



## Legislation Details (With Text)

**File #:** 20-0980      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 7/16/2020      **In control:** Board of Supervisors

**On agenda:** 8/4/2020      **Final action:** 8/4/2020

**Title:** Planning and Building Department and County Counsel recommending the Board approve and authorize the Chair to sign the Agreement with the El Dorado Hills Community Services District and Serrano Associates, LLC, relating to the dedication, financing, and construction of that certain 12.5 acre park to be located within Serrano, Village J, Lot H.

**FUNDING:** Developer Funded Subdivision Improvements/Community Facility District Funds.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Agreement - Village J park Lot H, 2. B - Counsel Approval - Village J Lot H Agreement, 3. Executed Village J Lot H Agreement

Date	Ver.	Action By	Action	Result
8/4/2020	1	Board of Supervisors	Approved	Pass

Planning and Building Department and County Counsel recommending the Board approve and authorize the Chair to sign the Agreement with the El Dorado Hills Community Services District and Serrano Associates, LLC, relating to the dedication, financing, and construction of that certain 12.5 acre park to be located within Serrano, Village J, Lot H.

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**DISCUSSION / BACKGROUND**

On February 11, 2020, the Board of Supervisors held a hearing to consider an appeal of the Planning Commission's October 24, 2019 approval of Planned Development PD18-0005/Tentative Subdivision Map TM18-1536/Serrano Village J7 to allow a Development Plan for the proposed subdivision; a Tentative Subdivision Map creating 65 single family residential lots and six landscape lots; and Design Waivers of the El Dorado County Design and Improvement Standard Manual road improvement standards on property identified by Assessor's Parcel Number 123-040-011, consisting of 9.86 acres, in the El Dorado Hills area (the "Project"). One of the primary issues raised in that appeal hearing was Serrano Associates' ("Serrano") obligation to construct a park on a 12.5 acre parcel located on Serrano Village J, Lot H, as required by the applicable Specific Plan, Public Improvements Financing Plan, and Development Agreement. To resolve this issue, and at the request of the El Dorado Hills Community Services District ("EDHCSD"), the Board imposed the following condition of approval on the Project:

51. Prior to approval of the first final map for the Project, Developer shall enter into an agreement in a form and content acceptable to the County providing for dedication of the 12.5 acre Village J, Lot H park site to the EDHCSD and assignment to the EDHCSD of rights to CFD funds, up to the remaining amount available for park construction pursuant to the Public Improvement Financing Plan, for use by the EDHCSD toward construction of the 12.5 acre Village J, Lot H park. If prior to approval of the first final

map for the Project, the County and the Developer are unable to reach agreement on the amount of CFD funds available for park construction despite utilizing good faith efforts, then as an alternative to the foregoing and prior to approval of the first final map for the Project, Developer shall enter into an agreement in a form and content acceptable to the County requiring Developer to commence construction of the 12.5 acre Village J, Lot H District Park described in the Development Agreement, Specific Plan, and Public Improvement Financing Plan, weather permitting, within ninety (90) days of receiving approval from both the County and EDHCSD of Construction Plans, Specifications, and Contract documents, together with a Cost Sharing Agreement in form and content acceptable to County, EDHCSD, and Developer addressing any improvements included beyond a typical District Park, as defined by the El Dorado Hills Specific Plan.

The subject Agreement is intended to satisfy that condition of approval, thus allowing Serrano (upon satisfaction of other conditions of approval) to obtain a final map for the Project and to satisfy its parkland dedication and improvement requirements. The Agreement will also allow the EDHCSD to acquire the Village J Park site and to move forward with design and construction of the Village J Park, for which it has committed to exert best efforts to commence construction of the park as soon as practicable after mutual execution of the Agreement and to prosecute the construction to completion.

In addition, the Agreement addresses another previously unresolved issue-the amount of Community Facilities District 1992-1 funds that are available for construction of the Village J Park. The Public Improvements Financing Plan for the El Dorado Hills Specific Plan identifies a number of park facilities that are to be constructed within the Specific Plan area. It further provides that the Community Facilities District is authorized to fund the construction or acquisition of the improvements to the identified community and district parks at a cost not to exceed \$2,000,000, with said cost to be adjusted annually based on the California Department of Transportation District 3 Construction Cost Index with 1988 as the base year. Over the years, and as provided in the Public Improvements Financing Plan, the CFD funded the construction and acquisition of parks that were built within the Specific Plan area. However, a dispute had arisen as to the amount of CFD funds that remain available for construction of the Village J Park, the last remaining required public park in the Specific Plan area. This Agreement resolves that dispute by establishing that up to \$3,500,000 of CFD 1992-1 funds are available for construction of the Village J Park. Consistent with Condition No. 51 above, the Agreement constitutes Serrano's "assignment of rights to CFD funds", up to the agreed-upon \$3,500,000 maximum.

## **ALTERNATIVES**

The Board could choose not to approve the Agreement and to direct staff to conduct further negotiations. Should the County and Serrano be unable to reach agreement after good faith efforts, Condition No. 51 allows for the County and Serrano to enter into an agreement whereby Serrano would construct the Village J Park.

## **PRIOR BOARD ACTION**

On June 9, 2020 (Legistar 20-0722), your Board approved the Final Map (TM-F19-0007) for Serrano Village J, Lot H, creating a total of 41 residential lots and four open space lots, on property identified as Assessor's Parcel Number's 123-370-001, 123-370-003, and 123-280-010 located east of the intersection of Serrano Parkway and Greenview Drive within the Serrano Master Planned Community, in the El Dorado Hills area, and recommending the Board of Supervisors consider the following:

- 1) Approve the Final Map (TM-F19-0007) for Serrano Village J, Lot H;
  - 2) Approve and authorize the Chair to sign the Agreement to Make Subdivision Improvements (Attachment B);
  - 3) Approve and authorize the Chair to sign the Agreement on Conditions for Acceptance of Drainage Easements (Attachment D); and
  - 4) Approve and authorize the Chair to sign the Agreement on Conditions for Acceptance of Roads (Attachment E). (Supervisorial District 1).
- On May 22, 2018 (Legistar 18-0774), your Board approved the Tentative Subdivision Map (TM14-1524) and Planned Development (PD14-0008).

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

El Dorado Hills Community Services District

#### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

#### **FINANCIAL IMPACT**

There is no financial impact. Costs are fully paid by developer-funded subdivision improvements/Community Facility District Funds.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board to obtain the Chair's signature on the Agreement resolving several issues related to the dedication, financing and construction of that certain 12.5 acre park to be located within Serrano, Village J, Lot H; and,
- 2) Clerk of the Board to send (1) fully executed original Agreement to the Planning and Building Department, attention Jeanette Salmon, Executive Assistant.

#### **STRATEGIC PLAN COMPONENT**

Good Governance.

#### **CONTACT**

Tiffany Schmid, Director  
Planning and Building Department