

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF FEBRUARY 27, 2013

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 #4J: PUBLIC HEARING TO CONSIDER A SECOND ONE-YEAR
TIME EXTENSION FOR COMPLETION OF CONDITIONS: LA
CANADA ANNEXATION TO THE EL DORADO IRRIGATION
DISTRICT

LAFCO Project No. 2010-03

PROPONENT(S): Joel Korotkin, Designated Agent

RECOMMENDATION

Staff requests that the Commission grant a second one-year extension for the La Canada 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. The current deadline expires April 27, 2013; the time extension would be effective until April 27, 2014.

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 La Canada annexation to EID on April 27, 2011, 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 2012 to allow additional time to comply with the conditions of approval. This current extension is scheduled to expire on April 27, 2013.

There are currently three outstanding conditions of approval that need to be completed before LAFCO can issue the certificate of completion:

- 1) *Authorization from the United States Bureau of Reclamation (USBR) to approve the inclusion request for the annexation area* – 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 this project. The EID Board must approve the annexation before EID staff can send the inclusion request packet to USBR. EID staff just recently received an annexation application from the proponents in January and expects to bring the item before the Board for approval on February 25, 2013.
- 2) *Verification from EID that the District's annexation fees have been paid* – This condition specifies that the proponents shall enter into an agreement with EID regarding the setting and schedule of payment for District annexation fees. After this has been completed by the applicant, EID will forward verification of payment or a copy of the executed agreement to LAFCO. This item also cannot be completed until the EID Board approves the annexation.
- 3) *Payment of State Board of Equalization (SBE) fees* – The SBE fees for this project are \$2,000; 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 and EID has verified payment of all District annexation fees or that an agreement for payment has been reached. In terms of delaying the project and requiring additional time, this is the lesser of the three outstanding conditions and staff presumes that payment of these fees will not be an impediment to finalizing the project.

If the Commission were to deny the extension request and LAFCO did not receive the above items by April 27, 2013, the annexation would be deemed terminated. The proponents would be eligible to reapply for annexation one year after this date; however the process would start from the beginning.