

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF MARCH 22, 2017

REGULAR MEETING

TO: Shiva Frentzen, 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 #7: CONTINUED REQUEST FOR TIME EXTENSION – MALCOLM
DIXON ESTATES REORGANIZATION TO THE EL DORADO
IRRIGATION DISTRICT AND THE EL DORADO HILLS
COUNTY WATER DISTRICT

LAFCO Project No. 2013-01

PROPONENTS: Diamante Development, LLC and Christopher LaBarbera

AGENT: David Crosariol, CTA Engineering and Land Surveying

RECOMMENDATION

Staff recommends that the Commission consider a third one-year extension request for the Malcolm Dixon Estates Reorganization into the El Dorado Irrigation District (EID) and the El Dorado Hills County Water District (EDH Fire), to give the project proponents additional time to comply with the Commission's conditions of approval. The current deadline expires March 26, 2017; the time extension would be effective until March 26, 2018.

REASON FOR RECOMMENDED ACTION

Per Government Code §57001, if a certificate of completion is not recorded for a project within one year of Commission approval, the project shall be terminated unless the Commission grants an extension. The extension may be for any period deemed reasonable to the Commission for completion of necessary prerequisite actions by any party. The certificate of completion cannot be recorded until all conditions of approval have been met.

BACKGROUND

This item is continued from the February 22, 2017 meeting. At the February 22 meeting, Commissioner Veerkamp pulled this extension request from the consent calendar, to be continued as a discussion item on the March 22, 2017 agenda. Per a request from the County Chief Administrative Office, staff provided a general background and timeline regarding LAFCO's approval of the project and the final remaining conditions. To date, no additional information has been submitted by the County to be considered by the Commission regarding this item.

The Commission conditionally approved the Malcolm Dixon Estates Reorganization to EID and EDH Fire on March 26, 2014, with a standard one-year deadline to complete all required conditions. The final conditions include authorization from the United States Bureau of Reclamation (USBR) to approve the inclusion request for the project area, and payment of State Board of Equalization (SBE) fees, which cannot be collected until after USBR inclusion approval is received. At the request of the Applicant, the Commission has granted two previous one-year extensions for the project in 2015 and 2016, to allow additional time to comply with the conditions of approval. The current extension is scheduled to expire on March 26, 2017.

Because the project 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 approved the reorganization in February 2016 and the inclusion request packet was sent to USBR shortly after. USBR approval typically takes 12-24 months to receive, and can potentially take even longer. EID staff inquired with USBR in mid-December for an update, and were informed that there had not been much progress made on the inclusion request, as the annexation was still undergoing NEPA (National Environmental Policy Act) review.

Given the status of the USBR inclusion request, it is extremely unlikely for the above conditions to be completed by the March 26, 2017 deadline. If the Commission denies the extension request and the conditions are not completed within this timeframe, the reorganization will be terminated; the Applicant would be eligible to reapply for reorganization one year after this date; however, the process would start over from the beginning.