

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

STAFF REPORT

AGENDA OF MAY 24, 2006

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

FROM: José C. Henríquez, Executive Officer

PREPARED BY: Erica Frink, Policy Analyst

AGENDA ITEM #5: Buckeye Union School District, Silver Dove Elementary
School Annexation to the El Dorado Irrigation District
LAFCO Project No. 05-09

PROPONENT(S): Buckeye Union School District; Ray Boike, Director of
Facilities

DESCRIPTION OF PROJECT

This proposal consists of one parcel, APN 108-130-11, annexing into the El Dorado Irrigation District for the provision of water and wastewater services. The territory proposed for annexation is approximately 10 acres of undeveloped land owned by the Buckeye Union School District and is the location of a future K-5 grade elementary school. The facility will provide classrooms, instructional preparation, administration, food service and recreational facilities to serve approximately 650 students and 70 staff members. The facility will also provide on-site parking facilities, including a parent drop-off area.

PURPOSE

To obtain water and wastewater services for Silver Dove Elementary School, a planned K-5 grade school, part of the Bass Lake Hills Specific Plan.

RECOMMENDATIONS

Staff recommends that the Commission take the following actions:

1. Recognize that the Buckeye Union School District, as the lead agency in consultation with LAFCO, has prepared a Mitigated Negative Declaration and CEQA determinations which have been found to be adequate and complete for the purposes of annexation.

2. Adopt Staff's recommended list of findings, determinations and conditions (as specified in Attachment E), adding any additional conditions the Commission finds appropriate and approving the Buckeye Union School District Silver Dove School Annexation to the El Dorado Irrigation District; LAFCO Project No. 05-09.
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

Annexation into the El Dorado Irrigation District is necessary to provide essential water and wastewater services to the future school site. The proposed project is necessary to accommodate the K-5 grade education demand created by the development of subdivisions within the Bass Lake Hills Specific Plan (BLHSP) and surrounding areas. The increase in elementary school students would exceed the current available capacities of the Buckeye Union School District (BUSD).

LOCATION

The project site is 4371 Silver Dove Way, identified as Assessor's Parcel Number 108-130-11. The parcel consists of 10 acres of unimproved land. The territory is within the BLHSP, north of Highway 50 and west of Bass Lake Road. The BLHSP is considered to be within the El Dorado Hills area.

CEQA

The BUSD as the Lead Agency for the project prepared and certified a Mitigated Negative Declaration for the project on February 2, 2002. Within the scope of this environmental review, the environmental impacts of the annexation were addressed. This document included a Mitigation Monitoring Program that addressed measures necessary to mitigate the potential significant effect that the project could have on the surrounding area, and identified the responsible parties and included the provisions to be followed. Areas within the Mitigated Negative Declaration of interest to LAFCO include:

Agricultural Resources

The project site is currently zoned Agricultural (A), and the subsequent development will change the current land use. However, this project site is not considered Prime Farmland as defined by Government Code §56064, Unique Farmland or Farmland of Statewide Importance. The subject property is not under a Williamson Act contract. Past agricultural use of the land includes livestock grazing, but this is not currently the case. The site is currently in the middle of unimproved lands with no immediate neighboring

homes or communities. The school could potentially have a negative impact on surrounding agricultural use and be growth inducing to the area. However, the location of the school is a mitigation measure for the Bass Lake Hills future planned development and is a reaction to the estimated future growth between El Dorado Hills and Cameron Park. It is anticipated that the entire BLHSP area will undergo a required zone change from Agricultural to Residential in the next few years. Consequently, in consideration of the projected future build out of the surrounding area, locating a school site on the subject property is expected to conform to the future land use of the vicinity.

The BLHSP Program EIR Addendum (Section 4.0, MMP) contains mitigation measure I01, which is intended to reduce potential land use compatibility impacts. Please see Attachment C for the mitigation measures required for this project.

Hydrology and Water Quality

Currently, the subject property is fairly level, and from a topographical perspective is considered a hilltop location. There are no drainages that flow through the property, and water dispersal appears to flow primarily to the northwest of the site. The drainage pattern of the site will be controlled by an engineered storm drain system, and any erosion or siltation at the outlets into natural swales or drainages will be mitigated by design features. The storm drain system for the school facility, combined with some increase in runoff amounts due to hardscapes, will affect the design and capacity of any downstream detention basin. Also, site maintenance activities that would include herbicide/pesticide/fertilizer applications, and the oil/grease/fuel deposits from parking areas, could affect water quality downstream from the school site.

Due to the fact that there will be no well on-site, groundwater supplies will not be depleted. However, due to the amount of impermeable surface area that will be covered by buildings and other hard surfaces, there will be not as much seepage of water into the ground as before.

The Initial Study / Mitigated Negative Declaration required mitigation measures 7.1, 7.2 and 7.3 to offset potential impacts to drainage and water quality. Please refer to Attachment C for a description of these mitigation measures.

Land Use and Planning

While the Silver Dove Elementary School will change the existing land use of the proposed parcel, the BLHSP will change the land use of the 1,196 acres immediately surrounding the area. The provision of an elementary school is one of the mitigation measures required in the BLHSP that have been adopted to lessen the impacts of population growth in the area. The Silver Dove Elementary School will coincide with surrounding land use upon build out. The ultimate construction of the elementary school is expected to unify the future residential villages within the BLHSP, and is not expected to divide or disrupt the surrounding community.

As part of the acquisition process for school districts mandated by Government Code §65402, the Planning Commission is required to make a determination whether the purchase of the site is in conformity with the General Plan. The El Dorado County Planning Commission approved the Finding of Consistency for the subject site on January 24, 2001. Also, under Public Resources Code §21151.2, the Planning Commission is required to issue a report regarding the proposed use of the property.

The El Dorado County Planning Commission approved this report on February 28, 2002. Since there are no conflicts with the BLHSP, and since the BUSD has completed their statutory obligations relative to land use clearance, no further mitigation was deemed necessary.

Population and Housing

The acquisition of the project site and construction of Silver Dove Elementary School is considered mitigation for the residential development that is expected to occur within the BLHSP and surrounding areas in the coming years. Currently, the school site is in the middle of unimproved lands with no homes or communities immediately surrounding the site. The elementary school is potentially growth inducing for the surrounding area. The school is proposed for this particular location in anticipation to future growth in the area.

Public Services

The project site lies within the jurisdiction of the following public service providers:

Fire Protection: El Dorado Hills County Water District
Police Protection: El Dorado County Sheriff's Department
Schools: Buckeye Union School District & El Dorado Union School District
Parks: El Dorado Hills Community Services District

The following is a summary of the potential impacts the proposed project may have on the public service providers:

Fire protection: Design and construction of the school facility will be subject to the requirements of the Division of the State Architect and the State Fire Marshall. Typically, all school buildings have fire sprinkler systems or alarms, and hydrants are strategically located. In the event of an emergency, the local fire department will be the first responder, and the nearest fire station (Station 86) is located approximately 1,100 feet north of the subject site at 3670 Bass Lake Road.

Police protection: The El Dorado County Sheriff's Department will provide police protection for the elementary school. Usually there are relatively few incidents at the elementary school level requiring a response from the Sheriff's Department; however, there are two Sheriff's substations of approximately equal distance to the site that could respond to a call. The El Dorado Hills substation is located at 981 Governor Drive, El Dorado Hills and the Cameron Park substation is located at 3204 Country Club Drive, Cameron Park. There is a plan for a second El Dorado Hills substation in the future that would be located near the Bass Lake Hills area, although no final location or date has been set.

Schools: The proposed project is a mitigation requirement for the development of the BLHSP by the collective developers.

Parks: The proposed project will add additional recreational opportunities for the community in the form of additional playing fields, hard court areas and play apparatus. Once the facilities are completed, there may be some joint effort and scheduling coordination for community use of the facilities with the El Dorado Hills Community Services District (El Dorado Hills CSD).

Recreation

The proposed project is within the boundaries of the El Dorado Hills CSD, which provides recreational services and programs to the area residents. The El Dorado Hills CSD also operates various park facilities within their district boundaries, and manages and maintains street medians and right of ways through individual Landscaping and Lighting Assessment Districts. El Dorado Hills CSD has an excellent record of joint use of fields with the School District.

Utilities and Service Systems

The proposed project is within the jurisdiction of the following public utilities and service systems:

Public Water and Sewer: There are currently no water and sewer services provided to the project location. Private solutions (well, transporting water, septic system, private treatment plant) are not feasible options to provide service due to the anticipated number of students and faculty that will share the facility. The school is expected to accommodate approximately 650 students and 70 staff members. The anticipated use is too great for a private system to be a viable option for the School District. Annexation of the site into EID boundaries is the most sensible option. Expense for the installation of the water and sewer system infrastructure will be paid for by the developer, without additional cost to BUSD.

Storm Drain System: The construction of the school facilities will require the installation of an on-site storm drain system that will discharge into a natural drainage, either by conduit or open channel. The installation and maintenance of the on-site system will be the responsibility of the BUSD.

Solid Waste: Solid waste services will be provided by El Dorado Disposal service (part of Waste Management). Services are available to the school facility, or the school may choose to transport their own solid waste to the Material Recovery Facility (MRF) in Diamond Springs. All solid waste in El Dorado County is processed at the MRF to recover any recyclable materials, and the remaining waste is transported to a landfill in Nevada. The services available from El Dorado Disposal and the capacity of the landfill are sufficient to accommodate the proposed project.

Conclusion

Although the proposed project could have a significant effect on the environment, revisions in the project have been made by or agreed to by the BUSD to lessen the impact. The Mitigated Negative Declaration prepared by the BUSD addressed the environmental impacts of the school annexation to EID and ultimately determined that, by way of mitigation, the proposed action would not have a significant impact on the environment. Staff has carefully reviewed this document and finds the analysis to be accurate and adequate for the annexation proposal at hand.

BACKGROUND

The Buckeye Union School District initiated an annexation application with El Dorado LAFCO in April of 2005. The parcel, APN 108-130-11, is currently an undeveloped 10 acres that is within the BLHSP. The planned future use of the parcel is to build a K-5 grade elementary school that will serve the area residents. The Silver Dove Elementary

School is a mitigation component of the BLHSP that is intended to accommodate the additional residents at build out in the coming years. Surrounding land uses are currently zoned either Agricultural (A) or Estate Residential Ten-Acre (RE-10). However, in the coming years the school site is expected to be surrounded by high density residential villages.

The BLHSP was approved by the El Dorado County Board of Supervisors in 1995. The Plan is comprised of 1,196 acres, constituting 88 individual parcels ranging in size from 1.1 to 96.4 acres. The majority of the parcels (78 percent) are approximately 10 acres. In the future the BLHSP will be comprised of several high density residential villages. The Planning Commission determined the school site was in conformity with the County General Plan and adopted the Findings of Consistency in 2002.

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	Future K-5 elementary school needs water, sewer and recycled water services; there are no other feasible options for private/public services. EID indicates it has the necessary capacity and infrastructure to service the area.
Ability to serve, level and range of service, time frames, conditions to receive service	2 – Consistent	EID indicates an ability to serve the parcel. 6 equivalent dwelling units (EDUs) are needed for water and wastewater; 10 EDUs are needed for recycled water.
Timely availability of adequate water supply	3 – Consistent	EID has indicated sufficient water is available in the Western Water Supply Region for the proposal.

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Alternatives to service, other agency boundaries, and local gov't structure	4 – Consistent	No other public service alternatives are available; private solutions (well, transporting water, septic, private treatment plant) are not feasible options to provide service due to the anticipated number of students and faculty that will share the facility. The school is expected to accommodate approximately 650 students and 70 staff members. The anticipated use is too great for a private system to be a viable option for the School District. Annexation of the site into EID boundaries is the most sensible option.
Significant negative service Impacts	5 – Consistent	EID indicates in its analysis that it does not expect any negative impacts to neighboring EID customers.
Coordination of applications	6 – Consistent	No other services are needed for the territory. There are no neighboring parcels included in the annexation.
Present cost/adequacy of governmental services, including public facilities	7 – Consistent	EID has stated that they have adequate excess water supply in the Western Water Supply Region to serve this annexation without any negative cost/service impacts to present customers.
Effect of proposal on cost & adequacy of service in area and adjacent areas	8 – Consistent	There are no foreseeable external costs involved in this proposal to EID or the current customers.

FACTOR TO CONSIDER	POLICY / STATUTE CONSISTENCY	COMMENT
Effect of alternative courses of action on cost & adequacy of service in area and adjacent areas	9 – Consistent	There are no other viable alternatives available to accommodate the planned number of students (650) and staff (70).
Sufficiency of revenues, per capital assessed valuation	10 – Consistent	The parcel is public land and not subject to property taxes; revenue will be collected through assessments and user charges.
Revenue producing territory	11 – Consistent	Collected revenue is expected to offset the cost of providing water and wastewater services.
56668.3 “best interest”	12 – Consistent	Consistent with LAFCO and EID policies; annexation appears to be in the best interest of both the BUSD and EID.
Boundaries: logical, contiguous, not difficult to serve, definite and certain	13 – Consistent	The parcel is contiguous to the EID service boundary and existing facilities are nearby. The annexation area is not difficult to serve.
Topography, natural boundaries, drainage basins, land area	14 – Consistent	There are no topographical features that will hinder service to this area.
Creation of islands, corridors, irregular boundaries	15 – Consistent	Annexation will not create irregular boundaries of any kind.
Conformance to lines of assessment, ownership	16 – Consistent	The proposal encompasses the entire parcel and the maps have been reviewed by the County Surveyor.
Spheres of Influence	17 – Consistent	The boundaries for the proposed annexation are fully contained within the current EID Sphere of Influence.

Effect on adjacent areas, communities of interest	18 – Consistent	The annexation does not break any Community of Interest. The elementary school is part of the BLHSP and will accommodate the future residents of the plan.
Information or comments from landowners or owners	19 – Consistent	No additional comments were received.
Effect on other community services, schools	20 – Consistent	The proposed project is expected to have a positive impact on the surrounding area as a whole. There are no expected negative impacts to current service providers of the area.
Other agency comments, objections	21 – Consistent	El Dorado Hills CSD commented on the potential joint use of a park that may be constructed in the future near the school site; no other comments were received.
Fair share of regional housing needs	22 – Inconsistent	The annexation proposal will not contribute to the County in meeting its Regional Housing Needs Assessment.
Land use, information relating to existing land use designations	23 – Consistent	Although the current zoning is Agricultural, schools are not subject to same siting designations by land use agencies. The project is consistent with the BLHSP.
Population, density, growth, likelihood of growth in, and in adjacent areas, over 10 years	24 – Consistent	There is no projected growth for the immediate project site. The surrounding area in the BLHSP is expected to be high density residential at build out in the coming years.

<p>Proximity to other populated areas</p>	<p>25 – Inconsistent</p>	<p>Currently, the school site is in the middle of unimproved lands with no homes or communities immediately surrounding the site. The elementary school is potentially growth inducing for the surrounding area. The school is proposed for this particular location in anticipation to future growth in the area. The school site is a part of the BLHSP, which at build out will be a series of high density residential villages.</p>
<p>Consistency with General Plans, specific plans, zoning</p>	<p>26 – Consistent</p>	<p>The project is consistent with the land use designation of the BLHSP but inconsistent with current zoning. School districts are not subject to the same siting for land use regulations.</p>
<p>Physical and economic integrity of agriculture lands and open space</p>	<p>27 – Consistent</p>	<p>The parcel is zoned Agricultural, however the soil is not considered Prime Farmland, Unique Farmland or Farmland of Statewide importance.</p>
<p>Optional factor: regional growth goals and policies</p>	<p>28 – Unknown</p>	<p>Neither SACOG or SPO could provide applicable regional growth goals and policies.</p>

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 resolution of petition of the landowner.
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 the Buckeye Union School District is adequate and complete and satisfies both the requirements of the California Environmental Quality Act and the Commission’s obligations for this

project under CEQA.

4. The annexation will not result in negative impacts to the cost and adequacy of service otherwise provided in the area, and it 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 the available water supply that may be needed for the future build-out of the area, which, in turn leads towards meeting the 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 10 undeveloped acres into EID in order to obtain potable water, wastewater and recycled water service for a planned K-5 elementary school. No other water purveyor may feasibly extend services to the site and a private well and/or septic is not an option given the scope of the future land use. The Silver Dove Elementary School is expected to accommodate approximately 650 students and 70 faculty members. The anticipated use is too great for a private system to be a viable option for the School District. Annexation of the site into EID boundaries is the most sensible option.

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: A Facility Improvement Letter (FIL) from EID, dated January 24, 2005 (Attachment D), states that a 12-inch water line runs to the west of the project location (please refer to Map B). The El Dorado Hills County Water District has determined that the minimum fire flow for this project is 2,250 GPM for a 2-hour duration while maintaining a 20-psi residual pressure. In order to provide this fire flow and receive service, a water line extension connecting to the existing 12-inch water line must be constructed. This would allow the capacity to provide sufficient

water and fire protection for the proposal.

A 6-inch sewer line currently runs through Aragon Court in the Serrano Subdivision, approximately 2,200 feet west of the project location (please refer to Map B). EID has determined that this sewer line has adequate capacity to serve this project at this time. In order to receive service from this line, an extension of facilities of adequate size must be constructed.

EID's Regulation 31 requires this project to utilize recycled water for landscape irrigation. At the time that the FIL was written, the Hawk View Subdivision to the north of the project area was proposing to extend a recycled water line from the Bridlewood Tank site to their project location. This new recycled water line will run approximately 3,100 feet north of the proposed project location. In order to receive service from this line, an extension of facilities of adequate size must be constructed. Further actions are required from the applicant by EID before recycled water service can be provided. These include, a User Reclamation Plan and detailed facility plans.

Six equivalent dwelling units (EDUs) are needed to serve the water and wastewater needs of this proposal. Annexation would result in the installation of one new 1½ - inch water meter for municipal water and sewer services. Ten EDUs are needed to serve the recycled water needs of this proposal. Annexation would result in the installation of one new 2-inch landscape meter for recycled water purposes.

Developers for the BLHSP are responsible for funding all required infrastructure improvements involved with the project. There will be no additional costs to either the School District or EID. To defray the cost of the sewer improvements to serve the school site, the District has agreed to grant the developers a credit against their School Mitigation Fees for 50 percent of the cost of the sewer line improvements, up to \$500,000.

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 annexation parcel is inside the EID Sphere of Influence and part of its Western Water Supply Region. As of January 1, 2004, there were 1,966 equivalent dwelling units (EDUs) available in this region. Application for water, wastewater and recycled water service is subject to EID requirements. EID staff confirms that two meters would be available for purchase by the BUSD. Service will be available after all EID fees and hook up charges are paid and the necessary infrastructure improvements are completed by the developer. Service is contingent upon LAFCO Commission approval of the annexation.

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. Given the planned use for the proposed area and the expected demand, a private well and septic tanks are not feasible, nor is trucking in water or constructing a private water treatment plant. The K-5 elementary school is expected to accommodate approximately 650 students and 70 staff members. See also #9.

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. EID staff has confirmed that before each Facility Improvement Letter is generated, EID conducts analysis of neighboring customer usage and expected new customer usage. This is done to ensure that neighboring EID customers will not have any negative impacts to their current level of service.

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: The entire territory is within the El Dorado Hills CSD for parks and recreation services and the El Dorado Hills County Water District for fire protection. No other services appear to be needed to serve this property. There are no neighboring properties that require reorganization or additional services.

(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 Facility Improvement Letter to the BUSD on January 24, 2005 that they have adequate excess water supply in the Western Water Supply Region to serve this annexation without any negative cost/service impacts to present customers. EID does not appear to have any current service deficiencies.

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: The proposed project will result in the need for six EDUs to serve the water and wastewater needs of this proposal. An additional ten EDUs are needed to serve the recycled water needs of this proposal. EID has provided information stating that they have adequate water to serve this proposed school, and that there would be no foreseeable adverse effects involved to existing customers.

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: At this time, there are no other water service providers in this area of the County. The alternative would be use of private septic tanks, wells, transported water and a private wastewater treatment plant. These are not viable options for the future elementary school that will be built on the site due to the proposed number of students (650) and faculty (70) that the school is expected to accommodate.

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

RESPONSE: The current assessed value of APN 108-130-11 is zero because the property is owned by the BUSD. The parcel is considered public property, and is therefore nontaxable. Revenue to offset the increased service demands will be collected through assessments and user charges.

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

RESPONSE: Revenue will be collected through assessments and user charges, and is expected to offset the cost of providing water service.

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, EID, BUSD policies and is in the best interests of the current and future residents of the Bass Lake Hills area.

(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: Contiguity with the EID service area occurs on the western and

northern boundaries of the parcel. Boundaries conform to existing lines of assessment and ownership. Water and sewer lines are located nearby and recycled water lines are planned to be installed close to the project site in the near future. The annexation area is not difficult to serve.

- 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: The subject property is fairly level, and from a topographical perspective is considered a hilltop location. The parcel has rock outcroppings and little natural vegetation. 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 will comprise the entire territory and will not create an irregular boundary, island, peninsula, cherry stem or flag configuration.

- 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 conform to the existing lines of assessment and ownership. The project maps have been reviewed by the County Surveyor.

- 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 for the proposed parcel 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; the planned elementary school will benefit the communities of El Dorado Hills, Cameron Park and most notably the future residents of the Bass Lake Hills Specific Plan. At build out the BLHSP will be a series of high density residential villages. The Silver Dove Elementary School is a planned component of the BLHSP to accommodate the future residents.

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

RESPONSE: The landowner involved with the proposed annexation (BUSD) has 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: The Silver Dove Elementary School is a mitigation requirement for the development of the BLHSP. The school is intended to alleviate the influx of new residents to the area at full build out of the Plan. Mitigation for impacts to the El Dorado Union High School District will be in the form of impact fees from the construction of each residence.

The proposed parcel currently receives fire protection from the El Dorado Hills County Water District. The nearest fire station is Station 86 at 3670 Bass Lake Road, approximately 1,100 feet to the north of the school. Due to close proximity of the fire station and sufficient staffing, the impact upon the fire department is expected to be less than significant.

The El Dorado County Sheriff's Department will provide police protection for the elementary school. There are two Sheriff's substations of approximately equal distance to the site that could respond to a call. The El Dorado Hills substation is located at 981 Governor Drive, El Dorado Hills and the Cameron Park substation is located at 3204 Country Club Drive, Cameron Park. There is a plan for a second El Dorado Hills substation in the future that would be located near the Bass Lake Hills area, although no final location or date has been set.

Park and recreation services are currently provided to the subject area by the El Dorado Hills CSD. The proposed project will add additional recreational opportunities for the community in the form of additional playing fields, hard court areas and playground equipment. Once the facilities are completed, there may be some joint effort and scheduling coordination for community use of the facilities with the El Dorado Hills CSD. Silver Dove Elementary School is expected to have a positive impact on park and recreation services.

- 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 County Representing CSA 7, 9, 10 and CSA 10 Zone E
El Dorado County Planning Department
El Dorado County Surveyor's Office
El Dorado County Water Agency
Agricultural Commission
Farm Bureau
U.S. Bureau of Reclamation
Los Rios Community College District
El Dorado Union High School District
Buckeye Union School District
El Dorado Hills County Water District
El Dorado Hills Community Services District

El Dorado Hills CSD commented that, "The District (El Dorado Hills CSD) and the School have had preliminary discussions regarding joint use if the CSD locates an Active Park next to the school site."

No additional agency comments or objections were received.

(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: The annexation proposal will not contribute to the County in meeting its Regional Housing Needs Assessment.

- 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: The current zoning designation for the proposal site is Agricultural (A). The 2004 General Plan land use designation is Agricultural Preserve (AP). The parcel is located within the BLHSP and lies within the El Dorado Hills Community Region. School districts are not subject to the same siting designations for zoning as the general public; a school district is permitted to use an Agricultural zoned parcel of land for the purpose of a school site.

The subject property is located in an area of other similar 10-acre parcels, some of which are developed with rural homes and ranchettes. The surrounding land use is predominantly Residential Estate (RE-10) and Agricultural (A). After build out of the BLHSP in the coming years, the surrounding area will be a series of high density

residential villages with residential zoning.

- 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. Extension of public water and sewer services will allow the construction of a K-5 elementary school. This is not expected to result in any projected population growth for the project site. The school and the surrounding area are a part of the BLHSP, which at build out is expected to be a series of high density residential villages.

- 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 surrounding land uses are predominantly Residential Estate (RE-10) or Agricultural (A). The subject property is within the BLHSP, which at build out will be a series of high density residential villages. Development potential in the surrounding area is high, based on the BLHSP. Beyond the BLHSP are the El Dorado Hills Specific Plan to the west and north, and the Bar J Ranch subdivision is to the east. Highway 50 is located to the south and is the southern boundary of the BLHSP.

- 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 project is a mitigation component of the BLHSP, designed to accommodate the future residents in the area. The elementary school is consistent with the future planned land use and zoning of the BLHSP. The planned school is not consistent with current zoning, however, school districts are not subject to the same siting for land use regulations.

- 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 project site is currently zoned Agricultural (A), and the subsequent development will produce a substantial change in land use. However, this project site is not considered Prime Farmland, Unique Farmland or Farmland of Statewide Importance. The subject property is not under a Williamson Act contract. There appears to have been past use of the land for livestock grazing, but due to the limitations of the size of the parcel, it does not appear that the use was of a commercial nature. The entire surrounding area of the BLHSP will be rezoned residential.

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: Staff contacted both SACOG and the Sierra Planning Organization. Neither agency could provide applicable regional growth goals and policies under this provision for LAFCO consideration.

Map A: Project Map & Legal Description (Not accessible online)

Map B: EID Existing Infrastructure Map

Attachment A: Petition and Project Information (Not accessible online)

Attachment B: Auditor's Report (Not accessible online)

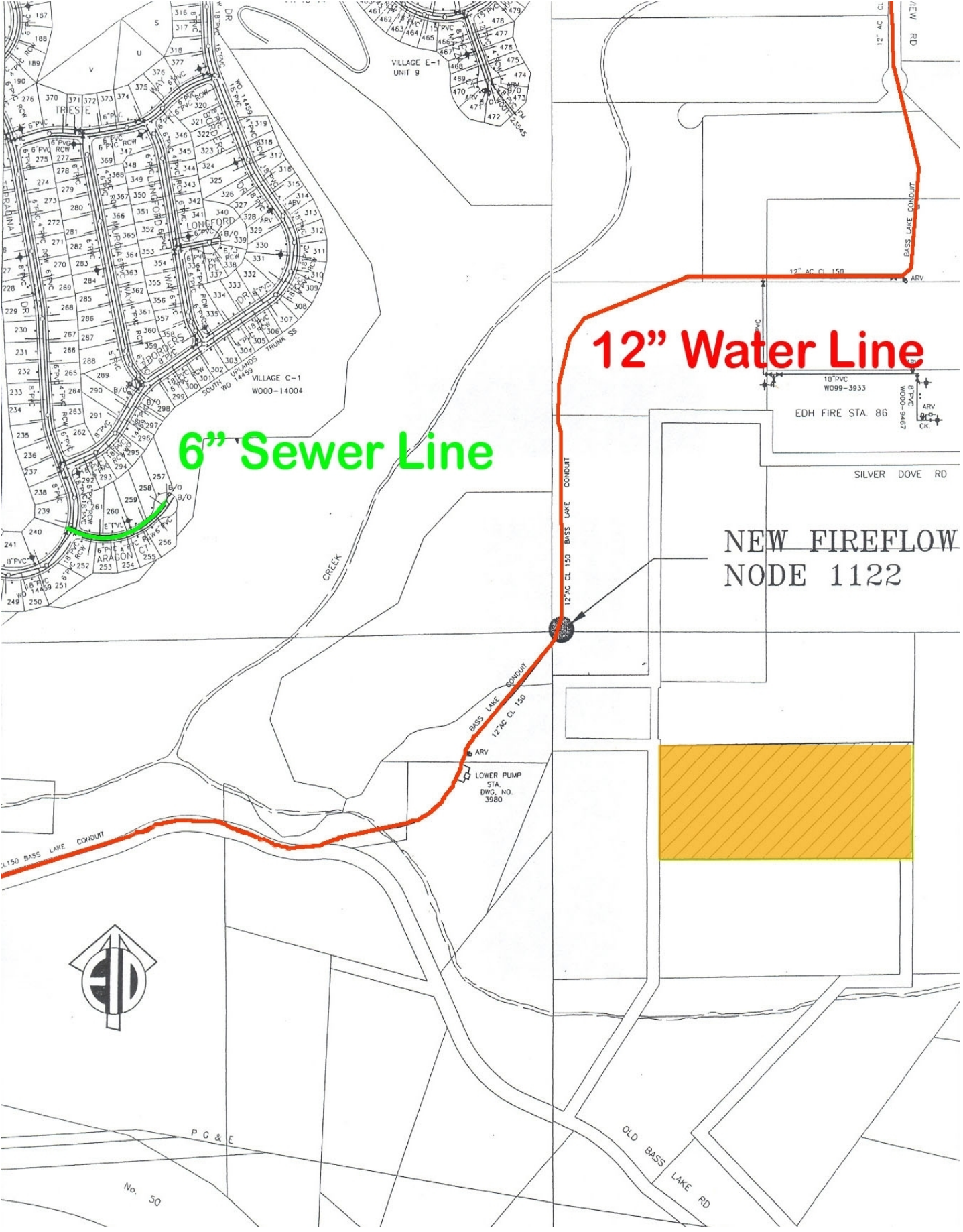
Attachment C: Mitigation Measures

Attachment D: Facility Improvement Letter (Not accessible online)

Attachment E: Findings and Conclusions

Online Viewing: Hard copy of any attachments available upon request.

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Map B – EID Existing Infrastructure



**Agenda Item #5
Attachment C**

MITIGATION MEASURES

Mitigation Measure I01 (Addendum to the Bass Lake Road Study Area Program EIR):

Mitigation for potential land use conflicts between existing and agricultural operations and urban development is provided by the El Dorado County General Plan Policies which require maintaining a minimum of 10 acres for any parcel created adjacent to agriculturally zoned lands and that a 200-foot setback be maintained for non-agricultural use including dwelling units.

Staff position or department responsible for implementing the mitigation measure:

Planning Department staff and Agricultural Commissioner.

What determines satisfactory implementation of mitigation measure:

1. Ensure that tentative maps are consistent with applicable land use policies set forth in section 7.3 of the Plan.
2. Ensure that tentative maps are consistent with the General Plan policies described above.
3. Review site improvement plans to ensure compliance with approved tentative maps.

Staff position or department responsible for monitoring mitigation measure compliance:

Planning Department staff and Building Department staff.

Description of monitoring required:

Perform field inspections to ensure that all work is consistent with approved plans.

What constitutes satisfactory completion of mitigation monitoring:

Completion of all site development activities and final inspection.

7.3 Agricultural Land Protection Standards (Bass Lake Hills Specific Plan):

The following policies apply to all lands adjacent to Agricultural lands located outside of the Plan area:

1. Residential lands adjacent to agricultural lands shall be fenced in accordance with County Ordinance 4111 and Resolution 98A-90.
2. New residential lots within the Plan area located adjacent to agriculturally zoned land outside of the Plan area shall maintain a 10-acre minimum lot size. Such parcels shall not exceed a 3:1 length to width ratio.
3. No use or activity shall be permitted on property adjoining agriculturally zoned land which conflicts with the agricultural uses.
4. New lots within the Plan area adjacent to agriculturally zoned lands located

outside of the Plan area shall maintain a 200-foot setback for incompatible land uses (schools, dwellings, etc.).

Mitigation Measure 7.1 (Initial Study / Mitigated Negative Declaration): *Design of capacity of detention basins.* The BUSD shall ensure that their engineer will provide hydrological information, including estimate quantities or volumes of runoff from the school site, to the engineer of record for the BLHSP projects.

Mitigation Measure 7.2 (Initial Study / Mitigated Negative Declaration): *Control of Erosion.* Design features and construction methods shall be implemented as outlined in Mitigation Measure 5.1, Construction Measures:

- a) Native vegetation should be retained where possible. Grading and excavation activities should be limited to those areas required for construction.
- b) Any stockpiled topsoil or spoils shall be placed in disturbed areas outside of natural drainage ways; stockpile areas should be designated on the project grading plans and the location should be considered relative to any existing drainage ways
- c) No construction equipment or other vehicles should cross natural drainage swales without temporary or permanent culverts in place. Staging areas for construction equipment and other vehicles should be located on disturbed areas, as far away from natural drainage swales as possible.
- d) If construction activities are performed during the winter or spring months, storm runoff should be regulated through temporary detention basins or other acceptable methods. All sediment or siltation shall be retained on-site.
- e) Temporary erosion control methods, such as silt fences, staked straw bales, and straw mats should be utilized for disturbed slopes until permanent re-vegetation is established.
- f) As soon as possible after final grading is completed, permanent erosion control protection shall be provided for cuts, fills or surface areas not subject to further construction or final landscaping. Re-vegetation may include planting of native plant species, hydro-seeding, broadcast seeding, mulching or other appropriate methods.
- g) Where drainage outlets discharge into natural waterways or erodible soils, energy dissipaters shall be constructed.

Mitigation Measure 7.3 (Initial Study / Mitigated Negative Declaration): *Control of Water Quality.* The maintenance and operation of the school facility shall include provisions as outlined in Mitigation Measure 5.1, Operational Measures:

All storm drain inlets should be designed or equipped to trap silt, oil or other debris, and should be cleaned on a regularly scheduled basis.

Parking lots should be monitored to determine the presence of any significant pooling or puddling of oil, grease or other pollutants; and efforts should be made to clean-up those problem areas by blotting and proper disposal of the blotting material.

- a) In the event of a significant spill or release of pollutants (i.e. a ruptured radiator,

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oil pan or gasoline tank in a vehicle), the school district should have an emergency response procedure including emergency methods of control of the pollutant (blotting materials, kitty litter or other approved materials).

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Attachment E**

FINDINGS AND CONCLUSIONS

1. The proposal is to annex approximately 10 acres of land into the El Dorado Irrigation District (EID).
2. Application for this annexation is made subject to Government Code §56650 et. seq. by resolution of petition of the Buckeye Union School District (BUSD).
3. The BUSD, as the sole property owner, owns 100% of the assessed value of the land within the proposal area. Therefore, the Commission may waive the Conducting Authority Hearing because no written opposition to a waiver was received by LAFCO from the affected public agencies.
4. The property is currently undeveloped land and zoned Agricultural (A) by the County.
5. School districts are not subject to the same citing regulations for land use regulations as the general public.
6. The annexation will not have an adverse effect on agriculture and open space lands.
7. The Silver Dove Elementary School is a planned component of the Bass Lake Hills Specific Plan (BLHSP), which was adopted by the County in 1995.
8. It is anticipated that the entire BLHSP area will undergo a required zone change from Agricultural to Residential in the next few years. Consequently, in consideration of the projected future build out of the surrounding area, locating a school site on the subject property is expected to conform to the future land use of the surrounding area.
9. The proposal is consistent with the BLHSP.
10. The following agencies and districts were notified concerning this proposal: El Dorado County representing CSA 07, 09, 10 and 10 Zone E, El Dorado Irrigation District, El Dorado County Water Agency, Los Rios Community College District, El Dorado Union High School District, Buckeye Union School District, El Dorado Hills County Water District, El Dorado Hills Community Services District, El Dorado County Resource Conservation District and the El Dorado County Office of Education.
11. There are no registered voters in the subject territory; therefore the proposal area is considered uninhabited per Government Code §54046.
12. The proposal area is one tax rate area and there is no assessed land value because the property is publicly owned and non-taxable.
13. Property tax transfer negotiations were completed and approved by the County on September 27, 2005.

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14. The El Dorado Irrigation District has planned for provision of irrigation water to this area and has developed a fee schedule, bonding funds, and assessments to provide funding for that service.
15. The annexation will not result in negative impacts to the cost and adequacy of service otherwise provided in the area, and it is in the best interests of the affected area and the total organization of local government agencies.
16. In the development agreement, the developer commits to pay for all necessary infrastructure improvements and/or construction associated with annexation.
17. The annexation will result in a decrease in the available water supply that may be needed for the future build out of the area, which, in turn leads towards meeting the regional housing needs determined by the Sacramento Area Council of Governments. The annexation will not, however, have a significant effect on the ability of the County to adequately accommodate its fair share of those needs.
18. Fire protection to the site is provided by the El Dorado Hills County Water Agency and public safety services will be provide by the Count Sheriff's Office.
19. The BUSD, as the lead agency for this project, prepared and certified a Mitigated Negative Declaration (MND) on February 2, 2002.
20. Within the scope of this environmental review, the environmental impacts of the school annexation to EID were addressed.
21. Among other things, the MND addressed agricultural resources, hydrology and water quality, land use and planning, population and housing, public services, recreation and utilities and service systems.
22. The MND included a Mitigation Monitoring Program that addressed measures necessary to mitigate the potential significant effect that the project could have on the surrounding area, and identified the responsible parties and included the provisions to be followed.
23. The MND specified mitigation measures for aesthetics, air quality, biological aspects, cultural resources, geology and soils, hazards and hazardous materials and hydrology and water quality.
24. The BUSD, in accordance with the California Environmental Quality Act (CEQA) ultimately determined that, by way of mitigation, the proposed action would not have a significant impact on the environment.
25. LAFCO staff has carefully reviewed the MND and found the analysis to be accurate and adequate to satisfy the Commission's obligations for this annexation under CEQA.

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26. The subject property is within EID's sphere of influence and is contiguous to the existing boundary.
27. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
28. The area proposed for annexation represents an orderly, logical and a justifiable extension of the district boundaries.

CONDITIONS OF APPROVAL

1. Assign the short form title, "Buckeye Union School District, Silver Dove Elementary School Annexation to the El Dorado Irrigation District."
2. Accept the Mitigated Negative Declaration of environmental impact as the appropriate environmental document for this proposal and instruct the Executive Officer to file a Notice of Determination with the County Clerk.
3. Make the findings and conclusions as set out in this attachment to the Staff Report.
4. Approve the annexation of the BUSD site, subject to the following conditions:
 - a. Upon and after the effective date of said annexation, the affected territory, all inhabitants within such territory, and all persons entitled to vote by reasons of residing or owning land within the territory:
 - (1) shall be subject to the jurisdiction of the El Dorado Irrigation District, hereafter referred to as the District;
 - (2) shall have the same rights and duties as if the affected territory has been a part of the District upon its original formation;
 - (3) 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 and the County of El Dorado if applicable;
 - (4) shall be subject to the collection of all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such services;
 - (5) shall be subject to all of the rules, regulations, ordinances of the District as now existing or hereafter amended.
 - b. The Certificate of Completion shall be issued and recorded subsequent to the fixing and establishment of any necessary right of use of water by El Dorado Irrigation District in the subject territory (§56886j).

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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.

- c. 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 the adoption of the resolution.
 - d. The Certificate of Completion shall be issued and recorded subsequent to final payment of all LAFCO fees, costs and charges associated with the project and necessary to complete the required filings and transmittals.
- 5. Waive Conducting Authority proceedings for this proposal consistent with Government Code §56663(c) of the Cortese-Knox-Hetzberg Act of 2000.
 - 6. 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.