

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

STAFF REPORT

AGENDA OF February, 2006

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

FROM: José C. Henríquez, Executive Officer

PREPARED BY: Erica N. Frink, Policy Analyst

AGENDA ITEM # 6: Bannon Annexation to the El Dorado Irrigation District
LAFCO Project No. 05-05

PROPONENT(S): Mace & Patricia Bannon

DESCRIPTION OF PROJECT

This proposal consists of two parcels, approximately 26.03 acres, annexing into the El Dorado Irrigation District (EID) for the provision of water service. Located outside of the City of Placerville, the two parcels involved in this petition are contiguous to one another and are located directly to the north of the old Placerville City Landfill. The annexation includes the entire 25.28 acre northern parcel, APN 050-010-22, and a portion (0.74 acres) of the 6.78 acre southern parcel, APN 050-080-04. The majority of the southern parcel is already within the El Dorado Irrigation District (EID) service area and is not included in this petition.

PURPOSE

To obtain water service for construction of two single family residences.

LOCATION

The nearest intersection is Highway 193 and Highway 49. The two annexing parcels are directly to the north of the old Placerville City Landfill.

CEQA

The project is exempt from the provisions of the California Environmental Quality Act under Section 15319 of the Public Resources Act (Annexations of Existing Facilities and Lots for Exempt Facilities). Both parcels are covered under Subsection (a) of Section 15319 (Annexations of Existing Facilities), which provides for the annexation of an area containing an existing private structure that is allowed under current zoning.

BACKGROUND

The northern property’s (050-010-22) proposed house site was partially cleared, but not complete as additional clearing of non-native trees and possible clearing of young Douglas Firs and other conifers are needed. Any impact from the clearing of these conifers will most likely have to conform to the County’s tree ordinance. There is an old oak at the site that Mr. Bannon would like to retain.

According to the Assessor’s Office, a house was located on a portion of the southern property (050-080-04), but it was demolished sometime between 1976 and 1977. Mr. Bannon plans on using the same pad to rebuild the home, as it is still cleared and useable. He plans to enlarge it, but not significantly, for a new house of comparable square footage. There is an existing driveway leading from the access road to both building sites that will be used.

SUMMARY OF STATUTORY AND POLICY CONSIDERATIONS

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

<i>FACTOR TO CONSIDER</i>	<i>POLICY/STATUTE CONSISTENCY</i>	<i>COMMENT</i>
Need for organized services, probable future needs	1 - Consistent	Future homes need potable water; well drilling is not an option due to the sites’ close vicinity to the abandoned landfill
Ability to serve, level and range of service, time frames, conditions to receive service	2 – Consistent	EID indicates ability to serve; 2 Equivalent Dwelling Units (EDUs) are needed for this proposal
Timely availability of adequate water supply	3 – Consistent	Western/Eastern Water Supply Region of EID has 1,966 EDUs available
Alternatives to service, other agency boundaries and local gov’t structure	4 – Consistent	No other public service alternatives available; well is not an option

Significant negative service impacts	5 – Consistent	EID has not identified any significant impacts; the addition of two meters would create a negligible impact
Coordination of applications	6 - Consistent	Landowners are the same for both parcels; no neighboring parcels are included in the annexation
Present cost/adequacy of governmental services, including public facilities	7 – Consistent	No other cost-effective alternatives
Effect of proposal on cost and adequacy of service in area and adjacent areas	8 – Consistent	Negligible increase in water use; two meters will not adversely affect adjacent areas
Effect of alternative course of action on cost and adequacy of service in area and adjacent areas	9 - Consistent	No other alternatives available
Sufficiency of revenues, per capital assessed valuation	10 – Consistent	Revenue sufficient for EID; approved property tax redistribution plan
Revenue producing territory	11 – Consistent	No significant revenue generation is proposed; collected revenue should offset the cost of providing water service
“Best Interest”	12 – Consistent	Consistent with LAFCO and district policies
Boundaries: logical, contiguous, not difficult to serve, definite and certain	13 – Consistent	Parcel is contiguous to service boundary and conforms to lines of ownership
Topography, natural boundaries, drainage basins, land area	14 – Consistent	The resulting boundary will not produce an area that is difficult to serve
Creation of islands, corridors, irregular boundaries	15 – Consistent	No islands or irregular boundaries created; parcel is contiguous to service boundary
Conformance to lines of assessment, ownership	16 – Consistent	Proposal encompasses entire parcels; maps reviewed by County Surveyor

Spheres of Influence	17 – Consistent	Located within EID Sphere of Influence
Effect on adjacent areas, communities of interest	18 – Consistent	No comments from adjacent property owners; proposal conforms with uses in area and will not induce growth
Information or comments from landowners or owners	19 – Consistent	No comments received
Effect on other community services, schools	20 – Consistent	No change in other services; no comments received
Other agency comments, objections	21 – Consistent	No comments received; EID requires usual assessments
Fair share of regional housing needs	22 – Consistent	Proposal will assist in RHNA goal for the County
Land use, information relating to existing land use designations	23 – Consistent	Both parcels consistent with planned use for single-family residences and agricultural pursuits; parcels within Rural Residential area
Population, density, growth, likelihood of growth in, and in adjacent areas, over 10 years	24 – Consistent	Proposal effects two parcels; surrounding parcels rural residential; low population density
Proximity to other populated areas	25 – Consistent	Rural residential uses nearby
Consistency with General Plans, specific plans, zoning	26 – Consistent	See #23 above
Physical and economic integrity of agriculture lands and open space	27 – Consistent	No comments received from Agricultural Department; the site was not identified as containing prime agricultural soils
Optional factor: regional growth goals and policies	28 – None Known	No regional goals and policies adopted by SACOG or SPO that would have a bearing on this annexation

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 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 project is exempt from the provisions of the California Environmental Quality Act under section 15319 (a) of the Public Resources Code.
4. The annexation will not result in negative impacts to the cost and adequacy of service otherwise provided in the area.
5. The annexation will not have an adverse effect on agriculture and open space lands.

RECOMMENDATIONS

Staff recommends that the Commission take the following actions:

1. Find that the project is exempt from provisions of the California Environmental Quality Act under Section 15319 (a) and direct the Executive Officer to file the Notice of Exemption in compliance with CEQA and local ordinances implementing same.
2. Adopt Resolution (L-06-03) making determinations, adding conditions and approving the Bannon Annexation to El Dorado Irrigation District, LAFCO Project No. 05-05.
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.

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 into the El Dorado Irrigation District in order to obtain potable water service for two proposed homes on two individual parcels. Annexation would result in the installation of two new water meters. No other water purveyor may feasibly extend services to the site and private wells are not an option due to the proximity of the closed city landfill.

- 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 from EID, dated January 21, 2005, states that a 24-inch water line currently runs through the property. The El Dorado County Fire Protection District has determined that the minimum fire flow for this project is 1000 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 6-inch stub on the property must be constructed. This would allow the capacity to provide the required domestic and fire protection needs for the proposal.

- 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 parcels are inside the El Dorado Irrigation District Sphere of Influence and part of its Western/Eastern Water Supply Region. As of January 1, 2004, there were 1,966 equivalent dwelling units (EDUs) available in this region. Application for water service is subject to EID requirements and EID staff confirms that a meter would be available for purchase by the landowner.

- 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. There is not currently an existing well on either property, and due to the close proximity of the old Placerville City Landfill, the applicant has expressed concerns over possible contamination of the groundwater. 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 appear to be negligible. Only two new meters will be installed if the annexation proposal is approved.

- 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: All of the territory is inside the El Dorado County Fire Protection District, and 6.04 acres of parcel 050-080-04 are already inside of the El Dorado Irrigation District. No other services appear to be needed to serve these properties. 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: No existing water service providers are located in this area of El Dorado County. Petitioner has demonstrated that annexation is the best alternative to provide needed public water supply.

- 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 affects only two parcels, so the effect on overall service in the area should be negligible. El Dorado Irrigation District has provided information stating that they have adequate water to serve these parcels, and that there would be no adverse effects involved.

- 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 a well; however, the landowner has expressed serious concerns regarding possible groundwater contamination from the adjacent abandoned landfill.

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

RESPONSE: At the time of initial application, the current assessed value of the northern parcel, APN 050-010-22, was \$29,226. The assessed value of the southern parcel, APN 050-080-04, was \$1,707. With the annexation into EID, the assessed values are expected to increase slightly more.

The County and EID have negotiated a property tax revenue sharing agreement, with EID receiving 2.667% of the property tax revenue.

Based upon the above revenue share agreement, EID's user fees, and the applicant's responsibility for covering the cost of extending water lines, EID should receive sufficient revenue for providing service to these parcels.

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

RESPONSE: A negligible change in assessed valuation would occur with the construction of two single-family residences on the subject properties.

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 district policies and is in the best interests of the landowner and the agency.

(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 southern boundaries of the two parcels. Boundaries conform with existing lines of assessment and ownership. Water mains and existing roadways are in place within the property boundaries; 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 topography limits the building sites on the properties to two homes, one on each parcel. There are no topographical features that will hinder service to these sites.

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 annexations 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 application does not break any Community of Interest, nor does it introduce growth-inducing effects on the adjacent parcels or on the subject properties themselves because there are only two serviceable sites available.

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

RESPONSE: The two landowners involved in the proposed annexation (Mr. and Mrs. Bannon) gave their written consent so, therefore, the 300 foot noticing requirement to neighbors was not required. No comments or protest from neighboring landowners are expected.

- 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: No comments were received from schools, state agencies or other community service providers. School impact fees are collected when the building permit is issued to mitigate any increased need for school service.

- 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 07 and 09, Zone of Benefit 018, 10 and H

El Dorado County Water Agency, Los Rios Community College District, El Dorado Irrigation District, Placerville Union Elementary School District, El Dorado County Fire Protection District, Placerville Zone, El Dorado Union High School District, El Dorado County Resource Conservation District

No 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 two homes proposed to be built on the sites should assist 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 northern parcel, APN 050-010-22, is split zoned by the 2004 General Plan, with approximately 2.87 acres zoned R2A (Single-family 2-acre Residential), 12.0 acres zoned RA-20 (Residential Agriculture, 20-acre minimum), and 11.16 acres zoned OS (Open Space). See Map #2 for further detail. Due to the steep terrain of the property, there exists only one building site suitable for one home on this parcel. LAFCO staff conducted a site visit and confirms this fact. The building site is located in the RA-20 section of the property. The portion of the parcel that is zoned R2A is a steep road bank that is not suitable for subdividing or building.

The southern parcel, APN 050-080-04, is zoned RA-20 (Residential Agriculture, 20-acre minimum) by the 2004 General Plan. Also due its to steep terrain, this parcel has only one suitable building site for one home.

Both parcels are within a designated Rural Residential Area. The County General Plan identifies Rural Regions as providing “a land use pattern that maintains the open character of the County, preserves its natural resources, recognizes the constraints of the land and the limited availability of infrastructure and public services...” The southern parcel, however, has an existing water main that runs directly through it, equipped with a stub-out for service. Both properties have existing access roads, and the southern parcel has a previously used building pad. The surrounding topography prohibits any further infrastructure beyond the one home per parcel.

- 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 will allow the construction of two single-family dwellings, resulting in a population increase of the residents of the homes only.

- 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: Currently the population density in the area is low, with vacant Rural Residential land and single-family parcels larger than 2 acres. Development potential in the surrounding area is low due to the current zoning and land use designation.

- 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: See #23 above.

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: County GIS analysis has shown that project soils are entirely non-choice for cultivation, as designated by the Agricultural Commission. The property is not within, or adjacent to, a parcel under Williamson Act contract.

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.

Attachment A: Legal Description of the Properties

Attachment B: Map 1 – Properties to be Annexed

Attachment C: Map 2 – Zoning Designations

Attachment D: Landowner Petition

Attachment E: Resolution

Attachment F: Notice of Exemption

Attachment G: Plan of Service

Attachment H: Facility Improvement Letter