

AGREEMENT FOR SERVICES #595-S1211

AMENDMENT III

This Amendment III to that Agreement for Services #595-S1211, made and entered into by and between the County of El Dorado, a political subdivision of the State of California (hereinafter referred to as "County"), and ICF Jones & Stokes, Inc., a Delaware Corporation, duly qualified to conduct business in the State of California, whose principal place of business is 630 K Street, Suite 400, Sacramento, California 95814 and whose Agent for Services of Process is CSC Lawyers Incorporating Service located at 2730 Gateway Oaks Drive, Suite 100, Sacramento, California 95833; (hereinafter referred to as "Consultant");

RECITALS

WHEREAS, Consultant has been engaged by County to prepare an Environmental Impact Report for the County's targeted general plan amendment and a comprehensive zoning code update, in accordance with Agreement for Services #595-S1211, dated June 4, 2012, and its Amendment I dated March 5, 2013, and its Amendment II dated March 3, 2014 incorporated herein and made by reference a part hereof; and

WHEREAS, the parties hereto have mutually agreed to revise the scope of services to include additional services, hereby amending **ARTICLE I – Scope**; and

WHEREAS, the parties hereto have mutually agreed to revise **ARTICLE III – Compensation**, to include compensation for the additional scope of services and to revise the fee schedule and maximum compensation.

NOW THEREFORE, the parties do hereby agree that Agreement for Services #595-S1211 shall be amended a third time as follows:

ARTICLE I

Scope of Services: Consultant agrees to furnish the personnel and equipment necessary to prepare an Environmental Impact Report for the County's targeted general plan amendment; comprehensive zoning code update; and a Mixed Use Development/Traditional Neighborhood Design Manual. Services shall include, but not be limited to those identified in Exhibit "A-1", marked "Targeted General Plan Amendment and Zoning Ordinance Update", and Exhibit "A-2" marked "Mixed Use Development/Traditional Neighborhood Design Manual" , and Exhibit "A-3", marked "Recirculated Draft EIR Scope", all of which are incorporated herein and by reference made a part hereof.

ARTICLE III

Compensation for Services: For services provided herein, including all deliverables described in Exhibits "A-1", "A-2", and "A-3" County agrees to pay Consultant monthly in arrears. Payment shall be made within thirty (30) days following County receipt and approval of itemized invoices identifying the services rendered. Invoices shall follow the format specified by County and shall reference this Agreement number both on their faces and on any enclosures or backup documentation. When invoicing for direct expenses or subconsultant services, Consultant shall provide documentation of Consultant's actual costs for such expenses or services.

The cost estimate for each task and the billing rates shall be in accordance with Exhibit "B-2", marked "Cost Estimate and Fee Schedule" incorporated herein and made by reference a part hereof.

Contract Administrator shall have authority to reallocate costs among the tasks listed in Exhibit "B-2" provided the total amount of the agreement as stated below is not exceeded. Such approval shall be in writing. The billing rates for each job classification shall be less than or equal to those listed in Exhibit "B-2".

The total amount of this Agreement shall not exceed \$407,677.90, inclusive of all services, expenses and costs.

Invoices shall be mailed to County at the following address:

County of El Dorado
Chief Administrative Office
330 Fair Lane
Placerville, California 95667
Attn.: Kim Kerr

Or to such other location as County directs.

Except as herein amended, all other parts and sections of that Agreement #595-S1211, and its Amendments I and II, shall remain unchanged and in full force and effect.

Requesting Contract Administrator Concurrence:

By: _____
Kimberly Kerr
Assistant Chief Administrative Officer

Dated: _____

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to that Agreement for Services #595-S1211 on the dates indicated below.

-- COUNTY OF EL DORADO --

By: _____
Terri Daly, Purchasing Agent
Chief Administrative Office
"County"

Dated: _____

-- CONSULTANT --

ICF Jones & Stokes, Inc.
A Delaware Corporation

By: _____
Maggie Townsley
Vice President
"Consultant"

Dated: _____

By: _____
Corporate Secretary

Dated: _____

Exhibit A-3

Recirculated Draft EIR Scope

Introduction

ICF will prepare a partial recirculated draft EIR (RDEIR) containing analyses of groundwater impacts, energy use, revisions to the ZOU, and traffic impact. We assume that the additional traffic analysis will be undertaken by Kittleson and Associates (Kittleson) in the form of a revised Chapter 3.9, Transportation. We will provide Kittleson with a Word template for the traffic chapter to ensure that it will be compatible with the remainder of the RDEIR.

ICF will prepare an administrative draft of the RDEIR portions for review and comment by the County. This work will include minor editing and a review for consistency of the revisions to Chapter 3.9, Transportation, prepared by Kittleson. After receiving and incorporating the County's comments, we will produce the public draft of the RDEIR. We assume that the public draft RDEIR will be circulated for review in the manner provided for a Draft EIR.

The RDEIR will take the following form:

Table of Contents

Introduction, including a request that reviewers limit their comments to the DEIR portions being recirculated and information about where comments can be submitted.

Summary of the revisions to the DEIR

Revisions to Chapter 2, Project Description

Revisions to Chapter 3.9 Transportation

Revisions to Chapter 3.10 Water Supply and Groundwater Use and Supply

New Chapter 3.12 ZOU Additions

Revisions to Section 4.5 Range of Alternatives for Analysis (including new traffic, groundwater and energy discussions for each alternative)

Revisions to Chapter 5, Other CEQA to present information on energy use

References

The scopes of the revised sections to be prepared by ICF and a list of deliverables are described below. This scope assumes that the Final EIR will be prepared under the existing contract, with a small amount of additional time to integrate the contents of the RDEIR and to respond to comments on the RDEIR that have not already been received on the DEIR.

Revisions to Chapter 2, Project Description

The Project Description's discussion of the ZOU will be expanded to include summaries of the landscaping, mobile/manufactured home parks, parking and loading, outdoor lighting, and Research & Development (R&D) Zone standards.

Revisions to Chapter 3.10 Water Supply and Groundwater Use and Supply

In response to comments received on the DEIR, Chapter 3.10 will be expanded to include a section discussing groundwater use and supply. The section will provide a general programmatic overview of groundwater conditions in the Planning area, and how it would be affected by the TGPA/ZOU Project. No substantive changes are proposed in the DEIR's current water supply analysis in Chapter 3.10.

The current DEIR does not include a discussion of groundwater use and supply. In light of the recent groundwater issues related to the California drought, the zoning ordinance changes and the amount of future growth that the General Plan would allow in areas without public water systems, various commenters have raised questions regarding the potential for a significant impact on groundwater supply.

ICF will review existing information, such as the 2004 General Plan EIR, the proposed Project, groundwater information for the County, as well as applicable groundwater policies and potential upcoming legislation. Once the existing information is reviewed, ICF will provide the County with a written request for more information, if needed, to conduct the CEQA analysis.

ICF will expand the existing Chapter 3.10 to include an analysis of groundwater supply and use. The analysis will provide a description of the environmental setting, regulatory setting, impact analysis, and mitigation measures (i.e., changes or new policies that might be adopted or additional requirements to zoning ordinances) to address potential impacts.

The Project includes opportunities for different types of uses, such as microbrewery, B&B, health center, ski resort, and wastewater treatment plant, all of which involve additional water needs. According to DWR Bulletin 118, there are no identified groundwater basins in El Dorado County and the underlying strata is fractured rock. However, while the urbanizing portions of the County are served by public water systems that are reliant upon surface water supplies, there are rural communities where each parcel will rely on an individual well for its water. Presumably, as wells proliferate there will be an increase in conflicts with existing wells. The impact analysis will include the following CEQA threshold requirement:

Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

New Chapter 3.12 – Zoning Ordinance Update Additions

ICF will examine the potential environmental impacts of the following proposed standards to be added to the Zoning Ordinance Update.

- Landscaping
- Mobile/manufactured home parks
- Parking and loading

- Outdoor lighting
- R&D Zone

As with the rest of the TGPA/ZOU EIR, the proposed standards will be examined at a program level, with existing conditions as the baseline for analysis. We will review those standards that have counterparts in the existing zoning ordinance (i.e., parking, mobilehome park, and R&D) to determine whether the proposed standards include any new impact mechanisms that should be accounted for in the analysis. A key area of analysis will be the potential aesthetic effects of the proposed outdoor lighting standards. We will also take a program-level, qualitative look at whether the parking and loading standards may result in parking impacts.

Revisions to Section 4.5 - Range of Alternatives for Analysis

ICF will expand the discussion of the three Project alternatives in section 4.5 to include brief discussions of each of the alternatives' potential impacts on groundwater use and supply and energy use. This will be a qualitative analysis presented in sufficient detail to allow a comparison of the relative impacts of the alternatives and of the Project to the alternatives. We do not propose to examine any new alternatives.

Revisions to Chapter 5 – Other CEQA

In light of the recent Appellate Court decision in *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, which was decided after the publication of the DEIR, ICF will prepare a qualitative energy analysis of TGPA/ZOU based on Appendix F of the CEQA Guidelines. A brief discussion of relevant state, regional, and local energy regulations applicable to the proposed project will be included in Chapter 5 of the DEIR, as will a description of existing energy resources and consumption levels within California and El Dorado County. The analysis will use a qualitative approach to discuss changes in energy use between the TGPA/ZOU Project and existing conditions. No quantification of energy use is proposed as part of this scope.

The analysis will consider indirect and direct energy usage associated with the Project, including fossil fuel consumption during future construction (indirect), new building electricity and natural gas usage (indirect), and gasoline and diesel consumption from changes in vehicle traffic (direct). Consistent with CEQA Guidelines Appendix F, the proposed project will be qualitatively evaluated for its potential to lead to a wasteful, inefficient, and unnecessary usage of direct or indirect energy. Energy conservation policies associated with the project will also be discussed.

Responses to Comments and Final EIR

ICF will prepare draft responses to the comments received during the review period for the RDEIR sections and submit these to the County for review and comment. We will work with County transportation engineering staff to prepare responses to comments on the revised traffic chapter and will provide those to the County for review and comment. We will incorporate the County's comments into the responses and prepare the Final EIR. The recirculated sections and the responses to comments on the recirculated sections will be integrated into the Final EIR document.

Deliverables:

Administrative draft of the recirculated document:

- Electronic copy in Microsoft Word of the administrative draft of the RDEIR.

Public review recirculated document:

- Electronic copy in PDF form of the RDEIR for public review. The PDF will be suitable for publication on the County's website and for duplication as a printed copy.
- ICF will submit a Notice of Completion form and 15 copies of the RDEIR (printed summary and the remainder on CDs) to the State Clearinghouse in Sacramento.

Draft responses to comments on the RDEIR:

- Electronic copy in Microsoft Word of the administrative draft responses to comments

Exhibit B-2

Cost Estimate and Fee Schedule

Cost Estimate by Task

Targeted General Plan & Zoning Ordinance Update (Original Scope)

Task 1	Project Start Up and Project Management Coordination	\$16,550
Task 2	Scoping Meeting and Preparation of Initial Study (IS)	\$18,590
Task 3	Project Alternatives	\$5,670
Task 4	Preparation of the Administrative Draft EIR	\$114,760
Task 5	Peer Review of Draft Zoning Ordinance	\$2,225
Task 6	Preparation of Draft EIR	\$15,500
Task 7	Scoping of Responses	\$10,535
Task 8	Preparation of Administrative Responses to Comments	\$60,155
Task 9	Preparation of Draft Mitigation Monitoring Plan	\$930
Task 10	Preparation of Final Responses to Comment Document	\$12,625
Task 11	Meeting and Hearings	\$20,595
Task 12	Meeting and Hearings	\$3,235
Task 13	Optional – Traffic Peer Review (Fehr & Peers)	\$12,500
	Direct Expenses	\$1,275

Total – Original Scope **\$295,145**

Mixed Use Development/Traditional Neighborhood Design Manual Subconsultant Tasks (Amendment I Additional Scope)

Task 1	Project Initiation/Reconnaissance	\$1,430
Task 2	Outline and Format the Guidelines and Graphics	\$360
Task 3	Prepare the Design Manual	\$745
	Direct Expenses	\$55,050

Total – Amendment I Additional Scope **\$57,585**

Recirculated Draft EIR

Amendment III Additional Scope in Exhibit “A-3” **\$54,947.90**

Grand Total **\$407,677.90**

Exhibit B-2

Cost Estimate and Fee Schedule (Continued)

Title	Maximum Billing Rate
Admin Technician	\$60/hour
Assistant Consultant	\$100/hour
Associate Consultant II	\$90/hour
Associate Consultant III	\$130/hour
Managing Consultant	\$150/hour
Project Director	\$240/hour
Senior Consultant	\$110/hour
Senior Consultant I	\$135/hour
Senior Consultant II	\$150/hour
Senior Consultant III	\$170/hour
Senior Technical Analyst	\$165.00/hour
Technical Director	\$220.00/hour
Other Expenses:	
Sub consultant	Consultant's actual cost plus 10%
Direct Expenses (Including but not limited to reproductions, postage and delivery, travel)	Consultant's actual cost plus 10%
Mileage Reimbursement	Current IRS Rate plus 10%