

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF JUNE 25, 2014

REGULAR MEETING

TO: Ken Humphreys, 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 #7: Shingle Springs Montessori School Out-of-Agency Service
Agreement with the El Dorado Irrigation District – Request
for Commission Authorization

LAFCO Project No. 2014-06

PROPONENTS: California Montessori Project

RECOMMENDATION

Staff recommends that the Commission approve the El Dorado Irrigation District's (EID) Out-of-Agency Service Agreement with the California Montessori Project (CMP), in order to extend water and wastewater service to CMP's Shingle Springs Campus, in anticipation of annexation to EID in the near future. Staff also recommends authorizing the rolling of the staff costs and charges for this OASA into the costs and charges for the Shingle Springs Montessori School Annexation into the El Dorado Irrigation District (Project No: 2014-02) proposal.

REASON FOR RECOMMENDED ACTION

On June 6, 2014, the California Montessori Project, owner of APN 319-220-57 entered into an Out-of-Agency Service Agreement (OASA) with EID for the provision of water and sewer service outside of the EID boundaries, in anticipation of a future annexation. Per Government Code §56133(b), "*the commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.*" EID submitted the OASA to the Commission for approval, as required by Government Code §56133(a).

The OASA is needed to ensure that the Shingle Springs Montessori School meets its construction and opening date deadlines.

BACKGROUND

On January 31, 2014, CMP submitted a landowner petition to LAFCO requesting annexation of APN 319-220-57 into EID to support a new K-8 charter school campus (Attachment A). LAFCO staff is currently processing the annexation application and CMP is working towards completing the final application requirements. However, it is unlikely that the annexation will be finalized prior to the anticipated completion date of the new campus, which is expected to be sometime during the 2014-2015 school year, possibly as early as fall 2014. The OASA will allow EID to provide water and sewer service to the new Shingle Springs Campus within this timeframe, until the Commission can take action on the annexation.

Government Code Section 56133

Among other things, Government Code §56133 prohibits local agencies from extending services outside of their boundaries. However, GC§56133(a) also states that “A city or district may provide new or extended services by contract or agreement outside of its jurisdictional boundaries only if it first requests and receives written approval” from LAFCO. Further, GC§56133(b) provides that, “The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.”

Out-of-Agency Service Agreement

The OASA is a contract between EID and the California Montessori Project. LAFCO is not a party to this agreement, but LAFCO approval is required per Government Code §56133. The terms of the OASA (Attachment B) stipulate that EID will provide water and sewer service to the CMP Shingle Springs Campus (APN 319-220-57) at 1½ times District rates, until LAFCO records the Certificate of Completion annexing the subject property into the District or until the Agreement is terminated. The Agreement is valid for a period of three years; if the annexation has not been completed by June 6, 2017, the OASA will be terminated and service shall be discontinued. As noted earlier, the Agreement and LAFCO’s discretionary approval of the Agreement are under the provisions of California Government Code §56133 (Attachment C).

Separate LAFCO Actions

It should be noted that Commission approval of the OASA and Commission approval of the annexation are two separate and independent actions. Approval of the OASA does not automatically approve the annexation, nor does it compel the Commission to approve the annexation; both of these actions are discretionary and will be considered on their own merits by the Commission. Government Code §56133 allows LAFCO to approve this OASA between the applicant and EID solely and exclusively as a temporary solution for the California Montessori Project to meet its construction and school opening deadlines, in anticipation of “a later change of organization.”

As noted earlier, an annexation petition is making its way through the LAFCO process and will be considered by the Commission sometime near the early fall of 2014. At that time, the Commission will have the authority to approve, deny, or conditionally approve

the annexation. The applicant is aware that there should be no expectation that approval of the OASA translates to an automatic approval of the project. EID also recognizes that there are two separate discretionary actions involved since the OASA contract states services will be shut off if the annexation petition fails at LAFCO or is abandoned by the applicant.

CMP – Shingle Springs Campus

The California Montessori Project (CMP) is a tuition-free, K-8 public charter school. CMP operates a network of five Montessori school campuses located within four public school districts in the greater Sacramento area. The Shingle Springs Campus is operated under the supervisory oversight of the Buckeye Union School District.

CMP received state funding to build a new Shingle Springs Campus, which is a planned upgraded facility to replace the existing Shingle Springs Campus. The existing campus is within the EID service area and is located adjacent to the new campus site. The old campus will remain open after the new campus is built; some students will move into the new campus, but the old campus will be utilized as well. Current enrollment at the Shingle Springs Campus is approximately 310 students; the number of students who attend the new campus is not expected to exceed 350.

Project Description

The new school site is located at 4741 Buckeye Road in Shingle Springs, on the north side of Buckeye Road, approximately 800 feet east of its intersection with Shingle Springs Road. The parcel proposed for annexation is approximately 10 acres of undeveloped land, owned by the California Montessori Project, and is within the EID sphere of influence. The site is the location of a new K-8 public charter school campus, designed to replace the existing Shingle Springs Campus at 4645 Buckeye Road. CMP estimates that construction of the Shingle Springs Campus will be completed during the 2014-15 school year, possibly as soon as October 2014.

Development of the site will consist of the construction of three new buildings, ranging in size from 6,300 - 9,500 square feet. The buildings will include 14 new classrooms and a multi-purpose room, to accommodate approximately 350 students and faculty/staff. The facility will also include 45-50 on-site surface parking spaces, exterior hard courts, athletic fields, and a fire and pick-up/drop-off lane. The multi-purpose and additional classroom space will eliminate the need for some of the existing portable classrooms, allowing some to be repurposed.

Water Demand

According to EID's *Facility Improvement Letter FIL 1012-020*, an estimated total of 10 Equivalent Dwelling Units (EDUs) will be required to serve the water and sewer needs of the Shingle Springs Montessori School, based on the landowner's request to utilize a 2 to 2½-inch meter for the site. An EDU is the annual water requirement for a single-family residential dwelling served by a ¾ -inch water meter; larger water meters require additional EDUs. This estimated usage is consistent with the current demand from the existing Shingle Springs Campus, which this new school will replace.

The project site is within EID's Western/Eastern Supply Area, which receives water provided by gravity flow from Project 184 and Jenkinson Lake. According to *EID's 2013*

Water Resources and Service Reliability Report, water meter availability in the Western/Eastern Supply Area is 1,935 EDU's. 283 EDUs have been previously committed through contractual commitments, leaving a total of 1,652 EDUs available for purchase.

Existing and Necessary Infrastructure

There is an existing 24-inch water main located in Mother Lode Drive, which would require the construction of approximately 1,000 feet of new 10-inch water main in Buckeye Road to service the site. An 8-inch water service with a master meter will be installed on-site to supply the property's domestic, fire and irrigation water demands.

The new campus will require a new on-site sewer lift station, to be maintained by CMP, with a new 4-inch force main connection to the existing 12-inch force main abutting the southern property line in Buckeye Road. The existing 12-inch force main has adequate capacity at this time.

CEQA

The California Montessori Project, as the lead agency for the Shingle Springs Campus project, prepared and certified a Mitigated Negative Declaration (MND) for the project on November 6, 2012. This environmental review addressed the environmental impacts of the construction of the new school. Because LAFCO was not consulted as a responsible agency, nor given an opportunity to review and comment on the document when it was circulated for public and agency comments, LAFCO staff was unable to comment on the environmental review analysis at the appropriate time.

LAFCO staff is preparing a supplemental addendum 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. This additional review will focus on the impacts to water and wastewater service and new infrastructure systems to confirm that the annexation will not result in any additional environmental impacts beyond those addressed in the MND. The addendum, which will need to be adopted by the Commission along with the original MND, will not require additional circulation for public comment.

Unfortunately, because CMP and EID just recently decided to pursue the OASA as an option to move forward until the Commission could hear the annexation proposal, the addendum could not be completed in time for the distribution of the meeting packet. As a result, LAFCO staff is currently preparing the addendum and it will be distributed to the Commissioners next week in a separate mailing from the rest of the packet. Staff will mail out the MND and the addendum no later than Thursday June 19, 2014. All environmental review documents will also be posted on the website on the same day.

Fees

Applicants normally pay for each project individually. While related, the OASA (LAFCO Project No. 2014-06) is a separate project from the Shingle Springs Montessori School Annexation into the El Dorado Irrigation District (Project No: 2014-02). But because the applicants are the same, and the former was generated by the latter, from an administrative standpoint it will be easier to calculate the fees of both projects at the same time. This way, the applicant is only billed once at the end of the process for

Project 2014-02. For that reason, staff asks that the Commission authorize to delay charging the applicant for Project 2014-06 until the end of Project 2014-02.

ATTACHMENTS

- Attachment A: Project Map
- Attachment B: Out-of-Agency Service Agreement
- Attachment C: Government Code §56133
- Attachment D: SSMS Mitigated Negative Declaration with Addendum (to be distributed separately)