerline and following said Northerly line of Parcel A and existing boundary
- (23) South 01°45'00" West 31.75 feet; thence
- (24) South 59°29'50" East 64.95 feet; thence
- (25) South 59°22'00" East 139.21 feet; thence
- (26) South 62°25'05" East 327.81 feet; thence
- (27) North 28°37'00" East 371.64 feet to the centerline of Hassler Road; thence continuing along said centerline and existing boundary along the Northerly line of Parcel 1 of said Parcel Map 47-7
- (28) South 68°36'00" East 82.59 feet; thence
- (29) South 82°05'00" East 101.00 feet; thence
- (30) North 89°51'00" East 71.72 feet; thence
- (31) North 85°43'00" East 194.62 feet; thence
- (32) North 73°20'00" East 73.00 feet; thence
- (33) North 63°01'00" East 81.78 feet; thence
- (34) North 57°19'00" East 136.19 feet; thence
- (35) North 65°32'00" East 115.00 feet; thence
- (36) North 60°58'00" East 118.33 feet; thence
- (37) North 74°45'00" East 23.78 feet to the to a point where said existing boundary leaves the Hassler Road centerline in a Northerly direction along the centerline of Chappie Drive; thence leaving said existing boundary and continuing along the centerline of Hassler Road and the Northerly line of Parcel 2 of said Parcel Map 47-7
- (38) North 74°45'00" East 43.22 feet; thence
- (39) South 74°24'00" East 71.87 feet; thence
- (40) South 58°25'00" East 152.47 feet to the point of intersection with the existing El Dorado Irrigation District Boundary; thence along said centerline and existing boundary along the Northerly and Easterly lines of Parcel 2 of said Parcel Map 47-7
- (41) South 58°25'00" East 6.32 feet; thence
- (42) South 68°38'00" East 101.85 feet; thence

- (43) South 80°21'00" East 75.00 feet; thence
- (44) North 88°32'00" East 127.25 feet; thence
- (45) South 68°03'00" East 157.71 feet to the Northeast corner of said Parcel 2;
thence leaving said centerline and following the existing boundary along the
Easterly line of said Parcel 2
- (46) South 07°30'00" West 286.55 feet; thence
- (47) South 13°30'00" East 411.18 feet; thence
- (48) South 07°00'00" East 176.60 feet to the Southeast corner of said Parcel 2;
thence leaving said existing boundary along the South line of said Parcel 2
- (49) South 89°32'30" West 545.96 feet to the **POINT OF BEGINNING**.

Containing 49.97 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 the basis for an offer for sale of the land described.



Dated: 5/23/08

David F. Waddell LS5526
License Expires 9-30-08

