

# CPAD Actions Self Storage Facility

December 18, 2023

# Self Storage Facility Background and History

- 2005 county issued permit for storage on lot 1
- 2014? county issued permit to pursue self storage units on lot 1
- 2020 initial plans review, board responses (2)
  - plans revised to comply with board concerns on airport access and FAA airspace requirements
- 2021? County approves combining 3 lots into 1
- 2023 September clearing of storage vehicles commences
- 2023 October construction starts, Issue brought to the board for action
- Its clear the county acted assuming they had full land use authority and did not need board approval to issue the building permits

# Board Actions Since October (1 of 2)

- October 17 Special Board Meeting
  - letter to county drafted, approved, and sent.
    - Request project stop
    - Notify county we were pursuing legal council on next steps
- October 23 regular board meeting
  - Reviewed response from county legal
  - Determined to proceed with seeking legal council on what our rights are and how to proceed
- November 3 Special Board Meeting
  - Closed meeting as allowed by Brown Act to discuss possible legal action
  - Solicited public comment before going into closed session
  - Reviewed candidates for legal council
  - Reviewed documents to be provided, and list of questions to consider
  - Briefed public on decision to contract with law firm specializing in special districts

# Board Actions Since October (2 of 2)

- November 27 Board Meeting
  - Reviewed minutes from special board meetings, received public comment on self storage units issue
  - Provide status on selection and contracting with legal council
  - Announced special board meeting to be scheduled for December 18 to review candidates for open board position
- December 14
  - Received legal council results and added review to agenda for December 18 Special Board Meeting

# Board and Airport Manager Actions (1 of 2)

1. El Dorado County Counsel: (David Livingston) “The Project was ultimately approved in December of 2020 under the County of El Dorado's land use authority, exercised through the County Zoning Administrator. The County is not aware of any appeal of that decision and the time for an appeal has long since passed. Accordingly, the Project is proceeding pursuant to the County's land use approval.”
2. El Dorado County Transportation Commission: (Woodrow E. Deloria) Self-Storage falls within the approved land use zoning by the state.
3. El Dorado County Local Agency Formation Commission: States that we do not and have never been in control of land use authority
4. Cameron Park Community Service District (Jim Mog): “The property that the construction is going on is within the Air Park Estates CC&Rs but the CC&RS that we have only reference residential. .... if there is no document specifically stating what uses are allowed within the Airpark boundaries, it may just fall under the commercial code that the County refers too.”

# Board and Airport Manager Actions (2 of 2)

5. California Special District Association Help Forum: (Mustafa Hessabi, Deputy General Counsel) “Generally speaking, all local agencies including special districts are required to comply with building ordinances (e.g., permit requirements, etc.) and zoning ordinances of the county or city in which the district is located. Government Code section 53091 states, in part: “Each local agency shall comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated.” Certain limitations to the city and county ordinances apply, and in some circumstances, a district may override a city or county zoning ordinance. (See Government Code § 53096) – though this may be limited to instances when a district is seeking to build on its own property.”
6. CSDA Recommended Lawyer: “See legal Opinion”
7. AOPA: JARED YOSHIKI Regional Manager, Western Pacific. Will get involved if there is an attempt to have access to the taxiway since that will be a commercial through the fence agreement but does not have any influence on land use nor does he know any Airport Districts that have land use authority.

# McMurchie Law Firm Overview

- Dave McMurchie is the principal in the McMurchie Law Firm which specializes in providing legal advice and consultation to special districts, joint powers authorities and other public agencies in California.
- Dave McMurchie Background
  - Practicing law for 46 years
  - Exclusively for Special Districts since 1985 (38-years)
  - Served as general counsel for the California Special Districts Association since 1985
- <http://mcmurchie.com>

# Dave McMurchie – Bio

- Mr. McMurchie is the principal in the McMurchie Law Firm which specializes in providing legal advice and consultation to special districts, joint powers authorities and other public agencies in California.
- Mr. McMurchie has represented many types of special district public agencies since 1978 including water districts, sanitation districts, fire protection districts, community services districts, recreation and park districts, cemetery districts, mosquito abatement districts, harbor and port districts, and joint powers authorities.
- Mr. McMurchie has provided training and seminars regarding recent legal developments and strategies to California Special Districts Association, Fire Districts Association of California, California Association of Public Cemeteries and other local government associations.
- Mr. McMurchie has also served as general counsel for the California Special Districts Association since 1985, which is a non-profit corporation consisting of over 1,000 member special districts of various types located throughout the state which provides legislative advocacy services, financial services and education programs to member districts. Mr. McMurchie's practice emphasizes employment, business contracting and financing issues encountered by special districts and other local agencies.
- Additionally, Mr. McMurchie has provided estate planning, wills and trusts and probate administration since 1978. He also specializes in the formation, administration and operational problems of non-profit corporations.
- Mr. McMurchie is a member in good standing of the California State Bar and the U.S. District Court, Eastern District of California.



# Legal Opinion Summary

- Legal Opinion received from Dave McHurchie on December 14<sup>th</sup>.
- As required by Brown act (confidentiality and client-attorney privilege for legal council affecting potential litigation), Legal Council cannot be released to the public without board waiving client-attorney privilege.
- Will consider waiving in closed session
  - must consider if any advantage to future legal action of waiving client-attorney privilege on this information
- Will summarize findings if it cannot be released.