

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF DECEMBER 6, 2006

REGULAR MEETING

TO: Ted Long, Chairman, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

**AGENDA ITEM #4: PUBLIC HEARING TO CONSIDER THE ENVIRONMENTAL
REVIEW AND AMENDMENTS TO THE SPHERES OF
INFLUENCE FOR EL DORADO COUNTY FIRE PROTECTION
DISTRICT AND EL DORADO HILLS COUNTY WATER
DISTRICT**

RECOMMENDATION

Staff recommends that the Commission:

1. Receive and discuss the proposed amendments to the spheres of influence for El Dorado County Fire Protection District and the El Dorado Hills County Water District for the provision of fire suppression and emergency services in the Marble Valley area;
2. Open the public hearing on this matter;
3. Adopt Categorical Exemption #20 as the appropriate environmental review;
4. Adopt the proposed amendment to the El Dorado County Fire Protection District's sphere of influence;
5. Adopt the proposed amendment to the El Dorado Hills County Water District's sphere of influence; and
6. Direct staff to complete the necessary filings and transmittals as required by law.

REASON FOR RECOMMENDED ACTION

Amendments to the spheres of influence for the El Dorado County Fire Protection District and the El Dorado Hills County Water District are necessary to proceed with the Commission's consideration of the Marble Valley Reorganization to El Dorado Irrigation District, El Dorado Hills CSD, El Dorado County FPD and El Dorado Hills CWD, LAFCO Project 05-08 (Agenda Item #5).

BACKGROUND

The petition for the Marble Valley Reorganization to El Dorado Irrigation District, El Dorado Hills CSD, El Dorado County FPD and El Dorado Hills CWD, LAFCO Project 05-08 ("Marble Valley") is complete and ready for the Commission's review. However, by law, the Commission can only consider the annexation of lands already within an agency's sphere of influence (SOI). The proposed amendments to the SOIs for El Dorado County FPD and El Dorado Hills CWD for fire suppression and emergency services would allow the Marble Valley project to proceed. The adoption of the Categorical Exemption #20 would satisfy the CEQA requirements for this action.

Project Summary

The Marble Valley Reorganization is a proposal to annex a total of 28 parcels (approximately 2,549 acres) into the El Dorado Hills Community Services District (EDHCSD) and/or the El Dorado Irrigation District (EID). The Marble Valley development includes seven undeveloped parcels that are planned to be subdivided and developed into 398 residential lots along with a cultural arts center, elementary school, private clubhouse and community park. The parcels will annex into both EID and EDHCSD and will concurrently detach from CSA 9, Zone 17 Ponderosa Recreation. The remaining 21 parcels are adjacent to the project site and are built out in accordance to their zoning. The existing homes are served by private wells and septic systems; however, some Marble Ridge homeowners are experiencing poor well production and have requested to be included in the reorganization in order to annex into EID for potable water service. The parcels are already within the Marble Mountain CSD, will not annex into EDHCSD and will not require sewer connections.

For purposes of this item, the remainder of this analysis and discussion will only pertain to the seven undeveloped parcels. The 21 Marble Ridge parcels will not be affected by the Commission's actions on this matter.

LAFCO Policy 4.4 requires the Commission to review certain topics before making sphere of influence determinations. The review of those topics and the agency profiles for the two fire departments are included in Attachments A and B.

SOI Issues

Government Code §56668(f) states that one of the factors the Commission must evaluate when it considers a proposal is:

The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The Commission's Policies and Guidelines on boundary changes state:

- 3.9.2 LAFCO shall modify, condition or disapprove proposals creating boundaries that are not definite and certain or do not conform to lines of assessment or ownership.
- 3.9.5 Natural boundary lines, which may be irregular, may be appropriate boundaries for LAFCO action and will not be discouraged.

3.9.6 Proposals that create irregular boundaries may be approved when LAFCO determines that the boundary is appropriate due to topography, is in the interest of public health, safety and welfare or is in the best interest of the total organization of government services in the area and needed city or district facilities are present and sufficient for service.

Currently, the agency boundaries follow the legal parcel lines (refer to Map 1). After build out of the Marble Valley project, the fire district boundary lines will no longer conform to any aspect of the subdivision. In several cases, the fire district boundary will cut across the new, smaller parcels (refer to Map 2).

An exchange of territory between the El Dorado Hills County Water District (EDH) and El Dorado County Fire Protection District (ECF) seeks to correct that future issue by following the contours and topography of the territory and the proposed "village" layout of the Marble Valley subdivision (refer to Map 3). As part of the reorganization, the exchange would annex approximately 193 acres into EDH and concurrently detach from ECF; approximately 260 acres would annex into ECF and concurrently detach from EDH. The proposed land exchange would create a more logical boundary line for the districts should the Commission approve the reorganization.

If the Commission approves these spheres of influence amendments, the proposed territory exchange will not be in conformance with Government Code §56668(f) at the time of Commission action. On the other hand, the intent behind the approval of the land exchange would be in conformance with the Commission's Policies and Guidelines 3.9.5 and 3.9.6. In the long run, the approval of the land exchange will be logical and will be consistent with Government Code §56668(f). At the completion of the Marble Valley project, the larger parcels will be subdivided and the various villages will be in place, making the fire department boundary lines conform to the Commission action.

DETERMINATIONS

In determining the sphere of influence for each local agency, Government Code §56425(e) requires the Commission to consider and prepare a written statement of determinations with respect to four factors. Staff recommends the following determinations for amending the spheres for ECF and EDH:

1. *The present and planned land uses in the area, including agricultural and open space lands.*

The present land use in the Marble Valley area is open space and agricultural grazing. The proposed land use is the conversion of approximately 2,549 acres of undeveloped land to suburban development: 398 single family residences on approximately 264 acres, 1,840 acres of open space (with an additional 71 acres earmarked for the Highway 50 Scenic Corridor), dedication of land for a 22-acre cultural arts center, a 13-acre elementary school site and an 11-acre community park. The area involved in the sphere amendments will be mostly residential. The amendment to the spheres is necessary so that the fire suppression agency boundary lines conform to the layout of the subdivision.

2. The present and probable need for public facilities and services in the area.

Among other services, the proposed Marble Valley subdivision will require parks, recreation, street landscaping, street lighting, water, wastewater, public safety, fire suppression and emergency medical services. The proposed Marble Valley subdivision is either already in an agency that provides those services or is in the sphere of influence for an agency that provides those services. However, spheres of influence amendments are needed for the fire suppression agencies in order to alter their boundaries so that their service area becomes more logical at the completion of the Marble Valley project.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

The proposed project would increase demand for fire protection and emergency services. The fire protection services existing personnel and equipment would not be adequate to meet the level of service required for the Marble Valley development. Funding, in the form of development impact fees for capital improvements and property taxes and assessments to offset ongoing costs, would ensure the provision of services to serve the site.

El Dorado Hills CWD presently provides moderate to high level of fire suppression and emergency services to its current residents. Its closest station, Station 86 at 3670 Bass Lake Road, is located approximately one mile north of the proposed Marble Valley subdivision. El Dorado County FPD provides a moderate level of fire suppression and emergency services to its current residents. Its closest station, Station 28 at 3860 Ponderosa Road, is approximately five miles northwest of the proposed Marble Valley subdivision. Both agencies have personnel and equipment located within a reasonable response time to the Marble Valley area.

4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

Because it currently is undeveloped, the proposed Marble Valley subdivision does not currently have a community of interest. In recent history, that area has been viewed as part of El Dorado Hills, so a reasonable argument can be made that it belongs to that community of interest.

Attachments:

Attachment A: Agency Profile and SOI Considerations for El Dorado County FPD

Attachment B: Agency Profile and SOI Considerations for El Dorado Hills CWD

Map 1: Current Boundary Between El Dorado County FPD and El Dorado Hills CWD in the Marble Valley Area

Map 2: Current Boundary Between Fire Agencies and Marble Valley Map

Map 3: Proposed Fire Agency Boundary Adjustment Based on Village Layout

Map 4: Amendments to the Spheres of Influence for El Dorado County FPD and El Dorado Hills CWD