



## Legislation Details (With Text)

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**On agenda:** 1/10/2017      **Final action:** 1/10/2017

**Title:** Community Development Agency, Development Services Division, recommending the Board approve and authorize the Chair to sign the Certificate of Acceptance for the 30.54 acres of Conserved Property identified in the off-site oak mitigation Conservation Easement Agreement for The Crossings at El Dorado, formerly Sundance Plaza (Planned Development PD97-0011), that was approved by the Board on November 17, 2015. (Supervisory District 3)

**FUNDING:** N/A (Developer Funded Agreement).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 4A - Blue Route and Certificate of Acceptance BOS 1-10-17, 2. Executed COA 1-10-17, 3. 3A - Blue Route BOS 11-17-15, 4. 3B - Agreement-Conservation Easement BOS 11-17-15, 5. 3C - Exhibits A-C BOS 11-17-15, 6. Planning Commission Minutes 05-08-14 (FINAL Findings), 7. Executed Conservation Easement Agreement 11-17-15, 8. 2A - Planning Commission Minutes 04-24-14 PC 05-08-14.pdf, 9. 2B - Staff Memo 05-07-14 PC 05-08-14.pdf, 10. A - Staff Memo 04-15-14 PC 04-24-14.pdf, 11. B - Exhibits 1-9 PC 04-24-14.pdf, 12. C - Proof of Publication PC 04-24-14.pdf, 13. Public Comment Rcvd 04-24-14 PC 04-24-14.pdf, 14. Public Comment Rcvd 04-21-14 PC 04-24-14.pdf, 15. Public Comment Rcvd 04-17-14 PC 04-24-14.pdf

Date	Ver.	Action By	Action	Result
1/10/2017	4	Board of Supervisors	Approved	Pass
11/17/2015	3	Board of Supervisors	Approved	Pass
5/8/2014	2	Planning Commission	Approved	Pass
4/24/2014	1	Planning Commission	Approve and Continue	Pass

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**FUNDING:** N/A (Developer Funded Agreement).

### DEPARTMENT RECOMMENDATION

Community Development Agency (CDA), Development Services Division, recommending the Board approve and authorize the Chair to sign the Certificate of Acceptance for the 30.54 acres of Conserved Property identified in off-site oak mitigation Conservation Easement Agreement for The Crossings at El Dorado, formerly Sundance Plaza (Planned Development PD97-0011), that was approved by the Board on November 17, 2015 (Item 18). (Supervisory District 3)

The Conservation Easement Agreement was approved by the Board on November 17, 2015 (Item 18). The Certificate of Acceptance was inadvertently not included in the material for the November

17, 2015, meeting. This action is needed to correct that error. The approval of the Certificate of Acceptance would formally accept the easement for the 30.54 acres of Conserved Property identified as Assessor's Parcel Number 323-640-13.

## **DISCUSSION / BACKGROUND**

The project was approved in 1998, but was never constructed, and includes an approved Development Plan (PD97-0011), Development Agreement (DA98-0001) and a certified Environmental Impact Report (EIR) (SCH#1997092074). The project is approved for a total of 535,000 square feet of retail development and consists of a gross area of 72 acres. The property is located on the north side of U.S. Highway 50, approximately 0.3 mile west of the intersection with Missouri Flat Road, in the Placerville area. A phasing revision to allow approved Phase 2 to be developed prior to Phase 1 and a change in the layout of the commercial structures for Phase 2 was approved by the Planning Commission on May 8, 2014.

Grading Permit 226029 was applied for on April 2, 2014, which requires confirmation that applicable Conditions of Approval and Mitigation Measures have been met.

### **Oak Woodland Mitigation**

Consistent with the project's approvals, 19.7 acres of oak tree canopy are needed as off-site mitigation, in addition to the 9.9 acres retained on-site. Mitigation Measure 4.9-9 allows for off-site mitigation of the impact to oak woodlands. The applicant has submitted a report by a qualified biologist stating that the proposed off-site mitigation would consist of a conservation easement that meets all of the requirements related to oak woodland retention and mitigation described in Mitigation Measure 4.9-9. The proposed mitigation of impacts to native oak trees is consistent with the 1996 General Plan, the Development Agreement, and Mitigation Measure 4.9-9. Unless otherwise provided by the Development Agreement, the applicable rules, regulations, and policies are those that are in force at the time of the execution of the Development Agreement. The project is, therefore, vested with the 1996 General Plan.

The off-site mitigation consists of 19.7 acres of oak canopy contained within an approximately 30-acre conservation easement that would be accepted by the County. All expenses related to inspection and maintenance would be the responsibility of the project applicant.

The Conservation Easement Agreement was approved by the Board on November 17, 2015 (Item 18). The Certificate of Acceptance was inadvertently not included in the material for the November 17, 2015, meeting. This action is needed to correct that error. The approval of the Certificate of Acceptance would formally accept the easement for the 30.54 acres of Conserved Property identified as Assessor's Parcel Number 323-640-13.

## **ALTERNATIVES**

N/A

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

## **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

## **FINANCIAL IMPACT**

Developer Funded Agreement. Within 10 days of the effective date of this Conservation Easement agreement, the Developer shall submit \$5,000 to defray the cost associated with periodic inspection of the Conserved property and an additional \$5,000 for a reserve account for contingencies that may occur. The amount budgeted for annual inspection and maintenance shall be re-evaluated every five years thereafter, or as required by the county.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk to obtain the Chair's signature on the Certificate of Acceptance and record the document.
- 2) The Clerk to send one (1) fully executed copy of the recorded Certificate of Acceptance to the CDA Development Services Division.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

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Community Development Agency