



ORDINANCE No. 5062

**AN ORDINANCE APPROVING DEVELOPMENT AGREEMENT DA16-0001
BETWEEN THE COUNTY OF EL DORADO AND LENNAR WINNCREST, LLC FOR
THE 40 ACRE SITE IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 115-040-16**

WHEREAS, Government Code Section 65864 et seq. and El Dorado County Ordinance Code Chapter 130.58 authorize the County of El Dorado (the "County") to enter into binding development agreements with any person or persons having a legal or equitable interest in real property for the development of such property;

WHEREAS, Lennar Winncrest, LLC owns that certain real property consisting of approximately 40 acres of undeveloped land within El Dorado County, identified as Assessor's Parcel Number 115-040-16 (the "Subject Property"), for which the County previously approved a rezone (Z00-0012), planned development (PD00-0007), and tentative subdivision map (TM00-1371);

WHEREAS, Lennar Winncrest, LLC filed an application with the County for a development agreement regarding development of the Subject Property;

WHEREAS, following a duly noticed public hearing on August 10, 2017, the Planning Commission of the County of El Dorado recommended that the Board of Supervisors adopt the Development Agreement, a copy of which is attached hereto as Exhibit A;

WHEREAS, said matter was set for a public hearing by the Board of Supervisors for the County of El Dorado on September 19, 2017 to consider the Development Agreement, at which hearing the Planning Commission's recommendation and other evidence, both oral and documentary, were received and considered; and

WHEREAS, upon conclusion of the public hearing, the Board of Supervisors for the County of El Dorado voted to approve the Development Agreement and authorize the Chairman to sign the Development Agreement following adoption of this Ordinance.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1.

The Board of Supervisors of the County of El Dorado hereby finds and determines that the Development Agreement:

1. Is consistent with the objectives, policies, general land uses and programs specified in the County General Plan and the Bass Lake Hills Specific Plan;

2. Will not be detrimental to the health, safety and general welfare of persons residing in the immediate area nor detrimental to the general welfare of the residents of the County as a whole;

3. Will not adversely affect the orderly development of property or the preservation of property values;

4. Is consistent with the provisions of Government Code Sections 65864 through 65869.5; and

5. Consists of a subdivision of 114 units in a tentative map approved on May 24, 2005, which although does not require a finding of sufficient water supply pursuant to Government Code 66473.7 and County Code 130.58.040.E, does have adequate water supplies pursuant to the February 2016 Addendum (page 204).

Section 2. The Board of Supervisors of the County of El Dorado hereby approves the Development Agreement between the County of El Dorado and Lennar Winncrest, LLC and authorizes the Chair of the Board of Supervisors to execute the Development Agreement in the form attached hereto as Exhibit A. Pursuant to Government Code section 65868.5, within ten (10) days after full execution of the Development Agreement by all parties, the Clerk of the Board of Supervisors shall record the Development Agreement with the Recorder of the County of El Dorado.

Section 3. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4. This ordinance shall take effect and shall become effective thirty (30) days following the adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 19th day of September, 2017, by the following vote of said Board:

ATTEST
JAMES MITRISIN
Clerk of the Board of Supervisors

By 
Deputy Clerk

Ayes: Veerkamp, Hidahl, Frentzen, Ranalli, Novasel

Noes: None

Absent: None


Chairman, Board of Supervisors
Shiva Frentzen