

# EL DORADO LAFCO

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LOCAL AGENCY FORMATION COMMISSION

## **RESOLUTION NUMBER L-2014-14**

### Shingle Springs Montessori School Annexation to the El Dorado Irrigation District LAFCO Project No. 2014-02

**WHEREAS**, on January 31, 2014, the California Montessori Project (“petitioner”), owner of 100% of the assessed value of the territory shown in “Exhibit A” (hereinafter referred to as the “subject territory”) submitted a landowner petition (“petition”) requesting 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. 2014-02 and is referred to as the “Shingle Springs Montessori School Annexation to the El Dorado Irrigation District”; and

**WHEREAS**, the subject territory is commonly known as Assessor’s Parcel Number (APN) 319-220-57 (approximately 10 acres); and

**WHEREAS**, the petition requests annexation of the subject territory into EID for the provision of water and wastewater 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 April 1, 2014, and by EID on April 10, 2014; and

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

**WHEREAS**, a Mitigated Negative Declaration of Environmental Impact (MND) has been prepared for the project by the California Montessori Project, as outlined by the California Environmental Quality Act (“CEQA”); and

**WHEREAS**, the El Dorado Local Agency Formation Commission (“LAFCO”) has reviewed said MND, a copy of which is filed at the LAFCO office; and

**WHEREAS**, a supplemental Addendum to the Mitigated Negative Declaration of Environmental Impact (Addendum) has been prepared for the project by LAFCO to provide additional analysis of the environmental impact to Utilities and Service Systems, as outlined by CEQA; and

**WHEREAS**, within the scope of the MND and Addendum, 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 September 3, 2014; and

**WHEREAS**, the Executive Officer set a public hearing for October 22, 2014 for consideration of the petition, MND and Addendum 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, MND and Addendum 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 October 22, 2014 meeting during which the petition was considered; and

**WHEREAS**, on October 22, 2014, 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, MND and Addendum, 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 MND, Addendum and determinations, 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 Fire Protection District; El Dorado County Emergency Services Authority; El Dorado County CSA 7, 9, 9 Zone 17, 10 and 10 Zone H; El Dorado County Water Agency; El Dorado County Resource Conservation District; El Dorado County Department of Agriculture; El Dorado County Chief Administrative Office; El Dorado County Office of Education; Buckeye Union School District; El Dorado Union High School District; Los Rios Community College District; El Dorado County Assessor's Office; El Dorado County Auditor's Office; El Dorado County Planning Department; El Dorado County Surveyor's Office; El Dorado County Elections Department; El Dorado County Sheriff's Department; and the Farm Bureau
4. There are no registered voters in the subject territory; therefore, the subject territory is considered uninhabited per Government Code §56046.
5. The California Montessori Project, as owner of 100% of the assessed value of the land within the subject territory, has given 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 territory is currently undeveloped land.
9. The subject territory consists of one tax rate area and is currently within Tax Rate Area (TRA) 054-169.
10. The subject territory is zoned for estate residential use (RE-5), which allows the development of public school facilities with an approved special use permit.
11. The subject property was deemed consistent with the El Dorado County General Plan for the purchase and development of a school site on the subject territory, by default.

12. The subject territory is within the EID sphere of influence and is contiguous with the District's boundaries on two sides.
13. The subject territory is an inactive, non-taxable parcel, owned by the California Montessori Project, which is a nonprofit public benefit corporation under the umbrella of the Buckeye Union School District.
14. The total assessed value of the subject territory is \$190,000.
15. The Project does not include any residential development and 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 water and wastewater services to the subject territory.
17. 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.
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. The MND and Addendum 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.
20. The MND included a Mitigation Monitoring Program that addressed measures necessary to mitigate the potentially significant effects that the project could have on the surrounding area, and identified the responsible parties and included the provisions to be followed.
21. The California Montessori Project, in accordance with the California Environmental Quality Act (CEQA) ultimately determined that, with the mitigation measures specified in the MND, the annexation would not have a significant impact on the environment.
22. This Commission hereby finds on the basis of its review of the Initial Study and comments on the MND and Addendum, and all other written and oral evidence presented to the Commission, there is no substantial evidence in the administrative record to support a fair argument that the proposed change of

organization may result in a significant impact on the environment. This Commission further finds that the annexation will not cause any significant environmental impacts.

23. The California Montessori Project's MND and LAFCO's Addendum for the project are hereby accepted as the appropriate environmental documents for this petition in accordance with CEQA.
24. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
25. The annexation into EID 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.
26. The area proposed for annexation represents an orderly, logical and a justifiable extension of the EID boundaries.
27. The proposal is assigned the following short form designation:

Shingle Springs Montessori School Annexation to  
the El Dorado Irrigation District  
LAFCO Project No. 2014-02

28. The Shingle Springs Montessori School 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) The applicant 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 October 22, 2014.
  - (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.
  - (f) The applicant or real party of interest shall submit a written statement to the Executive Officer certifying their intention to pay all district annexation fees associated with the annexation. The Executive Officer shall forward a copy of the statement to EID.
29. 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.
30. 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.
31. 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.
32. 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.
32. All interested parties, including without limitation the California Montessori Project, 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.
33. 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 October 22, 2014 by the following vote of said Commission.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Clerk to the Commission

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Chairperson