

DRAFT
EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2008-02

Briggs Reorganization to the City of Placerville
LAFCO Project No. 05-13

WHEREAS, on July 12, 2005, Ron and Kelly Briggs, owners of 100% of the assessed value of the land shown in "Exhibit A" (hereinafter referred to as the "subject territory") submitted a landowner petition ("petition") requesting the reorganization of the subject territory into the City of Placerville ("the City") and the El Dorado County Fire Protection District (ECF) City of Placerville Zone, with concurrent detachment from the ECF Placerville Zone, County Service Area (CSA) #9 and CSA #9's Zone 19 (Mother Lode Recreation Zone); and

WHEREAS, the petition is in conformance with Government Code §56650 et seq.; and

WHEREAS, the proposal was assigned LAFCO Project No. 05-13 and is referred to as the "Briggs Reorganization into the City of Placerville"; and

WHEREAS, the subject territory is commonly known as Assessor's Parcel Numbers (APNs) 325-120-31 and 325-160-16 (collectively comprised of approximately 1.792 acres); and

WHEREAS, the petition requests the annexation of the subject territory into the City for the provision of general administrative services, wastewater treatment, police protection, road drainage, municipal water billing, parks and recreation services, with concurrent detachment from CSA #9 and CSA #9's Zone 19 (Mother Lode Recreation Zone); and

WHEREAS, the reorganization also necessitates annexation of the subject territory into the ECF City of Placerville Zone with concurrent detachment from the ECF Placerville Zone for the funding and provision of fire protection and emergency response 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 March 7, 2006, and by the City on February 14, 2006; and

WHEREAS, the City did not request termination of the informational hearing proceedings pursuant to Government Code §56857(b); and

WHEREAS, pursuant to Government Code §56857(a), the proposal was placed on the Commission agenda for the meeting of May 24, 2006 for informational purposes only, and a copy of the proposal was sent to the Applicant and all subject agencies; and

WHEREAS, a Negative Declaration of Environmental Impact (ND) and accompanying Addendum have been prepared for the project by the City of Placerville, as outlined by the California Environmental Quality Act ("CEQA"); and

WHEREAS, the El Dorado Local Agency Formation Commission ("LAFCO") has reviewed said ND and Addendum, a copy of which is filed at the LAFCO office; and

WHEREAS, within the scope of this environmental review, 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 November 14, 2007; and

WHEREAS, the Executive Officer set a public hearing for January 30, 2008 for consideration of the petition, ND 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 and the ND 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 January 30, 2008 meeting during which the petition was considered; and

WHEREAS, on January 30, 2008, the matter came on regularly for hearing before this Commission, at the time and place specified in the Notice of the Public Hearing; and

WHEREAS, at said hearing, the petition, the ND 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 ND, 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: the City of Placerville; El Dorado County representing County Service Areas #7, #9, #9 Zone 18, #10 and #10 Zone H; El Dorado County Fire Protection District; El Dorado County Planning Department; El Dorado County Agricultural Commission; El Dorado County Farm Bureau; El Dorado County Surveyor's Office; El Dorado County Committee on School District Organization; El Dorado County Water Agency; Los Rios Community College District; El Dorado Union High School District; Mother Lode Union Elementary School District; El Dorado Irrigation District; and the El Dorado County Resource Conservation District.
4. There are no registered voters in the subject territory; therefore the subject territory is considered uninhabited per Government Code §56046.
5. Ron and Kelly Briggs, as owners of 100% of the assessed value of the land within the subject territory, have given their written consent to the reorganization.
6. The City, 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 City sphere of influence and is contiguous to the existing boundary.
9. The subject properties are currently designated High Density Single-Family Residential by the 2004 El Dorado County General Plan and were pre-zoned Commercial by the City in October of 2006.
10. The subject territory is developed residential land with two occupied, single-family rental residences.
11. The subject territory has the potential of remaining under current use or being subsequently converted to commercial uses, either as a stand alone project or

12. in conjunction with the development of adjacent property within the City owned by the applicant.
13. The reorganization petition and proposed commercial use is consistent with the City's pre-zoning and the City's General Plan.
14. The subject territory is currently within tax rate area (TRA) 078-002; upon reorganization the territory will be in TRA 001-027.
15. The total assessed land value of the subject territory is \$731,193.
16. The petition will not affect the City's ability to meet its Regional Housing Needs Assessment allocations as determined by the Sacramento Area Council of Governments.
17. Upon completion of the approval proceedings, the City shall provide general administrative services, wastewater treatment, police protection, road drainage, municipal water billing, parks and recreation services to the subject territory.
18. The City has planned for the provision of these services to the subject territory and has developed a fee schedule, bonding funds, and assessments to provide funding for that service.
19. Upon completion of the approval proceedings, ECF shall continue to provide fire protection and emergency medical services to the subject territory through its City of Placerville Zone rather than through its Placerville Zone.
20. Upon completion of the approval proceedings, CSA #9 and CSA #9's Zone 19 (Mother Lode Recreation Zone) shall cease to provide parks and recreation services to the subject territory.
21. Upon completion of the approval proceedings, the El Dorado County Sheriff's Department shall cease to provide police protection and public safety services to the subject territory.
22. Upon completion of the approval proceedings, EID shall continue to provide municipal services to the subject territory; however, water billing will be administered through the City of Placerville.
23. This Commission has reviewed and considered the information contained in the ND and Addendum, Initial Study and administrative record for the petition.
24. This Commission finds that the ND, Addendum and Initial Study contain a complete, accurate and objective reporting of the environmental impacts associated with the reorganization and reflect the independent judgment of the Commission.

25. This Commission further finds that the ND, Addendum and Initial Study have been completed in compliance with CEQA, the State CEQA Guidelines and the Commission's Local CEQA Guidelines as detailed in the El Dorado LAFCO Policies and Guidelines.
26. A full and fair public hearing was held on the ND and accompanying Addendum for the reorganization.
27. The ND and Addendum addressed, among other things, impacts to land use and planning, fire protection and emergency medical services, law enforcement, public schools, parks and recreation, water wastewater and transportation and circulation.
28. Neither the ND nor the Addendum identified any potentially significant unmitigatable impacts or cumulative impacts resulting from the proposed project.
29. This Commission hereby finds on the basis of its review of the Initial Study and comments on the ND 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 reorganization will not cause any significant environmental impacts.
30. The City, in accordance with the California Environmental Quality Act (CEQA) ultimately determined that, by way of mitigation, the reorganization would not have a significant impact on the environment.
31. The City's ND and Addendum for the reorganization is hereby accepted as the appropriate environmental document for this petition in accordance with CEQA.
32. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
33. The reorganization 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.
34. 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 City of Placerville sphere of influence and the El Dorado LAFCO Policies and Guidelines.
35. The area proposed for reorganization represents an orderly, logical and a justifiable extension of the city boundaries.

36. The proposal is assigned the following short form designation:

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37. The Briggs Reorganization to the City of Placerville, annexing the subject territory to the City and ECF's City of Placerville Zone with concurrent detachment from ECF's Placerville Zone, CSA #9 and CSA #9's Zone 18 (Mother Lode Recreation Zone) 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 the City and ECF's City of Placerville Zone.
 - (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 January 30, 2008.
38. All subsequent proceedings in connection with this reorganization 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. Determination for the reorganization, pursuant to Title 14 California Code of Regulations (§15075).
39. 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.

40. 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 the City of Placerville, hereafter referred to as "the City";
 - (b) Shall have the same rights and duties as if the affected territory has been a part of the City 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 City, including amounts which shall become due on account of any outstanding or then authorized but thereafter issued obligations of the City;
 - (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 City as now existing or hereafter amended.
39. All interested parties, including without limitation Ron and Kelly Briggs, agree that LAFCO retains in perpetuity the authority to enforce, through legal action or otherwise, all of the terms and conditions of the project approval.
40. The documents and materials which constitute the record of proceedings on which these findings are based are located at 550 Main Street, Suite E, Placerville, CA 95667. The custodian of these records is the Executive Officer.

PASSED AND ADOPTED by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held January 30, 2008 by the following vote of said Commission.

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Clerk to the Commission

Chairperson