

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF SEPTEMBER 26, 2007

REGULAR MEETING

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

FROM: José C. Henríquez, Executive Officer

AGENDA ITEM #9: APPROVAL OF A RETROACTIVE EXTENSION OF TIME FOR
THE SUBMISSION OF FINAL APPLICATION
REQUIREMENTS: BRIGGS REORGANIZATION TO THE
CITY OF PLACERVILLE; LAFCO PROJECT NO. 05-13

RECOMMENDATION

Staff recommends that the Commission approve a retroactive 18-month time extension for the Briggs Reorganization to the City of Placerville so that the applicant may have sufficient time to submit all final application requirements. The time extension would be effective from September 17, 2006 until March 27, 2007.

REASON FOR RECOMMENDED ACTION

According to El Dorado LAFCO Policies 3.1.6 and 3.1.7, an adequate environmental document is required before an application is deemed complete, and if an all final application requirements are not completed within six months, the project will be closed. **An appropriate environmental review for this project was not prepared within the six months of notification for reasons outside of the applicant's control. In the past, the Commission has granted time extensions for applicants under these circumstances; however, staff failed to bring the time extension request for your consideration. In addition, while nearing completion, the environmental review has not been completed and will require additional time.**

BACKGROUND

Sections 3.1.6 and 3.1.7 read:

- 3.1.6 No application shall be deemed filed for processing purposes until the Executive Officer makes an environmental determination pursuant to the requirements of the California Environmental Quality Act (Policy 3.2.4) and environmental documentation has been completed that adequately

addresses the requirements of CEQA and El Dorado LAFCO's CEQA Procedures (Policy 3.2.5).

- 3.1.7 Additional application requirements including maps, fees, signed application forms, etc. must be completed within six months following the property tax redistribution agreement. If the application remains incomplete after six months the project will be closed and the proposal will be terminated.

The City of Placerville, as lead agency for the Briggs Reorganization, adopted a Negative Declaration of Environmental Impact (ND) for the Commercial pre-zoning of the Briggs properties on October 10, 2006. Because the project will also require LAFCO approval for annexation to the City, an environmental review is necessary for the LAFCO process as well. After review of the ND and subsequent discussions with LAFCO legal counsel, the Executive Officer determined that the document prepared by the City was legally inadequate for LAFCO purposes because it did not fully evaluate the direct and indirect environmental impacts of the project.

In order to comply with Policy 3.1.6, LAFCO has been working with the City of Placerville to prepare one CEQA document that covers both the City and LAFCO's necessary processes. In a follow-up meeting with the City and the applicant, it was agreed to by all parties that the City would prepare and circulate an Addendum to the existing ND, evaluating the probable impacts of the most intense commercial development allowed for the project site. Unfortunately, this has conflicted with the compliance of Policy 3.1.7, which establishes a six-month deadline for submitting all final application requirements.

Prior to September 16, 2006, the Executive Officer verbally informed the applicant that because the delay was due to an error by the City, the applicant would not be liable to meet the six-month deadline. It was the intention of LAFCO staff to request a time extension for the project; however, as the result of an oversight, the follow-up action to bring this item for Commission consideration was neglected. In fairness to the applicant, it is requested that the Commission grant a retroactive 18-month time extension for the proposal, to correct this mistake.

The City has prepared the draft Addendum, which LAFCO is currently reviewing. If this document is found to be adequate, it is expected that a final document could be adopted by the City by March of 2008.