

EL DORADO LAFCO
LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2011-03

Georgetown Divide Public Utility District Annexation of Buckeye Parcels
LAFCO Project No. 2010-02

WHEREAS, on April 13, 2010, the Georgetown Divide Public Utility District (“GDPUD”) adopted District Resolution 2010-03 (“petition”) requesting the annexation of APNs 062-230-06, 062-230-09, 062-230-10, 062-390-36, 062-390-41 and 062-390-46; and

WHEREAS, on April 28, 2010, the Georgetown Divide Public Utility District (“GDPUD”) submitted the petition to LAFCO; and

WHEREAS, the petition designated GDPUD Clerk (Henry N. White) and Assistant Clerk (Steven F. Gau) as the authorized agents for this proceeding; and

WHEREAS, the annexation proposal (hereinafter referred to as the “Annexation”) was assigned LAFCO Project No. 2010-02 and is referred to as the “Georgetown Divide Public Utility District Annexation of Buckeye Parcels”; and

WHEREAS, the Annexation consists of approximately 14.66 acres, shown in “Exhibit A” (hereinafter referred to as the “subject territory”); and

WHEREAS, the petition requests the Annexation of the subject territory for the continued provision of domestic water service; and

WHEREAS, the petition is in conformance with Government Code §56650 et seq.; 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 August 3, 2010 and by GDPUD on August 10, 2010; and

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

WHEREAS, the Executive Officer reviewed the Annexation for conformance under the California Environmental Quality Act (“CEQA”) and determined that the Annexation is consistent with the determinations of a Categorical Exemption #19 under CEQA Guidelines §15319(a); and

WHEREAS, the Executive Officer has examined the petition, certified that it is adequate and has accepted the petition for filing on February 8, 2011; and

WHEREAS, the Executive Officer set a public hearing for March 23, 2011 for consideration of the petition and the environmental determination 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 an 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 March 23, 2011 meeting during which the petition was considered; and

WHEREAS, on March 23, 2011, 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, 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: Georgetown Fire Protection District; Georgetown Divide Recreation District; El Dorado County CSAs 7, 9, 10 and 10 Zone H; El Dorado County Emergency Services Authority; El Dorado County Water Agency; Georgetown Divide Resource Conservation District; El Dorado County Department of Agriculture; El Dorado County Chief Administrative Office; El Dorado County Office of Education; Black Oak Mine Unified School District; Los Rios Community College District; 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 six registered voters in the subject territory; therefore, the subject territory is considered uninhabited per Government Code §56046.
5. All of the landowners within the subject territory have given their written consent to the Annexation.
6. GDPUD, 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 within the GDPUD sphere of influence and is contiguous to the existing boundary.
9. The subject property is designated Low Density Residential (LDR) and is zoned Residential Estate, 5-acre minimum (RE-5) by the 2004 County General Plan.
10. The subject territory consists of six parcels developed with single-family residences, consistent with the RE-5 zoning.
11. The petition is consistent with the County's 2004 General Plan.
12. CEQA Guidelines Section §15319(a) provides for provides for, "Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing government agency whichever is more restrictive provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities."

13. This petition is hereby found to be exempt from CEQA pursuant to California Code of Regulations Categorical Exemption §15319(a).
14. The subject territory consists of a single tax rate area and is currently within TRA 083-045.
15. The total combined assessed value of the subject territory is \$739,362.
16. The Annexation does not include any new 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.
17. Each of the six parcels within the subject territory has received domestic water service from GDPUD at regular district rates since at least 1985.
18. The subject territory was provided with service by the GDPUD prior to the enactment of Government Code §56133 in 1994, which requires LAFCO approval for the provision of service outside of District boundaries.
19. Upon completion of the Annexation proceedings, GDPUD shall continue to provide domestic water service to the subject territory.
20. 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 GDPUD Sphere of Influence and the El Dorado LAFCO Policies and Guidelines.
21. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
22. 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.
23. The area proposed for Annexation represents an orderly, logical and a justifiable extension of the GDPUD boundaries.
24. The proposal is assigned the following short form designation:

Georgetown Divide Public Utility District
Annexation of Buckeye Parcels
LAFCO Project No. 2010-02
25. The Georgetown Divide Public Utility District Annexation of Buckeye Parcels 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 GDPUD.
 - (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 March 23, 2011.
 - (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 Georgetown Divide Public Utility 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.
26. 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.
27. The Executive Officer is hereby authorized and directed to prepare, execute, and file with the Clerk of the County of El Dorado a Notice of Exemption for the Annexation, pursuant to Title 14 California Code of Regulations §15062.

28. 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.
29. 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 GDPUD, 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; Shall be subject to all of the rules, regulations and ordinances of the District as now existing or hereafter amended.
30. All interested parties, including without limitation the Georgetown Divide Public Utility District, agree that LAFCO retains in perpetuity the authority to enforce, through legal action or otherwise, all of the terms and conditions of approval.
31. 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 March 23, 2011 by the following vote of said Commission.

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Interim Clerk to the Commission

Chairperson