

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

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## *AGENDA OF FEBRUARY 24, 2021*

### *REGULAR MEETING*

**TO:** Tim Palmer, Chair, and  
Members of the El Dorado County Local Agency Formation  
Commission

**FROM:** José C. Henríquez, Executive Officer

**AGENDA ITEM #9:** CONTINUED PUBLIC HEARING TO CONSIDER AND ADOPT  
THE ENVIRONMENTAL REVIEW AND THE MUNICIPAL  
SERVICES REVIEW AND SPHERE OF INFLUENCE UPDATE  
FOR THE HICKOK ROAD COMMUNITY SERVICES  
DISTRICT (LAFCO PROJECT NO. 2020-03)

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### **RECOMMENDATION**

Staff recommends that the Commission:

1. Re-open the public hearing on the Municipal Service Review and Sphere of Influence Update for the Hickok Road Community Services District;
2. Receive and discuss the information related to this matter;
3. Accept statutory exemption §15061(b)(3) from environmental review as the appropriate environmental review;
4. Adopt Resolution L-2021-07, adopting the Municipal Service Review and Sphere of Influence Updates for Hickok Road Community Services District; and
5. Direct staff to complete the necessary filings and transmittals as required by law.

### **REASON FOR RECOMMENDED ACTION**

The Commission opened the public hearing on the Hickok Road Community Services District Municipal Service Review (MSR) and Sphere of Influence (SOI) Update at the December 2, 2020 meeting and continued the matter to January. In January, the Commission continued the matter to give more time for the HRCSD Board to consider whether the SOI should be amended. This matter is now returned for final adoption. The MSR/SOI Study provides a current snapshot of service delivery for the District, and also identifies areas of potential growth for future extension of services, as well as areas of potential reduction for lack of services, where appropriate.

## **BACKGROUND**

Hickok Road Community Services District (HRCSD or simply District) was formed in 1978 under Government Code Section 61000 et seq. to maintain 2.6 miles of roadway comprised of Hickok Road, Harlan Drive, and Sweet Valley Road. The District is located on the north side of Malcolm Dixon Road, approximately a quarter of a mile north of Green Valley Road in the Salmon Falls area, north of El Dorado Hills, in El Dorado County. Hickok Road, the primary roadway for the District, connects to a public roadway, Malcolm Dixon Road, and terminates to the north. Hickok Road has several privately maintained driveways branching off of it. These provide more direct accessways to residential homes that are not immediately adjacent to Hickok Road, Sweet Valley Road or Harlan Drive.

## **Municipal Service Review Determinations**

The MSR provides analysis for the statutory criteria set forth within the CKH Act, as well as additional locally adopted requirements. These criteria are listed as follows:

- Growth and Population Projections
- Disadvantaged Unincorporated Communities
- Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies
- Financial Ability to Provide Services
- Status of, and Opportunities for, Shared Facilities
- Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies
- The Potential Effect of Agency Services on Agricultural and Open Space Lands

Throughout the analysis portions of the report, LAFCO staff did not identify any substantial areas for improvement or current issues faced by the District that needed to be addressed or resolved as a part of this Municipal Service Review. Overall, the MSR found that the HRCSD provides sufficient road maintenance services within its boundaries and the roads are maintained at levels consistent with the residents' expectations, as identified by the HRCSD Board of Directors.

**MSR Determination 1** – Hickok Road Community Services District (HRCSD or District) only maintains three roadways, Hickok and Sweet Valley Roads and Harlan Drive<sup>1</sup>, which are the main throughways providing access within the District's boundaries, seventeen of which are currently undeveloped. While there are other roadways that sprout off of Hickok Road, most notable McCoy Road, these are considered private driveways.

The 2004 General Plan designates all residential parcels within the district as either low-density residential, RE-5 (residential estate, one-dwelling per 5 acres), RE-10 or RL (low density residential). One parcel is non-residential and is designated as OS (open space). Seventeen of these parcels are currently undeveloped. Theoretically speaking, the district's population could increase somewhat by an estimated 70+ people. This is

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<sup>1</sup> Various maps designate this road as "Harlan Way." Residents prefer the name of "Harlan Drive."

because 16 of the 17 undeveloped parcels within the District's service area can be developed.

There are three parcels to the north of the District that are both outside the District and currently built out. Those landowners use Hickok Road as their primary accessway to their properties, but being outside of the District they do not pay the road maintenance special tax. The District's Board of Directors are aware and enquired LAFCO about annexation; however, the District found that it was cost prohibitive to them to adjust the boundaries.

The territory surrounding HRCSD currently has three separate designations. On the north, the designation is RE-10, low-density residential. To the west, the designation is RE-5, low density residential, the same as that of the western two-thirds of HRCSD. To the south, three-quarters is also designated as RE-5 and one large parcel as RL-10. To the east, the designation is open space.

**MSR Determination 2** – Disadvantaged Unincorporated Communities (DUCs) are defined as inhabited territory (12 or more registered voters) that constitutes all or a portion of a community with an annual median household income that is less than 80 percent of the statewide annual median household income. According to the most recent 5-year estimate data from the U.S. Census American Community Survey (2014-2018), the California statewide annual medium household income is \$71,228; eighty percent of the statewide median household income is \$56,982, as defined by the Water Code. None of the resources used by LAFCO identified HRCSD or its sphere of influence as a disadvantaged community.

**MSR Determination 3** – Hickok Road CSD's infrastructure and facilities consist of 2.6 miles of roadway, consisting of Hickok Road as the primary roadway and Harlan Drive, and Sweet Valley Road as the two secondary roadways. The Hickok Road CSD does not own any roadway maintenance equipment or any facilities. HRCSD contracts for roadway maintenance services or resident volunteers perform the work.

A LAFCO staff driving tour of Harlan Drive and Hickok, and Sweet Valley Roads in early September found the roads to be in good shape, although the conditions varied on the location and road. Hickok Road from Malcolm Dixon until the intersection with Harlan Drive and Sweet Valley Road is a two-car wide divided road. Past the Harlan/Sweet Valley intersection, it is no longer divided and slowly narrows to a one-car roadway the further you drive north until you reach the District service area boundary. It has recently been paved throughout its length. Harlan Drive and Sweet Valley Road begin at their intersections with Hickok Road and end some distance later. Sweet Valley Road is a one-and a half car wide undivided road with no bumps or cracks in the pavement. Several pothole repairs had been undertaken in the summer of 2020. Harlan Drive is a little narrower than Sweet Valley Road and it is paved for 2/3 to 3/4 of its length, turning to a stamped gravel road past a certain point all the way to its end. On the paved portions of Harlan Drive there were several cracks on the road that were repaired. While both Harlan and Sweet Valley are unmarked and narrow, they are wide enough to allow two vehicles to pass side-by-side. None of the roads had paved shoulders on either side. At some places there was a deep culvert or drainage ditch on either side of the three roads.

HRCSD operates similarly to other small CSDs in El Dorado County, with a volunteer Board of Directors, the use of contractors for large projects and relying on volunteers for

minor maintenance. Currently, a volunteer has been designated general manager. Hickok Road CSD does not have a public office, paid staff, regular publications (though since 2018 a Director has voluntarily created an informal one), a website, or a public phone line.

**MSR Determination 4** – The District is financed through a portion of property taxes and a special tax. There are four tax rate areas (TRAs) within the District's service area. The percentage of property taxes that go to the District ranges from 5.4664% (9 parcels) to 13.6094% (6 parcels, though one is designated as open space); however, the majority of parcels have an allocation of 5.9902% going to Hickok Road. District voters approved a special tax of \$200 per parcel. The special tax was approved by District voters in 1989.

In terms of size and importance, there is no question that the special taxes generate more revenue for the District. In any given year, the collected special tax amounts are about 70% of revenues. The District survives by spending as minimal as possible on a given number of fiscal years and saving up the carryover. This accumulation of funds is then used up periodically.

Despite the importance of the special taxes, the District's Board of Directors is aware that the revenues collected are no longer adequate. The special tax was approved in 1989 and has not been updated since. The question of raising the special tax has been rejected three times by voters in recent elections (2016, 2018 and 2020).

**MSR Determination 5** – The Hickok Road Community Services District does not share any facilities with another provider, even though it is next to Arroyo Vista CSD and is almost adjacent to El Dorado Hills CSD. Since both HRCSD and AVCS D provide road maintenance services, there may be a missed opportunity with Arroyo Vista CSD. While there would be no administrative cost savings (neither district employs staff or own equipment), both utilize contractors for large projects. If the districts can synchronize their respective finances and maintenance schedules, there may be an opportunity for them to issue a joint contract for services. This may produce savings to both districts by introducing some economies of scale.

**MSR Determination 6** – HRCSD is an independent special district, governed by a five-member Board of Directors. Board meetings, notices and agendas appear to be consistent with all Brown Act requirements; although, the District does not own a website. The District does not have a paid general manager and relies on licensed contractors to perform large and complex projects, but relies on volunteers to conduct simple maintenance.

HRCSD appears to operate efficiently under its existing structure; the current governmental and management structures are appropriate to allow the District to provide necessary services and operate in an efficient and effective manner. No significant issues regarding local accountability were noted.

**MSR Determination 7** – It is unlikely that HRCSD's services would induce urban growth or the premature conversion of agricultural land to urban uses. The CSD has no plans to expand, so there should be no additional impacts to the economic viability of surrounding agricultural operations.

### **Sphere of Influence Determinations**

The MSR also includes a review of the existing SOI for the District to determine if changes should be made. Written determinations are included within the MSR consistent with the requirements of CKH that address the following:

- Present and Planned Land Uses in the Area, including Agricultural and Open-Space Lands
- Present and Probable Need for Public Facilities and Services
- Present Capacity of Public Facilities and Adequacy of Public Services
- Existence of Any Social or Economic Communities of Interest

**SOI Determination 1** – Present land uses within the District are residential, despite the presence of 17 undeveloped parcels within Hickok Road CSD's boundaries. Planned land uses are anticipated to remain the same as current land uses for 15 of those parcels. The County of El Dorado is not planning on changing the land use designation to allow for denser uses and the District is not looking to expand.

**SOI Determination 2** – Present needs for public facilities and services are currently being met. Probable needs for public facilities and services are not currently anticipated to vary from present needs, as future demands are expected to remain the same. The District is not looking to expand road services beyond the maintenance of Hickok Road, Harlan Drive, and Sweet Valley Road. The District has not indicated it wish to expand its service boundaries; however it should consider doing so to include the parcels at the end of Hickok Road since those landowners are currently utilizing a road that they are not paying to maintain. The District is also not looking to provide additional services beyond road maintenance.

**SOI Determination 3** – The present capacity of public facilities provided is adequate to serve the existing community for the short term. The report noted that revenues are not keeping up with the rising costs of providing services and the Board of Directors has tried correcting that by asking voters to increase the special tax.

**SOI Determination 4** – There are no social or economic communities of interest in the area. Nearby communities include the Salmon Falls area and El Dorado Hills.

**SOI Determination 5** – Not applicable to HRCSD since this district does not provide water, wastewater or fire services. While HRCSD does not provide any municipal services as defined in Government Code 56425(e)5, LAFCO has not identified any disadvantaged communities within the District's boundaries or in its sphere of influence.

### **Sphere of Influence Recommendations**

This SOI was last updated on December 5, 2007. Based upon the information contained in this report, it is recommended that the Hickok Road CSD sphere of influence be reaffirmed to be concurrent with its service area boundaries as depicted in Attachment B.

**January Continuance and February Update**

At the January meeting the Commission continued this item to give the HRCSD Board of Directors some time to consider whether it would prefer that the Commission expand the SOI to include the three parcels to the north. If the Commission recalls, those homeowners are currently using Hickok Road to access their properties but their parcels are outside the District's boundaries. As such, they are not paying for the maintenance and upkeep of the road. The Board considered the matter and prefer to keep the SOI concurrent (as-is). However, the directors requested that LAFCO staff study their situation and recommend options on how to proceed. They also request that the Commission be open to expanding their SOI at the next periodic review.

**Staff Outreach and Public Comment Period**

Staff reached out to Janna Buwalda, HRCSD volunteer General Manager, on August 2020. Ms. Buwalda reviewed an administrative draft of the report and provided comments to LAFCO staff. Those comments were incorporated into the report as appropriate. No additional comments have been received by LAFCO staff on this report since the opening of the public comment period.

**Attachments:**

- Attachment A: Final Hickok Road CSD Municipal Service Review and Sphere of Influence Study (LAFCO Project #2020-03)
- Attachment B: LAFCO Resolution L-2021-07
- Attachment C: Notice of Exemption