

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF MARCH 28, 2012

REGULAR MEETING

TO: Ron Briggs, Chair, 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 #3D: La Canada Annexation to the El Dorado Irrigation District –
Request for a One-year Extension of the Deadline for
Meeting of Conditions of Approval

LAFCO Project No. 2010-03

PROPONENT(S): Joel Korotkin, Designated Agent

RECOMMENDATION

Staff recommends that the Commission consider a one-year extension request 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, 2012; the time extension would be effective until April 27, 2013.

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 all conditions of approval have been met.

BACKGROUND

On April 27, 2011, the Commission adopted Resolution L-2011-05, conditionally approving the La Canada annexation to EID, with a one year deadline to complete all required conditions. The applicant is requesting a one-year extension to allow additional time to comply with the conditions of approval (refer to Attachment A).

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. USBR cannot authorize water for the annexation until the Bureau has received an inclusion request packet from EID. According to EID staff, the District has not submitted the annexation packet to USBR because, as of the date of this memo, EID has not received an annexation application for the La Canada project.

The applicant has indicated that they expect to have submitted the annexation application to EID prior to the March 28 meeting; staff will follow-up with EID staff to verify this.

- 2) *Verification from EID that the District's annexation fees have been paid* – This condition specifies that the owners of the subject property 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. Again, this item cannot be completed until EID receives an annexation application for the La Canada project.
- 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.

It is the applicant's responsibility to ensure that all parties can comply with the LAFCO terms and conditions before the final deadline. Because time is running out under the original deadline, the applicant submitted a written request for a one-year time extension for the project.

If the Commission denies the time extension and the final conditions are not completed by April 27, 2012, this project will be terminated without completion of 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.

Attachments:

Attachment A: Extension Request from Applicant