



Legislation Text

File #: 22-0368, **Version:** 1

Planning and Building Department, Planning Division, recommending the Board decline an offer of dedication of Open Space from the El Dorado Hills Specific Plan and Serrano Associates, LLC.

FUNDING: N/A

DISCUSSION / BACKGROUND

On July 18, 1988, the Board approved the El Dorado Hills Specific Plan (EDHSP) (Attachment E) and Rezone Ordinance No.3849.

On January 3, 1989 the Board approved and authorized Development Agreement DA88-01 (Attachment F) and associated Public Improvement Financing Plan between the County of El Dorado (County) and El Dorado Hills Investors for the EDHSP, and adopted Ordinance No. 3999 authorizing the Chair to execute the EDHSP Development Agreement/ DA88-01.

In accordance with Section 6.2.1 of the EDHSP and Section 3.2 of DA88-01 (Parks and Open Space), the Developer shall offer to dedicate to El Dorado Hills Community Services District (CSD) or other governmental agency certain park and open space lands and improvements as set forth in the Financing Plan. Section 3.2.1 of DA88-01 (Acceptance of Dedication) states, in the event CSD fails to accept dedication of any of the park and open space lands described in this subsection and in the Financing Plan, Developer shall make an offer to dedicate, and County may accept dedication of, such lands to the County...the County may accept dedication of such lands if CSD fails to accept or refuses dedication.

In the EDHSP, five types of public and private Open Space are defined: natural Open Space, residential Open Space, golf courses, drainageways, and parkland and school playfields. Some lands, such as parkland, have previously been accepted by the CSD. The public natural Open Space is currently owned by Project Developer, Serrano Associates, LLC, and functions as the interim Open Space Manager. Serrano Associates manages the Open Space per a draft Open Space Management Plan (OSMP) prepared in 1993.

On July 13, 2016 Serrano Associates, LLC (Developer) provided an informal offer to the CSD and the County to gauge both entities interest in accepting the offer of dedication of public natural Open Space (Attachment C).

In October 2016, Planning and Building Director, Roger Trout reviewed Developer's informal offer and acknowledged County had no interest in accepting the dedication of the Open Space (Attachment D). Acceptance of the public natural Open Space includes significant financial obligations for the ongoing management and maintenance of the land including;

- ensuring the terms of the deed restrictions are implemented within the Open
- Space;
- funding the maintenance of the Open Space consistent with the OSMP; and
- hiring and overseeing personnel to manage the Open Space.

After receiving informal denials from the CSD and the County, the Developer worked with the Serrano El Dorado Owners' Association (SEDOA) to develop a revised OSMP that identifies the homeowner's association as the long-term owner and maintainer of the natural Open Space and details the necessary management objectives and expenses should the CSD and the County formally decline the Open Space offer of dedication (Attachment G).

The OSMP outlines the procedures and responsibilities for the long-term maintenance and management of natural Open Space as stipulated in the EDHSP, and will supersede the Draft 1993 OSMP concurrent upon dedication of the Open Space to the long-term Open Space Owner (Serrano El Dorado Owners' Association) that will occur at a later date.

On June 1, 2021 the Developer provided the CSD and the County with formal offers of dedication of the natural Open Space to be considered by each agency (Attachment A). On September 10, 2021 CSD's Board of Directors approved to deny the acceptance of the open space (Attachment B).

The County, consistent with our response to the informal offer in 2016, currently has no identified staffing or monetary means in place in order to achieve the management objectives identified within the OSMP as the long-term owner of the open space, nor does the County have an interest in pursuing the staffing or monetary means to accept ownership of the Open Space. Upon rejection of the offers by the CSD and the County, the Serrano El Dorado Owners' Association is the reasonable long-term Open Space Owner and Manager for both the public and private Open Space.

ALTERNATIVES

The Board may choose to accept the dedication of Open Space from the EDHSP and provide Department direction.

PRIOR BOARD ACTION

See Discussion/Background above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Surveyor's Office

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

The requested Board action has no associated fiscal impact or change to Net County Cost.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Good Governance: Evaluate requests and recommendations based on complete assessment of the best available information, with the goal of reaching well informed decisions.

CONTACT

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Planning and Building Department