

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF FEBRUARY 22, 2012

REGULAR MEETING

TO: Ron Briggs, Chairman, 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 #9: Clarksville Business Park Annexation to the El Dorado
Irrigation District – Request for a Second Extension of the
One-year Deadline for Meeting of Conditions of Approval

LAFCO Project No. 2009-01

PROPONENT(S): Clarksville Professional Business Park, LLC
Jill Todd, Member Representative

RECOMMENDATION

Staff recommends that the Commission consider a second one-year extension request for the Clarksville Business Park Annexation to the El Dorado Irrigation District (EID), so that the project proponents may have additional time to comply with the Commission's conditions of approval (refer to Attachment A).

REASON FOR RECOMMENDED ACTION

Pursuant to Government Code §57001, a petition shall be deemed terminated if a certificate of completion has not been recorded within one-year of the Commission's approval of the project, unless the Commission grants an extension. Staff cannot record the certificate of completion for this project until after all conditions of approval have been met, including attainment of an inclusion letter from the United States Bureau of Reclamation (USBR).

Government Code §57001 also gives the Commission discretion to grant an extension for, *"any period deemed reasonable to the commission for completion of necessary prerequisite actions by any party."*

BACKGROUND

The Commission conditionally approved the Clarksville Business Park annexation to EID on March 24, 2010, with a one-year deadline to complete all required conditions. At the request of the applicant, the Commission granted a one-year extension to the project in March 2011 to allow additional time to comply with the conditions of approval. This current extension is scheduled to expire on March 24, 2012.

Circumstances Surrounding the Outstanding Conditions of Approval

The final two outstanding conditions on this proposal are 1) authorization from USBR to approve the inclusion request for the annexation area, and 2) payment of State Board of Equalization (SBE) fees.

- 1) Because the territory to be annexed is within EID's El Dorado Hills Service Area, USBR is required to verify that water resources are available from Folsom Lake for the Clarksville Business Park project. EID submitted the inclusion request paperwork to USBR in May of 2010.

Although it is not uncommon for USBR authorization to take up to 24 months to receive, the delayed permit approval for the Clarksville annexation does not appear to be due to USBR's internal process. In order to proceed with the inclusion request, USBR has requested copies of cultural resources reports for the annexation territory, which is to be provided by the applicant. USBR has not yet received these reports. EID staff was previously unsuccessful in attempts to contact the applicant in an effort to obtain these documents.

On September 28, 2011, EID sent a certified letter to the project applicant informing them that the USBR would not approve the annexation without the applicant's submission of the cultural resources reports for USBR review (Attachment B). Please note that although the letter also references unpaid EID annexation impact fees, this is not one of LAFCO's conditions of approval for the annexation. With exception to the SBE fees referenced above, the applicant has paid all applicable LAFCO fees.

According to EID staff, the cultural resources reports have not yet been submitted by the applicant to date; however, the applicant has since been in contact with the District and is making an effort to provide the requested documents and payments in order to finalize the annexation.

Regardless of the circumstances leading to USBR's delayed approval, it remains the responsibility of the applicant to ensure that all parties can comply with the LAFCO terms and conditions before the final deadline. Because time is running out under the first extension, the applicant submitted a written request for a second, one-year time extension for the project.

If the Commission denies the applicant's request and LAFCO does not receive USBR's inclusion letter by March 24, 2012, this project will be deemed terminated and would be closed without finalizing the annexation. The applicant would be eligible to apply for annexation again one year after this date; however, the process would start from the beginning.

- 2) The SBE fees for this project are \$800; however, because SBE will not accept checks issued more than 30 days prior, LAFCO staff has instructed the applicant not to submit payment for these fees until after the USBR inclusion request has been received. In terms of delaying the project and requiring additional time, this is the lesser of the two outstanding conditions and staff presumes that payment of these fees will not be an impediment to finalizing the project.

Attachments:

Attachment A: Second Extension Request from Applicant (2/7/12)

Attachment B: EID Letter to Applicant (9/28/11)