



EL DORADO COUNTY PLANNING & BUILDING DEPARTMENT

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Date: March 14, 2023
To: Honorable Board of Supervisors
From: Gina Hamilton, Planning Manager, Current Planning Division
Subject: **Lead Agency Agreement with the El Dorado Hills Community Services District for the Proposed Bass Lake Regional Park**

Recommendation

Staff recommends the Board of Supervisors approve, and authorize the Chair to sign, the Lead Agency Agreement (Exhibit A) between the County of El Dorado and the El Dorado Hills Community Services District (CSD).

Background

The CSD is proposing to construct an approximately 200-acre regional park in the Bass Lake area of El Dorado County. The proposed park would contain recreational fields, parking lots, restrooms, trails, and other amenities and would be developed on land located in the CSD service area within the County. The proposed park will require environmental review under the California Environmental Quality Act (CEQA).

Discussion

The CSD anticipates supervising and operating the park in the future and has submitted a pre-application to the County. As described in Public Resources Code (PRC) Section 21067, under CEQA a lead agency is "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment" and a responsible agency is "a public agency, other than the lead agency, which has responsibility for carrying out or approving a project." (PRC § 21069).

In this case, staff believes it is appropriate for the CSD to act as the lead agency because the CSD: 1) will have primary responsibility for creating and implementing the park, 2) is responsible for the design of the park, 3) is responsible for financing the park, 4) will be responsible for staffing and day-to-day operation of the park, and 5) owns the park site. As a responsible agency, the County will be responsible for review and issuance of discretionary approvals required for the project.

Under state CEQA Guidelines, where two (2) or more public agencies will be involved with a project, the determination of the designation of the lead agency may be made by agreement. Accordingly, this item is presented for your Board's approval. The proposed agreement will specify that the CSD is the designated lead agency and the County a responsible agency for the

proposed Bass Lakes Park project. CEQA guidelines require collaboration and consultation on the proposed project between the CSD and County as lead and responsible agencies. This process is underway.

Staff Conclusion

Planning staff have examined the roles and responsibilities of the CSD in the development, design, implementation, and overall responsibilities for the proposed Bass Lakes Park project and recommend the Board of Supervisors approve the Lead Agency Agreement (Exhibit A) designating the CSD as the lead agency for the project.

Attachments

Exhibit A..... Lead Agency Agreement

EXHIBIT A - Lead Agency Agreement

**LEAD AGENCY AGREEMENT BETWEEN THE COUNTY OF
EL DORADO AND THE EL DORADO HILLS COMMUNITY SERVICES
DISTRICT FOR THE PROPOSED BASS LAKE REGIONAL PARK**

This Agreement is made between the County of El Dorado ("County") and the El Dorado Hills Community Services District ("CSD") jointly, (the "Parties") under Title 14 of the California Code of Regulations ("State CEQA Guidelines") section 15051(d), to confirm that the County and the CSD each have a substantial role in the environmental review and potential permitting of the proposed Bass Lake Regional Park ("Project"), and to confirm that the CSD shall serve as the lead agency pursuant to the California Environmental Quality Act ("CEQA") for the Project.

WHEREAS, the CSD is proposing to construct an approximately 200-acre regional park in the Bass Lake area of El Dorado County containing recreational fields, parking lots, restrooms, trails, and other amenities (the "Project"); and

WHEREAS, the Project is proposed on lands located in the CSD service area within the County of El Dorado; and

WHEREAS, the CSD anticipates supervising and operating the Project in the future and has submitted a pre-application to the County; and

WHEREAS, a Conditional Use Permit ("CUP"), zone change, and potentially other permits would be required from the County, as the land use authority, before the Project could proceed; and

WHEREAS, the first discretionary action on the Project, if any, would be taken by the CSD, and the County's discretionary approvals, if any, would only be issued subsequently; and

WHEREAS, pursuant to Public Resources Code section 21067, a lead agency is "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment;" and

WHEREAS, pursuant to Public Resources Code section 21069, a Responsible Agency is "a public agency, other than the lead agency, which has responsibility for carrying out or approving a project;" and

WHEREAS, State CEQA Guidelines section 15051(d) provides where two or more public agencies will be involved with a project, the determination of designation of a lead agency may be made by agreement between the agencies.

NOW THEREFORE, the Parties agree as follows:

Recitals. The above recitals are true and correct and are incorporated herein.

Lead Agency. Although both the County and the CSD have a claim to the role of lead agency under CEQA, the CSD shall serve as the lead agency for the Project's environmental review and shall have all discretion to fulfill the obligations of a CEQA lead agency with respect to the Project because:

EXHIBIT A - Lead Agency Agreement

- (1) The CSD will have primary responsibility for creating and implementing the project;
- (2) The CSD is responsible for the design of the Project;
- (3) The CSD will be responsible for financing of the Project;
- (4) The CSD will be responsible for staffing and day-to-day operation of the Project;
- (5) The CSD owns the Project site.

Responsible Agency. The County will act as a Responsible Agency under CEQA and shall have all the discretion to fulfill the obligations of a CEQA Responsible Agency with regard to the Project because:

(1) Although the County is not directly operating the Project and does not own the Project site, the County anticipates considering Conditional Use permits, zone changes and other permits, which would constitute discretionary actions under CEQA; and

(2) Any discretionary actions by the County on the Project would occur subsequent to any approvals issued by the CSD.

Cooperation re: CEQA Process. The Parties confirm that they shall cooperate and coordinate with one another with regard to the CEQA process for the Project going forward and shall ensure that any CEQA documents circulate for public review and/or brought forward for consideration reflect the Parties' mutual input; however, the CSD-as lead agency- shall have the final determination regarding the content of the CEQA documents.

No CEQA Approval. The execution of this Agreement does not constitute either Party's approval of, or commitment to, the Project. Furthermore, nothing in this Agreement shall be considered to restrict either Party's full and complete consideration of the Project's potential environmental impacts, mitigation measures, or alternative - expressly including the no project/no build alternative.

Authority to Enter Agreement. The signatories below confirm that they have all requisite power and authority to make this Agreement with regard to each respective Party. Further, this Agreement may be executed by facsimile signature and/or in counterparts, and each counterpart shall be treated as an original.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates indicated below.

- - COUNTY OF EL DORADO - -

Dated: _____

By: _____

Chair
Board of Supervisors
"County"

EXHIBIT A - Lead Agency Agreement

ATTEST:
Kim Dawson
Clerk of the Board of Supervisors

By: _____ Dated: _____
Deputy Clerk

- - El Dorado Hills Community Services District - -

El Dorado Hills Community Services District

DocuSigned by:
Kevin Loewen
By: _____ Dated: 02/03/2023
Kevin A. Loewen
General Manager
"CSD"