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El Dorado Hills to vote on city

Lakehills Drive-Equestrian Village residents lose fight to be excluded.

By Cathy Locke -- Bee Staff Writer

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A measure asking El Dorado Hills residents if their community should become a city has been placed on the November ballot with neither dissent nor fanfare.

The El Dorado County Board of Supervisors adopted the resolution Tuesday, setting the election date as part of its consent calendar.

In the November balloting, residents also will elect five City Council members, who will take office if the cityhood measure passes. Voters also will decide whether council members subsequently should be elected at-large or by district.

Tuesday's board action followed a 90-minute hearing Monday before the El Dorado County Local Agency Formation Commission, during which Lakehills Drive-Equestrian Village area residents made a final but unsuccessful plea to be excluded from the proposed city.

Theodore Goodwin, an attorney representing owners of 18 of the 26 parcels in the northeastern corner of the proposed incorporation boundaries, argued that excluding the property would not harm the cityhood effort.

"The goal is to be excluded from the city, not to stop the election," Goodwin said.

Residents of the 175-acre subdivision have argued that the rural nature of their neighborhood - with lots of 3 acres or more - is inconsistent with what typically is found in a city. They have noted that many of the property owners have horses and other livestock.

Goodwin argued that LAFCO's reason for voting June 1 to include the area was flawed.

The commission determined that including the neighborhood in the proposed city was necessary to continue services provided to the property owners by the El Dorado Hills Community Services District. A key concern of commissioners was enforcement of covenants, conditions and restrictions, or CC&Rs, performed by the community services district.

If El Dorado Hills incorporates, the district would be dissolved and its functions assumed by the new city.

LAFCO staff members said during the June 1 meeting that the environmental study for incorporation did not consider how CC&R enforcement would be handled if the area were not part of the city.

Goodwin argued that there is no guarantee that CC&Rs would be enforced by the city.

"The EIR says enforcement of CC&Rs would be a minor priority for a new city," he said.

Goodwin urged the commission to continue Monday's hearing to reconsider his clients' request to be excluded from the incorporation boundaries.

But LAFCO staff members said the commission's policy allowed for reconsideration only if new information was presented.

"I see no compelling reason for excluding Lakehills," said Nat Taylor, incorporation project manager. "There's nothing about incorporation that threatens their current lifestyle."

Including the neighborhood provides a logical boundary for the proposed city, he said. If it were excluded, Taylor said, one side of Lakehills Drive would be in the city and the other half in the unincorporated area, but the city would be responsible for maintaining the road.

Art Marinaccio, spokesman for a Lakehills property owner who sought inclusion in incorporation boundaries, argued that reconsidering the issue would serve no purpose. Although enforcement of CC&Rs might be a problem for a city, the environmental study provides no alternative, he said.

"You do not have the tools to exclude this property from the city," Marinaccio argued.

Commission member Rusty Dupray said he would vote as a member of the Board of Supervisors to call the November election. But Dupray said he favored continuing the LAFCO hearing for a week to reconsider the Lakehills-Equestrian Village group's request "out of support for the little guy."

Staff members said continuing the hearing would not interfere with setting the election. But commission member Ted Long said, "I think it's a disservice to the little guy to drag him around for another week."

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