

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

EXECUTIVE OFFICER'S REPORT

AGENDA OF SEPTEMBER 23, 2009

REGULAR MEETING

TO: Francesca Loftis, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

PREPARED BY: Erica Sanchez, Policy Analyst

AGENDA ITEM #4: Public Hearing to Consider and Adopt the Environmental
Review and the Summer Brook Annexation to the El Dorado
Irrigation District

LAFCO Project No. 2008-03

PROPONENT(S): Amar Ghorí and Imran Aziz
Olga Sciorelli, Cooper Thorne & Associates

DESCRIPTION OF PROJECT

This proposal is to annex two parcels, consisting of 90 acres, into the El Dorado Irrigation District (EID) for the purpose of obtaining municipal water service for Summer Brook, a planned 29-lot residential subdivision. The subject parcels are APNs 102-210-12 (80 acres) and 102-220-13 (10 acres). A map of the subject parcels and current EID boundaries is included as 'Attachment A' at the end of this report.

PURPOSE

The landowners of the two subject parcels plan to subdivide the 90 acres into 29 residential lots ranging in size from 1.4 to 2 acres, including approximately 35 acres (39%) of dedicated open space. The subdivision has been tentatively named Summer Brook. Annexation into EID is being requested in order to receive municipal water service for the proposed subdivision; the applicants plan to utilize private septic systems

for each lot and are not requesting wastewater service from EID. The Board of Supervisors also included annexation into the District for water and fire hydrant services as a final condition of approval for the subdivision.

RECOMMENDATIONS

Staff recommends that the Commission take the following actions:

1. Recognize that El Dorado County, as the lead agency, has prepared a Mitigated Negative Declaration and CEQA determinations which, along with an accompanying Addendum prepared by LAFCO staff, have been found to be adequate and complete for the purposes of annexation. Staff recommends that the Commission certify the Addendum and direct staff to file a Notice of Determination pursuant to Title 14, Chapter 3, Section 15094 of the California Code of Regulations for the project.
2. Adopt LAFCO Resolution L-2009-07 (Attachment G), adding any additional conditions the Commission finds appropriate, and approve the Summer Brook Annexation to the El Dorado Irrigation District; LAFCO Project No. 2008-03.
3. Waive the Conducting Authority Proceedings subject to Government Code §56663 and local policies.
4. Direct the Executive Officer to complete the necessary filings and transmittals as required by law.
5. Determine the effective date of the approval of this agreement to be five (5) working days after recordation by the County Recorder of the Executive Officer's Certificate of Completion once the imposed conditions are met.

REASON FOR RECOMMENDATION

After careful consideration of the 28 factors listed in Government Code §56668 (see below) and LAFCO Policies, staff has concluded that annexation into EID is necessary to provide municipal water and fire hydrant services to the proposed 29-home subdivision and is in the best interest of the future residents.

LOCATION

The property is located northeast of Cameron Park in the Rescue area, on the north side of Green Valley Road, approximately half a mile west of the intersection with Bass Lake Road.

BACKGROUND

The applicants initiated an annexation petition with LAFCO in November of 2008. The parcels, APNs 102-210-12 and 102-220-13, are currently undeveloped and are utilized as grazing lands for cattle and horses. The planned future use is to subdivide the existing parcels into 29 residential lots to create the Summer Brook subdivision.

The project was approved on March 11, 2008 by the El Dorado County Board of Supervisors, including a General Plan Amendment to change the land use designation from Rural Residential to Low Density Residential (A 07-0005), a Rezone request to change the zoning from Exclusive Agricultural to Estate Residential Five-Acre/Planned Development (Z 07-0012), a Planned Development modification to the development standards of the RE-5 Zone District, which allowed for utilization of the Density Bonus planning concept (PD 07-0007), and a Tentative Map to create 29 residential lots (TM 07-1440).

California Environmental Quality Act (CEQA)

El Dorado County, as the Lead Agency for the project, prepared and certified a Mitigated Negative Declaration (MND) for the project on March 11, 2008. Within the scope of this environmental review, the environmental impacts of the annexation were addressed; however, LAFCO staff prepared a supplemental Addendum (Attachment F) to provide a more robust analysis of specific areas within the MND that would require greater consideration by LAFCO in order to meet its obligations under CEQA as a responsible agency. Specifically, LAFCO prepared this additional document focusing on the impacts to utilities and service systems and recreation to confirm that the annexation will result in no additional environmental impacts beyond those addressed in the MND. As documented within the Addendum, no new impacts would result.

Areas of interest to LAFCO within the two environmental documents are summarized by the following:

Agricultural Resources (as determined by the County MND)

The project site contains approximately 15% of Soils of Local Importance. The majority of these soils would be located in one of the open space lots, although portions would be located within five of the residential lots. The soils in question are located adjacent to existing Medium Density Residential development. Due to the limited size of the choice soils and the surrounding residential land uses, the proposed project was found to be consistent with the provisions of the County's General Plan for the area.

The Agricultural Commission reviewed the project and recommended denial upon the findings that the project would create an island effect which would negatively impact existing agricultural activities. However, the County found the project to be consistent with surrounding residential uses since the project site is surrounded by non-agricultural-zoned parcels to the north, east, and west. One Exclusive-Agriculture (AE) zoned parcel is located to the south. The project includes a 200-foot setback and a 10-acre minimum parcel size for parcels located adjacent to the agricultural parcel to the south. The proposed setbacks and parcel size minimum would be consistent with applicable General Plan policies which require buffering between agricultural operations and residential uses. Adherence to these requirements would reduce potential impacts to the agriculture operations to the south.

The County's MND ultimately found that impacts to agricultural resources would be less than significant.

Hydrology and Water Quality *(as determined by the County MND)*

There are wetlands and drainage features onsite which would be impacted as part of the project. The project would fill wetlands and may alter the existing drainages onsite. The project would be required to prepare a drainage study required to conform to the El Dorado County Grading, Erosion Control and Sediment Ordinance, subject to review by the Department of Transportation. The project would require mitigation measures to obtain appropriate permits from the U.S. Army Corps of Engineers and the Department of Fish and Game for the filling of any wetlands or altering of the drainages.

The County's MND found that no significant impacts to water quality or drainage features would result as part of the project. Adherence to the above-mentioned ordinance and mitigation measures would reduce impacts to less than significant.

Land Use and Planning *(as determined by the County MND)*

The project is located with a Rural Region of El Dorado County and borders the Cameron Park Community Region to the east. The approved General Plan Amendment from Rural Residential to Low Density Residential and Rezone from Exclusive Agriculture to Estate Residential Five-Acre, Planned Development was found to be consistent with the General Plan and applicable zoning ordinance. The impact to land use and planning was determined by the County MND to be less than significant.

Population and Housing *(as determined by the County MND)*

The project would result in the creation of 29 residential units, which would not create a significant population growth. No additional public services or roads would be constructed as a part of the project that would significantly contribute to growth in the area. The County's MND determined that the impacts to population and housing would be less than significant.

Public Services *(as determined by the County MND)*

It was found that the project would not result in a significant increase of public services. Increased demands to services would be addressed through the payment of established impact fees.

The following is a summary of the potential impacts found by the County's MND that the proposed project may have on the public service providers. For more information regarding impacts to public services, refer to the discussion in Section 20.

Fire Protection: The Rescue Fire Protection District provides structural fire protection to the project site. The District would require fire protection measures that would be included as conditions of approval of the project. These requirements include a required fire flow of 2,000 gallons per minute for two hours while maintaining a 20-psi residual pressure. Additional fire hydrants would be required throughout the development. Roadway design would be required to comply with the Fire Safe Regulations and the California Fire Code. Impacts would be less than significant.

Police Protection: Police services would continue to be provided by the El Dorado County Sheriff's Department. Due to the size and scope of the project, the demand for

additional police protection would not be required. Impacts would be less than significant.

Schools: The County's MND stated that school services would be provided by the Buckeye Union School District; however, according to school district maps, it appears as if the project site is actually within the Rescue Union School District. Regardless, the proposed residences would be required to pay the impact fees adopted by the District and impacts would be less than significant.

Parks: As discussed in the 'Recreation' category below, the project would be required to pay park in-lieu fees. Impacts would be less than significant.

Recreation *(as determined by LAFCO's Addendum to the MND)*

The project is not expected to have a significant impact to recreation and open space resources either directly or indirectly. The proposed project would not increase population that would substantially contribute to increased demand on recreation facilities or contribute to increased use of existing facilities. Upon completion of the Summer Brook subdivision development there will be 29 new residential units, resulting in approximately 87 new residents (accounting for an average of three persons per home), which will not substantially increase the local population necessitating the development of new park facilities. The increased demand for any services would be mitigated by the payment of the in-lieu fees.

The project site currently receives, and will continue to receive, park and recreation services through the El Dorado County Parks and Recreation Department, which is responsible for providing recreation areas and parks within the unincorporated areas of the county not in community service districts. Specifically, the project site is within County Service Area 9, Zone 17 – Ponderosa Recreation Zone.

The County's adopted MND for this project incorrectly states that, "Payment of in-lieu fees to the Cameron Park Community Services District (CPCSD) would be sufficient to ensure the impacts from the new development would be mitigated." Actually, the project site is within the CPCSD sphere of influence, but there are no plans to annex the project site into the CPCSD at this time; annexation into the CSD was not requested as a part of this proposal. It should be noted that although the subdivision is not within the service boundaries of the CPCSD and no property tax increment would be allotted to the District, future residents would likely use the District's parks and recreation facilities, creating a "free-rider" situation. This could be partially mitigated by the District's charges of out-of-district rates for certain park and recreation services.

Transportation and Traffic *(as determined by the County MND)*

The traffic study prepared for the project concluded that the existing levels of service of the access roads would not be capable of accommodating the additional 258 trips generated by the project. The study recommended that the intersection of Green Valley Road and Deer Valley Road be signalized and appropriate turn pockets and intersection improvements be constructed. The intersection improvements would be consistent with

the approved capital improvement project for the intersection. Additionally, the project frontage along Green Valley Road would be widened and bicycle lane and sidewalk improvements would be required. The project has been conditioned to require construction of these recommended improvements, which would reduce impacts to less than significant.

Utilities and Service Systems (as determined by LAFCO's Addendum to the MND)

No significant impacts are expected to result to utility and service systems from the development of this project.

Public Water: The subject parcel is within the Cameron Park Service Zone (Zone #4) of EID's Western Region Supply Area. According to EID's *2007 Water Resources and Service Reliability Report*, the water meter availability for this supply area is a total of 2,426 equivalent dwelling units (EDUs). After taking into account contractual commitments and annexations already approved by LAFCO, it is reasonable to assume that EID's Western/Eastern Water Supply Region has approximately 1,001-1,008 EDUs that are available for purchase and not yet implicitly committed to other prospective customers. According to EID's FIL to the applicant, the project as proposed would require 34 EDUs of water supply. The current available supply is sufficient to accommodate the estimated 34 EDUs of service that will be required for the Summer Brook project.

In order to provide the required fire flow (see 'Public Services' above) and receive service, a water line extension connecting to an existing 12-inch water line in Green Valley Road must be constructed.

Wastewater: The project will utilize private septic systems; there will be no impact to public sewer. Impacts related to the private wastewater systems are expected to be less than significant.

Each individual property owner will be required to develop an on-site sewage disposal system meeting the current requirements of the Environmental Health Division of the El Dorado County Environmental Management Department. Percolation tests on all lots were completed by Youngdahl Consulting Group. The proposed parcels were found to have adequate leaching capacity to support the proposed individual on-site sewage disposal systems.

The approved Tentative Map and associated Land Capability Report identify areas where the percolation tests were conducted and leach fields are proposed to be located. The available area for the on-site sewage disposal ranges from 12,000 to 28,000 square feet on the 1.4 to 2 acre lots. The El Dorado County Environmental Health Division has reviewed and approved the proposed sewage disposal areas.

Drainage: According to the original MND prepared for this project by the County, the project would not require the construction of new stormwater facilities. The project would be required to comply with the stormwater requirements of the *Design and Improvement Standards Manual*. Impacts would be less than significant.

Solid Waste: County Ordinance No. 4319 requires that new development provide areas for adequate, accessible, and convenient storing, collecting, and loading of solid waste and recyclables. On-site solid waste collection would be handled through the local waste management contractor. Adequate space would be available on-site. Impacts would be less significant.

Mandatory Findings of Significance *(as determined by the County MND)*

The project would have the potential to significantly impact fish or wildlife species as part of the project. The project would require oak woodland habitat removal and the modifications of on-site riparian features. The project would include mitigation measures requiring the re-planting of impacted oak canopy, acquisition of permits for the modifications to the riparian areas, and surveys to reduce impacts to protected animal species during project construction. Implementation of these mitigation measures would reduce potentially significant impacts to less than significant.

The project would not result in significant cumulative impacts. The project would connect to existing public water services and would not require the extension of infrastructure or utilities outside of the project area. The project would be consistent with the existing General Plan Land Use Designation and the surrounding land use pattern. Impacts would be less than significant.

Based on the discussion in the MND, potentially significant impacts to human beings would occur with respect to Air Quality and Noise. The project would include standard conditions of approval required by the Air Quality Management District which would apply to project construction. Adherence to these standard conditions would reduce potential impacts to less than significant. Implementation of standard conditions of approval and Mitigation Measures to construct sound walls to limit the interior noise exposure would reduce potentially significant impacts to less than significant.

Conclusion

The MND prepared by El Dorado County, along with the Addendum prepared by LAFCO staff, addressed the environmental impacts of the proposed subdivision and ultimately determined that the proposed action would not have a significant impact of the environment. Staff has carefully reviewed these documents and found the analysis to be accurate and adequate for the annexation proposal at hand.

SUMMARY OF STATUTORY AND POLICY CONSIDERATIONS

Government Code §56668 and LAFCO Policies require that the review of a proposal shall consider the following factors:

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Need for organized services, probable future needs	1 – Consistent	Annexation is necessary in order to provide municipal water service to Summer Brook. No other water purveyor currently serves this area and private wells are not a feasible option.
Ability to serve, level and range of service, time frames, conditions to receive service	2 – Consistent	The applicant will be required to construct an approved infrastructure extension onto the subject site for water service and adequate fire protection.
Timely availability of adequate water supply	3 – Consistent	There are sufficient EDUs available in this service region to accommodate the subdivision. Meters are sold on a first-come first-serve basis, and should be available for purchase after all EID fees and connection charges are paid and the necessary infrastructure improvements are completed by the landowner.
Alternatives to service, other agency boundaries, and local gov't structure	4 – Consistent	There are no other reasonable alternatives to provide water service to the planned subdivision.
Significant negative service Impacts	5 – Consistent	There are not expected to be any negative impacts to the current level of service for existing EID customers.

Coordination of applications	6 – Consistent	No additional services are necessary for the future residents of Summer Brook. The proposal would create a service island parcel that is surrounded by EID boundaries; however, staff does not recommend amending the proposal to include this parcel at this time due to possible future development plans.
Present cost/adequacy of governmental services, including public facilities	7 – Consistent	EID does not appear to have any current service deficiencies that would result in any negative cost or service impacts to present customers.
Effect of proposal on cost & adequacy of service in area and adjacent areas	8 – Consistent	Property tax revenue, impact fees, facility connection charges and other charges will support the cost of services required.
Effect of alternative courses of action on cost & adequacy of service in area and adjacent areas	9 – Consistent	There are no other municipal water service providers in this area. Private systems are not viable options given the anticipated future use.
Sufficiency of revenues, per capital assessed valuation	10 – Consistent	EID should receive sufficient revenue for providing service to the proposed subdivision.
Revenue producing territory	11 – Consistent	EID will collect revenue through user charges, property taxes and connection fees, which should offset the cost of providing water service to the subdivision.
56668.3 “best interest”	12 – Consistent	The annexation appears to be consistent with LAFCO and EID policies and is in the best interests of the landowners and the future residents of the Summer Brook subdivision.

<p>Boundaries: logical, contiguous, not difficult to serve, definite and certain</p>	<p>13 – Consistent</p>	<p>A service island will be created out of an adjacent parcel (see #6). Water lines are nearby and can be extended to the subject area without any foreseeable problems.</p>
<p>Topography, natural boundaries, drainage basins, land area</p>	<p>14 – Consistent</p>	<p>There are no topographical features that will hinder service to this area.</p>
<p>Creation of islands, corridors, irregular boundaries</p>	<p>15 – Consistent</p>	<p>The annexation, as proposed, will create a service island out of a nearby parcel. For the reasons outlined in #6, LAFCO staff did not amend the proposal to include this parcel; however, the Commission always retains the authority to do so prior to approval, if it does not agree with staff’s findings.</p>
<p>Conformance to lines of assessment, ownership</p>	<p>16 – Consistent</p>	<p>The boundaries of the proposed annexation conform to the existing lines of assessment and ownership. The proposal maps have been reviewed by the County Surveyor and have been found to be definite and certain.</p>
<p>Spheres of Influence</p>	<p>17 – Consistent</p>	<p>The boundaries of parcel the proposed for annexation are fully contained within the EID sphere of influence.</p>
<p>Effect on adjacent areas, communities of interest</p>	<p>18 – Consistent</p>	<p>The proposed subdivision will primarily benefit only the future residents of Summer Brook and is not expected to have a significant effect on the surrounding area.</p>

Information or comments from landowners or owners	19 – Consistent	The landowners support the proposed annexation and have not submitted additional comments or information to be considered.
Effect on other community services, schools	20 – Consistent	There are no negative impacts expected for the current public service providers in the area.
Other agency comments, objections	21 – Consistent	Comments were received from El Dorado County Planning regarding the need to annex to EID as a condition of approval, and from the Agricultural Department recommending denial of the project.
Fair share of regional housing needs	22 – Consistent	Annexation and development of the Summer Brook subdivision will increase the available market rate housing for the Rescue area.
Land use, information relating to existing land use designations	23 – Consistent	The subject territory has been rezoned RE-5/PD and has a land use designation of LDR. The annexation and proposed development are consistent with the current zoning and land use designation of the subject parcels.
Population, density, growth, likelihood of growth in, and in adjacent areas, over 10 years	24 – Consistent	The proposal area currently has no registered voters; upon completion of the subdivision development there will be approximately 87 new residents (accounting for an average of three persons per home).

Proximity to other populated areas	25 – Consistent	The subject area is substantially surrounded by residential development: 10-acre residential parcels to the north, northeast and west, the Travois subdivision to the east, a 25-acre residential parcel to the southwest (zoned AE), and Green Valley Road to the south with Pleasant Grove Middle School on the other side.
Consistency with General Plans, specific plans, zoning	26 – Consistent	The proposed subdivision is consistent with the current land use designation (LDR) and zoning (RE-5/PD) of the parcels, as well as those of surrounding areas.
Physical and economic integrity of agriculture lands and open space	27 – Consistent	The parcel is currently undeveloped grazing land for cattle and horses that is surrounded by residential development. The proposed annexation and development would not affect agricultural activities on any of the neighboring properties.
Optional factor: regional growth goals and policies	28 – Consistent	The proposed subdivision will assist the unincorporated part of the County in achieving its RHNA goals by providing 29 units of either Moderate or Above Moderate housing.

DETERMINATIONS

The Commission should review the factors summarized above and discussed below, then make its own determinations regarding the project. Staff recommends the following determinations based on project research, state law and local policies:

1. The subject territory is uninhabited per Government Code §54046. Application for this annexation is made subject to Government Code §56650 et. seq. by landowner petition.

2. The territory proposed for annexation is within the sphere of influence of the El Dorado Irrigation District and is contiguous to the existing boundary. The annexation will provide a more logical and orderly boundary.
3. The Mitigated Negative Declaration prepared for this project by El Dorado County, and accompanying Addendum prepared by LAFCO staff, are adequate and complete and satisfies the requirements of the California Environmental Quality Act.
4. The annexation will not result in negative impacts to the cost and adequacy of service otherwise provided in the area, and is in the best interests of the affected area and the total organization of local government agencies.
5. The annexation will not have an adverse effect on agriculture and open space lands.
6. The annexation will result in a decrease in water supply available for the build-out of regional housing needs determined by the Sacramento Area Council of Governments. The annexation will not, however, have a significant foreseeable effect on the ability of the County to adequately accommodate its fair share of those needs.

DISCUSSION

Government Code §56668 and LAFCO Policies require that the review of an annexation proposal shall consider the following factors:

(Numbered items 1-6 relate to services)

1. **NEED FOR ORGANIZED COMMUNITY SERVICES, PROBABLE FUTURE NEEDS:** Applicants shall demonstrate the need and/or future need for governmental services and that the proposal is the best alternative to provide service (Policies 3.1.4(b), 6.1.7; §56668(b)).

RESPONSE: The purpose of the proposal is to annex 90 acres into EID in order to obtain potable water service for Summer Brook, a planned 29-lot subdivision. No other water purveyor currently serves this area and private wells are not a realistic option given the scope of the future land use. The anticipated use is too great for private systems to be viable options for the development, due to the number of homes at buildout.

2. **ABILITY TO SERVE, LEVEL AND RANGE OF SERVICE, TIME FRAMES, CONDITIONS TO RECEIVE SERVICE:** Prior to annexation the applicants and proposed service providers shall demonstrate that the annexing agency will be capable of providing adequate services which are the subject of the application and shall submit a plan for providing services (Policy 3.3, §56668(j)).

RESPONSE: EID prepared Facility Improvement Letter #0609-024 (FIL) for the Summer Brook subdivision on June 4, 2009, which outlined the existing infrastructure near the subject site, stated the fire flow requirements from the subject fire district and detailed the requirements for the applicant prior to receiving water service. The FIL is included as 'Attachment D' at the end of this report.

There is an existing 12-inch water line in Green Valley Road approximately 900 feet southeast of the subject site. The Rescue Fire Protection District has determined that the minimum fire flow for this project is 2,000 gallons per minute for a two-hour duration. In order to provide this fire flow and receive service, the applicant will need to construct a water line extension that connects to the existing line in Green Valley Road. This would allow the capacity to provide water and fire protection to the Summer Brook subdivision.

- 3. TIMELY AVAILABILITY OF ADEQUATE WATER SUPPLY:** The Commission shall consider the timely availability of water supplies adequate for projected needs (§56668(k)).

RESPONSE: The subject parcels proposed for annexation are inside the EID sphere of influence and part of its Western/Eastern Water Supply Region. An estimated total of 34 Equivalent Dwelling Units (EDUs) will be required to serve the Summer Brook subdivision. According to EID's 2007 Water Resources and Service Reliability Report (adopted by the EID Board June 25, 2007), this service region has 2,426 EDUs of water available, 907 of which have been previously committed through contractual commitments, leaving a total of 1,519 EDUs. Annexations approved by LAFCO after this date account for an additional 511-518 EDU commitments¹, bringing the total amount of available EDUs to approximately 1,001-1,008, which is more than adequate to serve the needs of the Summer Brook subdivision. Upon Commission approval of the Summer Brook annexation, the amount available in this region will be between approximately 967 and 974 EDUs. Meters are sold on a first-come first-serve basis, and should be available for purchase after all EID fees and connection charges are paid and the necessary infrastructure improvements are completed by the landowner. The provision of service is contingent upon LAFCO Commission approval of the annexation.

¹ Bass Lake Estates 2008-01 (36 EDUs), Garrett 2007-02 (5 EDUs), La Caille Estates 2006-07 (24 EDUs), Preacher 05-15 (3 EDUs), Marble Valley 05-08 (443-450 EDUs)

- 4. ALTERNATIVES TO SERVICE, OTHER AGENCY BOUNDARIES, AND LOCAL GOVERNMENT STRUCTURE:** The Commission shall consider alternatives to the proposal, proximity of other agency boundaries and alternative courses of action. Where another agency objects to the proposal, LAFCO will determine the best alternative for service (Policies 3.3.2.2(g), 6.1.3).

RESPONSE: There are no other public service alternatives for the provision of water service. Given the planned use for the subject area the expected demand is too great for private wells to be feasible. The only remaining option for water service would be to transport potable water to the 29-home subdivision which is not realistic due to expected high costs and excessive inconvenience.

5. **SIGNIFICANT NEGATIVE SERVICE IMPACTS:** Services provided to the territory will not result in a significant negative impact on the cost and adequacy of services otherwise provided (Policy 6.2.4, §56668.3(b)).

RESPONSE: The service impacts to other EID customers are expected to be minor. Before each FIL is generated, EID staff conducts an analysis of the infrastructure capacity and compares it to the total expected demand from existing and projected customer use. This is done to ensure that neighboring EID customers will not have any negative impacts to their current level of service. EID regulations provide safeguards to ensure that new development does not result in the over-allocation of water. Under EID regulations, no water meters can be issued if available water supplies are “seriously threatened” until additional water supply is available (EID Regulation No. 22.7). The developer is responsible for construction and financing of all water transmission lines and distribution facilities to receive EID service. No negative fiscal, service or other impacts have been identified by EID.

6. **COORDINATION OF APPLICATIONS:** If a project site can be anticipated to require additional changes of organization in order to provide complete services, the proposal shall be processed as a reorganization (Policy 3.1.10). Where related changes of organization are expected on adjacent properties, petitioners are encouraged to combine applications and LAFCO may modify boundaries, including the addition of adjacent parcels to encourage orderly boundaries (Policy 3.1.9).

RESPONSE: Wastewater service through EID is not a part of this proposal; the project will utilize private septic systems. Each individual property will be required to have an on-site sewage disposal system that meets the requirements of the Environmental Health Division of the El Dorado County Environmental Management Department. All lots underwent percolation tests and were found to have adequate leaching capacity to support the proposed individual on-site sewage disposal systems. The El Dorado County Environmental Health Division has reviewed and approved the proposed sewage disposal areas.

The subject parcels are within the Cameron Park Community Services District (CPCSD) sphere of influence, but there are no plans to annex the project site into the CSD at this time. The parcels are currently within El Dorado County’s Service Area 9, Zone 17 – Ponderosa Recreation Zone for park and recreation services, which is not requested to change as a part of this proposal.

The proposed subdivision is within the Rescue Fire Protection District for fire-related and emergency medical services. A Summer Brook Homeowner's Association will be formed upon completion of the development to address the road maintenance and drainage needs of the subdivision. There are no additional services that are necessary to serve the future residents of Summer Brook.

The subject parcels are adjacent to EID's service boundary to the south and east. The annexation, as proposed, will create an "island" out of one parcel directly to the south (APN 102-030-10), which will not be included in the EID service boundary but will be surrounded by other parcels that are (refer to the EID Boundary Map, Attachment A). The 25-acre parcel currently contains a single family residence that has a private well and septic system. LAFCO staff does not recommend amending the proposal to include this parcel because the need for service is not imminent and past discussions with agents representing Summer Brook have stated that the owners of this potential island parcel have expressed an interest in rezoning the parcel from Exclusive Agriculture to Commercial in the future. Therefore, annexation at this time may be premature without knowing the ultimate development plans. This is because including the parcel to the south risks the Commission taking action without fully considering the possible changes in land use and the potential demands to EID. If such a change in land use were to occur, the project would have to first be approved by the County, and then by LAFCO if EID service were requested. However, it should be noted that the Commission always retains the authority to amend the annexation area prior to approval, if it does not agree with staff's recommendations.

(Numbered items 7-12 relate to cost and revenues)

7. **PRESENT COST/ADEQUACY OF GOVERNMENTAL SERVICES, INCLUDING PUBLIC FACILITIES:** The Commission shall consider existing government services and facilities, cost and adequacy of such services and facilities (§56668(b), Policy 3.3). If service capacity and/or infrastructure will be expanded, the applicant will submit cost and financing plans (Policy 3.3.2.2).

RESPONSE: EID stated in their FIL to the applicant that it has adequate excess water supply in their Western/Eastern Water Supply Region to serve this project. EID does not appear to have any current service deficiencies that indicate annexation of the Summer Brook parcel would result in any negative cost or service impacts to present customers.

8. **EFFECT OF PROPOSAL ON COST & ADEQUACY OF SERVICE IN AREA AND ADJACENT AREAS:** The Commission shall consider existing and proposed government services and facilities, the cost and adequacy of such services and facilities and probable effect of the proposal on the area and adjacent areas (§56668(b) and Policy 3.3). LAFCO will discourage projects that shift the cost of service and/or service benefits to others or other service areas (Policy 6.1.8).

RESPONSE: EID has negotiated and approved the property tax increment agreement with the County for the annexation territory. In addition to tax revenue; impact fees, facility connection charges and other charges will support the cost of services. The annexation is expected to provide revenue that will offset the short- and long-term costs to the District.

9. **EFFECT OF ALTERNATIVE COURSES OF ACTION ON COST & ADEQUACY OF SERVICE IN AREA AND ADJACENT AREAS:** The Commission shall consider the cost and adequacy of alternative services and facilities (§56668).

RESPONSE: The proposed annexation to EID is the most logical alternative to deliver the necessary water service to the Summer Brook subdivision. At this time, there are no other municipal water service providers in this area. The alternatives for providing potable water to the subdivision are private wells or transported water. Private wells are not a viable option given the anticipated service demand from the 29 homes and water transportation is very costly and inconvenient.

The applicant has not requested wastewater service through EID. Each lot will be required to have an on-site sewage disposal system that meets the requirements of the El Dorado County Environmental Health Division.

10. **SUFFICIENCY OF REVENUES, PER CAPITA ASSESSED VALUATION:** 56668(j)

RESPONSE: The current assessed value of the subject parcels is \$819,085. A slight increase in assessed value is expected to occur upon annexation into EID; a significant increase in the assessed value is expected to occur as a result of the subdivision.

The annexation is expected to provide sufficient revenue to EID to cover the short- and long-term costs of the Summer Brook residents' use of existing EID facilities. The County and EID have negotiated a property tax revenue sharing agreement, based upon the Chief Administrative Officer's proposal (Attachment C), with EID receiving 2.667% of the property tax revenue for the annexing area. Based upon this agreement, various connection fees and the applicant's responsibility for covering the cost of extending necessary infrastructure, EID should receive sufficient revenue for providing service the proposed subdivision.

11. **REVENUE PRODUCING TERRITORY:** The proposed annexation shall not represent an attempt to annex only revenue-producing territory (Policy 6.1.1).

RESPONSE: Summer Brook will consist of 29 single family homes upon subdivision. The total assessed value of the subject area is expected to increase as a result of annexation and development. EID will collect revenue through user charges, property taxes and connection fees, which should offset the cost of providing water service to the subdivision.

12. **"BEST INTEREST":** The Commission shall consider whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district (§56668.3).

RESPONSE: The annexation appears to be consistent with LAFCO and EID policies and is in the best interests of the landowners and the future residents of Summer Brook. The annexation will provide essential municipal water service to the proposed subdivision.

(Numbered items 13-17 relate to boundaries)

13. **BOUNDARIES: LOGICAL, CONTIGUOUS, NOT DIFFICULT TO SERVE, DEFINITE AND CERTAIN:** The proposed boundary shall be a logical and reasonable expansion and shall not produce areas that are difficult to serve (§56001). Lands to be annexed shall be contiguous (Policy 3.9.3, §56741-cities) and should not create irregular boundaries, islands, peninsulas or flags (Policy 3.9.4). The boundaries of the annexation shall be definite and certain and conform to existing lines of assessment and ownership (Policy 3.9.2, §56668(f)).

RESPONSE: The subject territory is within EID's sphere of influence and adjacent to other parcels within EID's service area on the eastern and southern sides. The annexation, as proposed, will create an island out of one parcel directly to the south (APN 102-030-10), which will not be included in the EID service boundary but will be surrounded by other parcels that are (refer #6 above and to Attachment A). Water lines are nearby and can be extended to the subject area without any foreseeable problems.

14. **TOPOGRAPHY, NATURAL BOUNDARIES, DRAINAGE BASINS, LAND AREA:** Natural boundary lines which may be irregular may be appropriate (Policy 3.9.6). The resulting boundary shall not produce areas that are difficult to serve (Policy 3.9.7).

RESPONSE: Topography of the subject parcels is relatively flat; slopes exceeding 30% are limited to drainages and streams. Approximately 1.6 acres of wetlands, seeps, and drainage channels are located onsite. Vegetation is comprised of native grasslands and oak woodlands habitat. There are no topographical features that will hinder service to this area.

15. **CREATION OF IRREGULAR BOUNDARIES:** Islands, peninsulas, "flags", "cherry stems", or pin point contiguity shall be strongly discouraged. The resulting boundary shall not produce areas that are difficult to serve. The Commission shall determine contiguity (Policies 3.9.3, 3.9.4, 3.9.7).

RESPONSE: The annexation, as proposed, will create an island out of one parcel directly to the south (APN 102-030-10), which will not be included in the EID service

boundary but will be surrounded by other parcels that are (refer #6 above and to Attachment A). For the reasons outlined in Section 6, LAFCO staff does not recommend amending the proposal to include this parcel; however, the Commission always retains the authority to do so prior to approval, if it does not agree with staff's findings.

16. **CONFORMANCE TO LINES OF ASSESSMENT, OWNERSHIP:** The Commission shall modify, condition or disapprove boundaries that are not definite and certain or do not conform to lines of assessment or ownership (Policy 3.9.2).

RESPONSE: The boundaries of the proposed annexation conform to the existing lines of assessment and ownership. The proposal maps have been reviewed by the County Surveyor and have been found to be definite and certain. The subdivision was approved by the Board of Supervisors on March 11, 2008.

17. **SPHERES OF INFLUENCE:** Commission determinations shall be consistent with the spheres of influence of affected local agencies (Policy 3.9.1).

RESPONSE: The boundaries of the proposed for annexation are fully contained within the EID sphere of influence.

(Numbered items 18-21 relate to potential effect on others and comments)

18. **EFFECT ON ADJACENT AREAS, COMMUNITIES OF INTEREST:** The Commission shall consider the effect of the proposal and alternative actions on adjacent areas, mutual social and economic interests and on the local governmental structure of the county (§56668(c)).

RESPONSE: The proposed annexation does not break any Community of Interest, nor will it affect the social or economic interests of adjacent areas. The subject parcel is located within a Rural Region of the County in the Rescue area directly north of the Cameron Park Community Region. The proposed subdivision will primarily benefit only the future residents of Summer Brook and the proposed land use is consistent with the provisions of the General Plan. A Summer Brook Homeowner's Association will be formed upon completion of the development to address the road maintenance and drainage needs of the subdivision.

It must be noted that neighbors to this parcel and residents from the surrounding area testified before the County Planning Commission and the Board of Supervisors to complain that development of this property is inconsistent with the rural nature of the area and would have a deleterious effect on wildlife.

19. **INFORMATION OR COMMENTS FROM THE LANDOWNER OR OWNERS:** The Commission shall consider any information or comments from the landowner or owners.

RESPONSE: The landowners support the proposed annexation and have not indicated that any additional comments or information need to be given consideration beyond the customary application materials.

- 20. EFFECT ON OTHER COMMUNITY SERVICES, SCHOOLS:** LAFCO's review of services refers to governmental services whether or not those services are provided by local agencies subject to the Cortese-Knox-Hertzberg Act, and includes public facilities necessary to provide those services.

RESPONSE: There are no negative impacts expected for the public service providers in the area. The following identifies the current public service providers and the expected impacts:

Fire Protection: The Summer Brook site is within the Rescue Fire Protection District; however, in the event of an emergency, the Cameron Park Community Services District (CPCSD) Fire Department may also respond, given the close proximity of one of its stations. The nearest fire stations are CPCSD's Station 88 at 2961 Alhambra Drive, which is approximately two miles southeast of the project site, and Rescue FPD's Station 83, which is located approximately four miles east at 5221 Deer Valley Road. The level of service provided to the area will not change as a result of the annexation.

Police Protection: The El Dorado County Sheriff's Department would continue to provide police services for the Summer Brook parcels. Response times to the area would depend on the location of the nearest unit at the time of dispatch.

Park and Recreation Services: The subject parcels are currently within El Dorado County's Service Area 9, Zone 17 – Ponderosa Recreation Zone for park and recreation services, which is not requested to change as a part of this proposal. Although the parcels are within the Cameron Park Community Services District sphere of influence, there are no plans to annex the project site into the CSD at this time.

Schools: Future residents of the proposed Summer Brook subdivision will be within the Rescue Union School District, the El Dorado Union High School District and the Los Rios Community College District. The students would most likely attend Green Valley Elementary at 2380 Bass Lake Road and Pleasant Grove Middle School at 2540 Green Valley Road, both located in Rescue. High school students would attend Ponderosa High School at 3661 Ponderosa Road in Shingle Springs. The affected school districts will collect development fees from the construction of each residence to help offset the costs of providing new facilities for the additional students.

- 21. OTHER AGENCY COMMENTS, OBJECTIONS:** All affected and interested agencies are provided application related material and notified of the proposal and proposed property tax redistribution plan. Comments have been requested and shall be considered (Policy 3.1.4 (l), §56668(i)).

For district annexations and city detachments only, the Commission shall also consider any resolution objecting to the action filed by an affected agency (§56668.3(4)). The Commission must give great weight to any resolution objecting to the action which is filed by a city or a district. The Commission's consideration shall be based only on financial or service related concerns expressed in the protest (§56668.3(5b)).

RESPONSE: The following agencies were provided an opportunity to comment on this proposal:

- El Dorado Irrigation District
- El Dorado County representing CSAs 7, 9, 9 Zone 17, 10, and 10 Zone D
- Rescue Fire Protection District
- El Dorado County Water Agency
- El Dorado County Resource Conservation District
- El Dorado County Department of Agriculture
- El Dorado County Office of Education
- Rescue Union 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 Elections Department
- Farm Bureau

Jonathan Fong, Project Planner for El Dorado County submitted comments stating that conditions were placed on the Summer Brook project requiring EID services prior to final approval. Specifically, the conditions state that, 1) The project shall connect to EID public water and private onsite septic systems, and 2) The applicant shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection.

William Stephens, Agricultural Commissioner, submitted comments on behalf of the El Dorado County Agricultural Department stating that, "Contrary to the Applicant's answer (referring to page 4 of Attachment B), APN 102-210-12 contains Farmland of Local Importance identified by the California Department of Conservation. The Department of Agriculture recommended denial of the annexation request because of General Plan Policy 8.1.2.2 Historic Grazing Lands." A map of the project area, showing the areas containing Farmland of Local Importance was submitted by the Agricultural Department and is included as 'Attachment E.'

These comments were consistent with the Agricultural Commission's recommended denial of the project's rezone and General Plan amendment request on July 11, 2007. According to the meeting minutes, this decision was based on the facts that the project 1) does not meet the allowable density of one dwelling unit per 10 to 160 acres for the Rural Residential Land Use Designation, 2) will create

an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected, 3) will significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands by creating parcels less than 10 acres, and 4) is proposed to be located on historical grazing land, and as such should be protected with a 40-acre minimum parcel size.

However, as described in the above CEQA section, the County disagreed with these findings and found the project to be consistent with surrounding residential uses, and the non-agricultural-zoned parcels to the north, east, and west. Despite the Agricultural Commission’s recommended denial, the Summer Brook project was ultimately approved by the Board of Supervisors on March 11, 2008.

(Numbered items 22-26 relate to land use, population and planning)

22. FAIR SHARE OF REGIONAL HOUSING NEEDS: The Commission shall review the extent to which the proposal will assist the receiving entity in achieving its fair share of regional housing needs as determined by Sacramento Area Council of Governments (SACOG) (§56668(l)).

RESPONSE: In February of 2006, the Sacramento Area Council of Governments (SACOG) released a draft version of their Regional Housing Needs Assessment (RHNA) Allocation Goals for El Dorado County, which quantifies the need for housing by income level for 2006-2013. For the unincorporated portion of El Dorado County, the total RHNA Allocations are as follows:

MHI = Median Household Income

2006-2013 Total RHNA Allocation				
Total Units	Very Low <50% of MHI	Low 50-80% of MHI	Moderate 80-120% of MHI	Above Moderate 120+% of MHI
15,993 (100%)	4,818 (30.1%)	3,456 (21.6%)	3,002 (18.8%)	4,717 (29.5%)

The Summer Brook subdivision is expected to provide market rate housing for the area, which would most likely be classified as either “moderate” or “above moderate” income units. As defined by SACOG, “moderate” income units are households with 80-120% of the median household income for El Dorado County. “Above moderate” units are households with an income higher than 120% of the median household income. The proposed subdivision will assist the unincorporated part of the County in achieving its RHNA goals by providing 29 units of either Moderate or Above Moderate housing.

23. LAND USE, INFORMATION RELATING TO EXISTING LAND USE DESIGNATIONS: The Commission shall consider any information relating to existing land use designations (§56668(m)).

RESPONSE: In March of 2008, the Board of Supervisors approved a request to change zoning of the Summer Brook subdivision site from Exclusive Agricultural (AE) and Estate Residential Five-Acre (RE-5) to Estate Residential Five-Acre / Planned Development (RE-5/PD). The land use designation was changed from Rural Residential (RR) to Low Density Residential (LDR). The annexation and proposed development are consistent with the current zoning and land use designation of the subject territory.

- 24. POPULATION, DENSITY, GROWTH, LIKELIHOOD OF GROWTH IN AND IN ADJACENT AREAS OVER 10 YEARS:** The Commission will consider information related to current population, projected growth and number of registered voters and inhabitants in the proposal area.

RESPONSE: There are currently no registered voters residing in the proposal area and the subject territory is currently considered uninhabited per State Law. Upon completion of the Summer Brook subdivision development there will be 29 residential units, resulting in approximately 87 new residents (accounting for an average of three persons per home).

The subdivision will have a minimal growth-inducing impact due to the moderate number of additional residential lots and lack of any school or large scale employment opportunities that lead to indirect growth. Because the proposal does not include any additional parcels, the project will not directly or indirectly induce significant growth by extending or expanding infrastructure to other parcels outside of the District.

- 25. PROXIMITY TO OTHER POPULATED AREAS:** The Commission shall consider population and the proximity of other populated areas, growth in the area and in adjacent incorporated and unincorporated areas during the next 10 years (Policy 3.1.4 (a)).

RESPONSE: The subject site is substantially surrounded by existing residential development. There are 10-acre residential parcels to the north, northeast and west, the Travois subdivision to the east with 1 to 2-acre parcels, one 25-acre Exclusive-Agriculture (AE) zoned residential parcel to the southwest, and Green Valley Road to the south with Pleasant Grove Middle School on the other side. The proposed subdivision will conform to the surrounding zoning and land use designations (refer to Section 26).

- 26. CONSISTENCY WITH GENERAL PLANS, SPECIFIC PLANS, ZONING:** The Commission shall consider the general plans of neighboring governmental entities (Policy 3.1.4(g)).

RESPONSE: The proposed subdivision is consistent with the zoning and land use designations of the subject parcel and surrounding areas (see Section 23 above for further detail):

	Zoning	General Plan	Land Use
Site:	RE-5 PD	LDR	Undeveloped grazing land
North:	RE-10	RR	Existing residential development
West:	RE-10/RE-5	RR	Existing residential development
East:	R2A/RE-10/AE	MDR/RR	Existing residential development
South:	RE-5/AE	RR/LDR/PF	Existing residential development / Green Valley Road / Pleasant Grove Middle School

27. PHYSICAL AND ECONOMIC INTEGRITY OF AGRICULTURE LANDS AND OPEN SPACE LANDS: LAFCO decisions will reflect its legislative responsibility to maximize the retention of prime agricultural land while facilitating the logical and orderly expansion of urban areas (Policy 3.1.4(e), §56016, 56064).

RESPONSE: The Agricultural Commission recommended denial of the project in July of 2007, based on several factors listed in detail in Section 21. The project was ultimately approved by the Board of Supervisors, which found the subdivision to be consistent with surrounding residential uses to the north, east, and west. One Exclusive-Agriculture (AE) zoned parcel is located to the south; however, the project includes a 200-foot setback and a 10-acre minimum parcel size for parcels located adjacent to this parcel. The proposed annexation and development would not affect agricultural activities on the neighboring properties.

The project site is currently utilized for undeveloped grazing land for cattle and horses, which is expected to cease upon development of the subdivision. The project site contains a limited amount of Soils of Local Importance (approximately 15%), which are located adjacent to existing Medium Density Residential development. Upon subdivision, the majority of these soils would be located in one of the open space lots, although portions would be located within five of the residential lots.

28. OPTIONAL FACTOR: REGIONAL GROWTH GOALS AND POLICIES: The Commission may, but is not required to, consider regional growth goals on a regional or sub-regional basis (§56668.5).

RESPONSE: The annexation and development of the Summer Brook subdivision will contribute to the County in meeting its Regional Housing Needs Assessment goals for moderate to high income levels. The proposal will increase available market rate housing for the Rescue area, and will contribute to a decrease in the total available land for lower income housing categories. The County, however, may be able to meet these lower income regional housing needs allocations elsewhere. See Section 22 for more detail regarding SACOG's RHNA goals.

ATTACHMENTS

Attachment A: EID Boundary Map

Attachment B: Landowner Application & Project Information

Attachment C: Chief Administrative Officer Proposal Spreadsheet

Attachment D: Facility Improvement Letter, dated June 4, 2009

Attachment E: Farmland of Local Importance Map

**included as Attachment G2*

Attachment F: Supplemental Addendum to the Mitigated Negative Declaration

Attachment G: LAFCO Resolution L-2009-07

**not included, instead see draft resolutions Attachments H and I*

Attachment H: CA Ag LESA Worksheets