



## AGENDA ITEM 6A

**MEETING:** November 14, 2018  
**TO:** Humboldt LAFCo Commissioners  
**FROM:** Colette Metz, Executive Officer  
**SUBJECT:** **Time Extension Request for the City of Eureka Brainard Site Annexation**  
The Commission will consider granting a one-year time extension for completion of proceedings for the Brainard Site Annexation to the City of Eureka.

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LAFcos are responsible under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to regulate the formation and development of local governmental agencies and their municipal services. This includes approving or disapproving proposed changes of organization, such as annexations, consistent with adopted policies and procedures. LAFcos are authorized with broad discretion in amending and conditioning changes of organization as long as they do not directly regulate land use, property development, or subdivision requirements. Pursuant to Government Code Section 57001, if a certificate of completion has not been filed within one year after the Commission approves a proposal, the proceeding shall be deemed terminated unless the Commission authorizes an extension of time for that completion.

### **BACKGROUND**

The Brainard annexation was initiated by the City of Eureka as a complement to the City's Economic Development Strategy. The entire Brainard annexation area encompasses approximately 101 acres, generally located between Humboldt Bay and US Highway 101, north of Eureka. The annexation area consists of two Assessor's parcels comprising the Brainard site, two parcels (one entire and one partial parcel) of Northwestern Pacific Railroad Company owned railroad right-of-way, and a portion of US Highway 101 right-of-way. The Brainard site was previously utilized as a lumber mill and air-dry yard, with administrative offices. The property owner, California Redwood Company, intends to sell the property and is seeking to enhance the potential value and marketability of the site by annexing into the City of Eureka. The subject territory is adjacent to the city's boundary on three sides, is within the city's sphere of influence, and is located within the Coastal Zone.

The Commission approved the Brainard site annexation, subject to terms and conditions, on January 17, 2018 (LAFCo Resolution No. 18-02). One of the conditions required the city to amend its Local Coastal Program for the purposes of modifying the urban limit line to allow for the extension of services to the Brainard site. This amendment would not become effective until final approval and certification of the Local Coastal Program Amendment by the Coastal Commission.

**DISCUSSION**

The City of Eureka has requested a time extension for the completion of LAFCo proceedings (see Attachment A). The Local Coastal Program Amendment was reviewed and approved by the Eureka City Council on September 18<sup>th</sup> and subsequently submitted to the Coastal Commission for approval. The city believes the Coastal Commission should complete its review in January; therefore, a time extension to the end of March, 2019 is requested.

**RECOMMENDATION**

Staff recommends the Commission adopt Resolution No. 18-15, authorizing a time extension for the Brainard Annexation to March 29, 2019.

***Attachments***

Attachment A: Time Extension Request from the City of Eureka

Attachment B: Draft Resolution No. 18-15



**ATTACHMENT A**  
**CITY OF EUREKA**  
**DEVELOPMENT SERVICES DEPARTMENT**  
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October 2, 2018

Humboldt Local Agency Formation Commission  
George Williamson, Executive Officer  
1125 16<sup>th</sup> Street, Suite 202  
Arcata, CA 95521

Re: Brainard Annexation – Request for Extension

Dear George:

The City of Eureka is requesting an extension of the effective date of the Brainard Annexation to March 29, 2019.

The City of Eureka has been diligently working toward completion of the LAFCo conditions for the Brainard Annexation and specifically condition 4. c contained in LAFCo Resolution 18-02 , which requires the City to modify the Urban Limit Line on the Land Use Plan Map of the City's Local Coastal Program to allow for extension of services to the Brainard site.

On August 13, 2018, the City of Eureka Planning Commission held a duly noticed public hearing to take testimony regarding the proposed Land Use Plan Amendment. No public testimony was provided, and the Commission subsequently unanimously adopted a Resolution of the Planning Commission transmitting the Commission's recommendation of approval of the Land use Plan portion of the Brainard Urban Limit Line Local Coastal Program Amendment to the City Council.

On September 18, 2018, the City Council held a duly noticed public hearing to take testimony regarding the proposed Land Use Plan Amendment. Again, no public testimony was provided and the City Council unanimously adopted Resolutions approving the amendment and transmitting the amendment to the California Coastal Commission for certification. Signatures on the City's Resolutions have been obtained, and the Local Coastal Program Amendment is being submitted to the Coastal Commission on October 2, 2018.

The City believes it is likely the Coastal Commission will not complete their review and certification by January 17, 2019, and an extension to the end of March, 2019 is requested.

If you need additional information, or if you have any questions please do not hesitate to contact our office.

Respectfully,

10/1/18

Rob Holmlund, AICP  
Director of Development Services

RH/kmg



RESOLUTION NO. 18-15

**AUTHORIZING A TIME EXTENSION FOR THE BRAINARD SITE  
ANNEXATION TO THE CITY OF EUREKA**

WHEREAS, on January 17, 2018, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," conditionally approved the Brainard Site Annexation to the City of Eureka (Resolution No. 18-02); and

WHEREAS, Government Code Section 57001 requires that a Certificate of Completion be recorded within one year unless extended by LAFCo; and

WHEREAS, the basis for the time extension is to allow the City of Eureka sufficient time to satisfy terms and conditions, specifically condition 4.c contained in LAFCo Resolution No, 18-02, which requires the City to modify the Urban Limit Line on the Land Use Plan Map of the City's Local Coastal Program to allow for extension of services to the Brainard site.

**NOW, THEREFORE, BE IT RESOLVED** by the Humboldt Local Agency Formation Commission as follows:

1. The time extension for the above referenced reorganization is hereby approved.
2. The time frame for completion of terms and conditions and for recording a Certificate of Completion is hereby extended to March 29, 2019.
3. All provisions, terms and conditions of LAFCo Resolution No. 18-02, dated January 17, 2018, shall remain in effect.

**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 14<sup>th</sup> of November, 2018, by the following roll call vote:

AYES: Commissioners:  
NOES: Commissioners:  
ABSENT: Commissioners:  
ABSTAIN: Commissioners:

Attest:

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Estelle Fennell, Chair  
Humboldt LAFCo

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Colette Metz, Executive Officer  
Humboldt LAFCo