



COMMUNITY DEVELOPMENT AGENCY LONG RANGE PLANNING DIVISION

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March 4, 2015

To: Board of Supervisors

From: Shawna Purvines, Principal Planner

Subject: **Amendment III to Agreement for Services No. 268-S1311 with ICF Jones and Stokes, Inc. and Amendment II to Funding Agreement No. 245-F1311 with Marble Valley Company, LLC**

PURPOSE:

The California Environmental Quality Act (CEQA) and County CEQA Resolution 61-87 allow the County to hire consultants, funded by the applicant, to prepare complex and comprehensive CEQA documents such as Environmental Impact Reports (EIR). On November 13, 2012, the Board approved Agreement for Services No. 268-S1311 with ICF Jones and Stokes, Inc. (ICF) to prepare an EIR for the proposed Village of Marble Valley Specific Plan. Services provided by ICF are fully funded by the applicant, Marble Valley Company, LLC, through Funding Agreement No. 245-F1311.

The information in this EIR will help the public, staff, the Board and others evaluate and make decisions regarding the application. Processing the application and preparing an EIR does not represent a commitment that the proposed project, or any portion of the application, will be approved by the Board.

Based on changes to the project schedule, project description and recent CEQA lawsuits, additional funds will be necessary for project management and to complete the EIR for the proposed Village of Marble Valley Specific Plan.

DEPARTMENT RECOMMENDATION:

Community Development Agency (CDA), Long Range Planning Division (LRP) recommending the Board approve and authorize the Chair to sign the following:

- 1) Amendment II to Funding Agreement No. 245-F1311 with Marble Valley Company, LLC increasing funding by \$199,719 for a new total not-to-exceed amount of \$801,810; and
- 2) Amendment III to Agreement for Services No. 268-S1311 with ICF, increasing the maximum obligation by \$111,321 for a total not-to-exceed amount of \$482,917 to provide direct consultant services to the County for preparation of an EIR.

DISCUSSION/BACKGROUND:

On November 13, 2012, the Board approved Agreements for Services with ICF and Pacific Mutual Consultants (PMC) for three (3) proposed Specific Plans: Central El Dorado Hills, Village of Marble Valley, and Lime Rock Valley. The Agreements provide direct consultant services to the County for preparation of EIRs (ICF) and planning consultation services (PMC), to be fully funded by the respective applicants: Serrano Associates, LLC; Marble Valley Company, LLC; and G3 Enterprise, LLC.

On November 13, 2012, the Board also approved separate Funding Agreements with each applicant. The Funding Agreements establish a legally binding mechanism that allows the County to be fully reimbursed by the applicants for costs incurred under these contracts. Consultants began work on November 19, 2012.

On March 11, 2014, the Board approved Amendment I to Agreement for Services No. 268-S1311, authorizing additional funding to accommodate extended project schedules and additional work needed to complete processing of the application. The Board also approved Amendment I to Funding Agreement No. 245-F1311 with Marble Valley Company, LLC, increasing the amount of the Agreement to cover the additional work by ICF and PMC. The amended Funding Agreement also included funding for a separate Agreement with Goodwin Consulting Group, to provide assistance with reviewing Fiscal Impact Analysis prepared by the applicants and preparing/reviewing Public Facilities Financing Plans.

On July 22, 2014, the Board approved Amendment II to Agreement for Services No. 268-S1311, authorizing an amendment to Exhibit C, the Fee Schedule.

On January 23, 2015, \$77, 280.23 was transferred from Task 1, Task 3, and Tasks 5 through 8 to Task 4 to enable ICF to complete the Draft EIR (DEIR). This Amendment III to Agreement for Services No. 268-S1311 is necessary to replenish the budgets for Task 1, Task 3 and Tasks 5 through 8 and provide additional funding to address the following:

- Additional analysis: Due to project description changes and recent CEQA lawsuits, additional analysis is necessary to fully address public services and utilities, air quality, biological and cultural resources, the No-Project Alternative, and the Traffic Impact Study.
- Schedule changes: The current Agreement assumed the Final EIR would be completed and the Notice of Determination (NOD) issued in November 2014. Based on the latest revised schedule, the Draft EIR is anticipated to circulate in spring 2015 and the Final EIR and NOD issued in late 2015. The delay to the project schedule will require additional consultation involved in project management (i.e., additional meetings and conference calls), resulting in an increase in the overall project cost.

- Increased public outreach: The current Agreement indicates that ICF will assist in public outreach coordination and facilitation and attend one (1) public meeting during the DEIR circulation period. Recently, County staff has determined that additional meetings will be necessary based on the level of public interest in the proposed project. The scope of work will be revised to include attendance by up to three (3) ICF staff members at up to four (4) public meetings or hearings during the DEIR and Final EIR. ICF will attend two (2) project specific meetings and two (2) hearings (that also address other proposed projects). ICF will contribute to the development of boards or slides and materials.
- Additional responses to comments: ICF's current contract assumes that as many as 150 public comments will be received on the DEIR; this assumption was based on the receipt of 150 comments from 132 individuals on the Notice of Preparation (NOP) in 2013. However, the County has continued to receive comments from the public on the scope of the EIR, and staff anticipates that up to 300 comments (or twice as many as currently scoped) could be received on the DEIR. At the close of the public DEIR comment period, ICF will tally the total number of comments, and if directed by the County, will document and track the additional 150 comments in a comment matrix, ensure the comments are responded to, and indicate where clarification to the DEIR can be found as appropriate.

ALTERNATIVES:

CEQA and Chapter 5.3 (A) of County Resolution 61-87 allow applicants to retain a consultant to prepare and submit an EIR to the County. Should the Board decide not to approve amendments to the Agreement for Services and Funding Agreement, staff anticipates the applicant would retain a consultant to complete preparation of the EIR and submit it to the County. The County would no longer be as directly involved in the preparation of the EIR.

Staff believes it is in the County's best interest to remain in control of this process to ensure that the County's and public's interests are directly represented throughout the EIR preparation process, and to maintain maximum control over the content and analysis in the EIR. There is no cost to the County under any scenario; all costs are paid by the project applicant whether or not the amendments are approved.

FINANCIAL IMPACT:

There is no change to Net County Cost associated with this item. No costs are to be incurred by the County. All costs are paid by the project applicant.

CLERK OF THE BOARD FOLLOW UP ACTIONS:

- 1) The Clerk will obtain the Chair's signature on two (2) originals of Amendment II to Funding Agreement No. 245-F1311 with Marble Valley Company, LLC and two (2) originals of Amendment III to Agreement for Services No. 268-S1311 with ICF; and

- 2) The Clerk will return one (1) fully executed original of Amendment II to Funding Agreement No. 245-F1311 and one (1) fully executed original of Amendment III to Agreement for Services No. 268-S1311 to Long Range Planning for transmittal to the consultant.

CONTACT:

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