

## RESOLUTION 2017-06

RESOLUTION OF BOARD OF DIRECTORS OF CAMERON  
ESTATES COMMUNITY SERVICES DISTRICT TO APPROVE  
ANNEXATION OF DUEBEL PROPERTY AND APPROVE ANNEXATION  
AGREEMENT WITH DEUBEL PROPERTIES LP.

## RECITALS

1. Property Owner is the owner of certain Property identified as “the Northeast ¼ of the Northwest ¼ of Section 16, Township 9 North, Range 9 East, M.D.M”, and is depicted as Parcel 3 on the Assessor’s Map dated August 21, 2007, of the Assessor of the County of El Dorado, a copy of which is attached hereto as Exhibit A and is incorporated by reference. The Property is located outside of District boundaries but immediately contiguous to the Southwestern border of the District.

2. Property Owner does not have access to any improved roads and Property Owner has been advised by El Dorado County Planning Department that road access will be a condition of approval on any subdivision or other future development of the Property. Property Owner holds easements that will provide a connection to existing roads located within the District, which roads are capable of providing access to the Property, contingent upon Property Owner constructing new road improvements to connect the Property to existing District roads.

3. The District has the power to build, own, and maintain streets or roads within its jurisdiction, and has the same powers, duties and authority over its roads as a County pursuant to Government Code section 61103. The District is deemed the local authority and has exclusive jurisdiction under Vehicle Code section 21101-21104 over roads within its jurisdiction which it maintains. Therefore, the District has the right to regulate certain aspects of traffic control upon roads within its jurisdiction. In addition, Government Code section 61100(l) provides that the District may acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works to the maintenance of roads.

4. By District Resolution No. 2013-01 (dated March 21, 2013), the District has adopted procedures related to potential annexations into the District. Among other matters, Resolution No. 2013-01 requires that property must be annexed to the District before permission will be granted to owners of such parcels to access and use the roads of the District.

5. In September 2014, Property Owner filed an Application for Annexation with the District, and action on that application is pending. Property Owner has also filed an application for annexation into the District with the El Dorado County Local Agency Formation Commission (“EDC LAFCO”), identified as Project No. 2012-03. Property Owner has not filed an application for parcel map or tentative subdivision map with the

County of El Dorado and does not intend to file any such application until road access to the Property is established to its satisfaction and the annexation approvals are received from the District and EDC LAFCO

6. The Board of Directors of the District and Property Owner, in anticipation of annexation of the Property into the District, have entered into a Pre-Annexation Agreement dated August 15, 2017 (the “Pre-Annexation Agreement”) for the purpose of agreeing to a process for consideration of annexation of the Property into the District. The Pre-Annexation Agreement remains in effect until approval of the Application for Annexation by EDC LAFCO and recordation of an Annexation Agreement. The Pre-Annexation Agreement includes the following material terms, each contingent upon approval of annexation of the Project by the District and EDC LAFCO:

(a) Imposes limitations on development of the Property to no more than four (4) parcels (the “Project”), a reduction from its current zoning of RE-5, Residential, which zoning provides Property Owner with the legal right to apply to the County to subdivide the Property into eight (8) parcels of no less than five (5) acres each or, alternatively, to seek approval from the County for a re-zone for higher density or different land use on the Property;

(b) Restricts access to District roads through the Property, to exclude any other persons or property owners including owners of parcels adjacent to the Property including the developments known as Marble Valley and Lime Rock Valley, without the express written consent of the District;

(c) Specifies the process and scope of environmental review of the Application for Annexation for the Project;

(d) Confirms the terms of the obligation of Property Owner to reimburse the District for its administrative, legal and environmental consulting costs incurred in connection with the processing of the Application for Annexation, negotiating the terms and conditions of the Pre-Annexation Agreement and an Annexation Agreement, participation in development and approval of the applicable CEQA documents and approvals, and participation in the EDC LAFCO approval process; and

7. To facilitate the annexation of the Project into the District, Property Owner and District have negotiated a form of Annexation Agreement presented to this Board for approval, to specify the terms and conditions of the Annexation of the Property into the District, between the parties indefinitely, unless EDC LAFCO disapproves the proposed annexation. The proposed Annexation Agreement between the Applicant and the District provides as follows: (1) provision of access to the Property over roads maintained by the District; (2) limitation of future development of the Property to no more than four parcels, a reduction in density from the existing zoning for the Property; (3) agreement of the Property Owner to enter into a Subdivision Improvement Agreement with the District to construct new road improvements pursuant to County and District approvals (the “Improvements”) to provide the Property access to existing District roads,

which Improvements will be dedicated to District for maintenance purposes; (4) restriction of access to District roads through the Property, to exclude any other persons or property owners including owners of parcels adjacent to the Property including the developments known as Marble Valley and Lime Rock Valley, without the express written consent of the District.

8. The District is acting as the lead agency under the California Environmental Quality Act (“CEQA”) with respect to the proposed annexation of the Property into the District and approval of the annexation Project. The District has contracted with Raney Planning and Management, Inc., a qualified environmental consultant, (hereinafter “Raney”), to perform an Initial Study of the Project pursuant to CEQA.

The Project, as defined under the California Environmental Quality Act (“CEQA”), Public Resources Code section 21065, is the Application for Annexation of a 40-acre parcel to the District, as that property is depicted on Exhibit A to this Agreement, with the annexation of not more than four (4) parcels of a size not less than five (5) acres (hereafter the “Project”). The Project, for purposes of CEQA, does not include any actual development application to the County for development of the Property or the Improvements, or proposal to the County for a parcel map, as District has no statutory power to approve or disapprove land use development applications. Therefore, additional environmental review under CEQA will be required by the County as the land-use planning authority and as the lead agency under CEQA at the time of filing by Property Owner of a development application or other proposal for a parcel map(s) with respect to the Property.

Through its consultant, the District has prepared an Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan dated October 2017 (“ISMND” and “MMRP”) and has determined that no exemptions apply under CEQA. The ISMND and MMRP have determined that the potential environmental effects of the Project are less than significant, except for the following potential environmental effects that require mitigation in order to reduce the impact to a less than significant level: (1) biological resources; (2) cultural resources; (3) geology and soils; (4) transportation and circulation; and (5) tribal cultural resources. The ISMND and MMRP identify specific required mitigation measures with respect to each of these potential environmental effects of the Project which relate to future development of the Property, not the annexation of the Property into the District. Property Owner has agreed to comply with each of the mitigation measures specified in the ISMND and MMRP at its sole cost and expense, and to provide District a compliance report as each such mitigation measure is implemented and completed.

The Board of Directors of District conducted a public hearing on the IS/MND and MMRP as required by CEQA on November 16, 2017, and after hearing public comments and testimony on the issues, approved Resolution 2017-05, making certain findings and determining that the proposed annexation project will not have a significant effect on the environment with the required mitigation measures specified in the Mitigation Monitoring Reporting Program implemented by the Project applicant; and approving the

IS/MND and MMRP for the annexation project.

9. In its consideration of the Application for Annexation filed with District by Property Owner, the following documents and proposed agreements have been presented to and considered by the Board of Directors of District:

- a. the Pre-Annexation Agreement executed by the parties dated August 15, 2017;
- b. the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program prepared for the proposed annexation project by the District as the lead agency for such project, and approved by the Board of Directors in Resolution 2017-05 on November 16, 2017;
- c. a proposed form of Annexation Agreement dated November 16, 2017, by and between Property Owner and District;
- d. a proposed form of Subdivision Improvement Agreement by and between District and Property Owner or its successors in interest specifying the terms and conditions of construction of Road Improvements by Property Owner to be dedicated to District for future maintenance, upon application to County for approval of development of the Property;
- e. a form of Assignment Agreement to be executed by any and all successors in interest to ownership of the Property to be annexed, agreeing to be bound by the terms and conditions of the Annexation Agreement and Subdivision Improvement Agreement.

10. The Board of Directors of District have duly considered such transactions and proposed agreements in light of the public interest of the District and its residents.

NOW THEREFORE, the Board of Directors of District do hereby resolve as follows:

**Section 1. Approval of Annexation Documents**

The findings set forth in the Recitals of this Resolution are true and correct. The District hereby approves each of the following documents in substantially the forms presented to the Board for approval at this meeting, with such additions or revisions thereof deemed necessary by the Board President after discussion with the Board and in consultation with District Counsel, whose execution thereof shall be conclusive evidence of the approval of such additions or revisions;

- a. the Annexation Agreement dated November 16, 2017;
- b. the form of Subdivision Improvement Agreement;
- c. the form of Assignment Agreement.

The President of the Board of Directors or other authorized representative of the Board is hereby authorized to execute the Annexation Agreement, and the Board Secretary is hereby authorized to attest to the execution of the final form of such agreement for and in the name of the District.

**Section 2. Approval of Application for Annexation**

The Application for Annexation is hereby approved on the terms and conditions specified in the Annexation Agreement. The President of the Board of Directors or other authorized representative of the Board is hereby authorized to transmit to EDC LAFCO a copy of this Resolution Approving the Annexation Application together with an executed copy of the Annexation Agreement.

**Section 3. Official Actions**

Members of the Board of Directors and authorized officers of the Board are hereby authorized and directed, in the name of the District, to do any and all things and to take any and all actions which they may deem necessary or advisable in order to consummate the transactions described in the Agreements hereby approved in connection with the annexation of the Property into the District.

**Section 4. Effective Date**

This Resolution shall take effect immediately upon its adoption.

ADOPTED, SIGNED AND APPROVED this 16<sup>th</sup> day of November 2017 by the following vote:

AYES: Miller, Sholl, Bergsten, Clark  
NOES: 0  
ABSENT: Robertson  
ABSTAIN: 0

CAMERON ESTATES COMMUNITY SERVICES DISTRICT

By: 

Title: President

ATTEST:

  
Secretary