



ORDINANCE NO. 5148

AN ORDINANCE APPROVING COMMUNITY BENEFIT AND DEVELOPMENT AGREEMENT DA20-0001 BETWEEN THE COUNTY OF EL DORADO, CARSON CREEK EL DORADO, LLC AND LENNAR HOMES OF CALIFORNIA, INC. FOR THE DEVELOPMENT KNOWN AS HERITAGE CARSON CREEK VILLAGE 11

WHEREAS, Government Code Section 65864 et seq. and El Dorado County Ordinance Code Chapter 130.58, Development Agreements, 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, Carson Creek El Dorado, LLC (hereinafter "CCED") owns that certain real property consisting of approximately 78.68 acres of undeveloped land within El Dorado County, identified as Assessor's Parcel Numbers 117-680-007 and 117-570-017, as legally described in Exhibit A-1 (Legal Descriptions for Carson Creek Development Agreement CCED Property), and depicted on Exhibit A-2 (Depiction of CCED property), and Lennar Homes of California, Inc. (hereinafter "Lennar") owns that certain real property consisting of approximately 53.40 acres of undeveloped land within El Dorado County, identified as Assessor's Parcel Numbers 117-680-003, 117-680-004, 117-680-008, 117-680-016, 117-570-013, and 117-570-018, as legally described in Exhibit B-1 (Legal Descriptions of Carson Creek Development Agreement Lennar Property), and depicted on Exhibit B-2 (Depiction of Lennar Property) (the "Subject Property"), encompassing approximately 132.1 acres for which the County is concurrently processing an application for specific plan amendment (SP-R20-0001) and tentative subdivision map (TM20-0001);

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

WHEREAS, El Dorado County Code section 130.58.030 provides that the Board of Supervisors shall have review authority of original jurisdiction for development agreement applications, based on the review and recommendation by the Planning Commission;

WHEREAS, following a duly noticed public hearing on June 10, 2021, the Planning Commission reviewed and discussed the proposed Community Benefit and Development Agreement By and Between County of El Dorado and Carson Creek El Dorado, LLC and Lennar Homes of California, Inc. for the Development Known as Heritage Carson Creek Village 11 ("Community Benefit and Development Agreement"), a copy of which is attached hereto as Exhibit C, but did not recommend the Board adopt the Community Benefit and Development Agreement because the Planning Commission ultimately voted to recommend the Board of Supervisors deny the Heritage at Carson Creek 11 project (SP-R20-0001 and Map TM20-0001) for which the Community Benefit and Development Agreement is proposed;

WHEREAS, said matter was set for a public hearing by the Board of Supervisors for the County of El Dorado on August 10, 2021 to consider the Community Benefit and Development Agreement, at which hearing the Planning Commission's recommendation on the project 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 Community Benefit and Development Agreement and authorize the Chairman to sign the Community Benefit and 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 Community Benefit and Development Agreement:

1. Is consistent with the objectives, policies, general land uses, and programs specified in the County General Plan and the Carson Creek 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; and
4. Is consistent with the provisions of Government Code Sections 65864 through 65869.5.

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

A complete copy of each exhibit is on file with the clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 10th day of August, 2021, by the following vote of said Board:

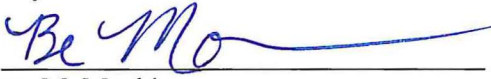
ATTEST
KIM DAWSON
Clerk of the Board of Supervisors

Ayes: Hidahl, Thomas, Novasel
Noes: Turnboo, Parlin
Absent: None

By 
Deputy Clerk


Chairman, Board of Supervisors

APPROVED AS TO FORM
DAVID A. LIVINGSTON
County Counsel

By 
Breann M. Moebius
Deputy County Counsel

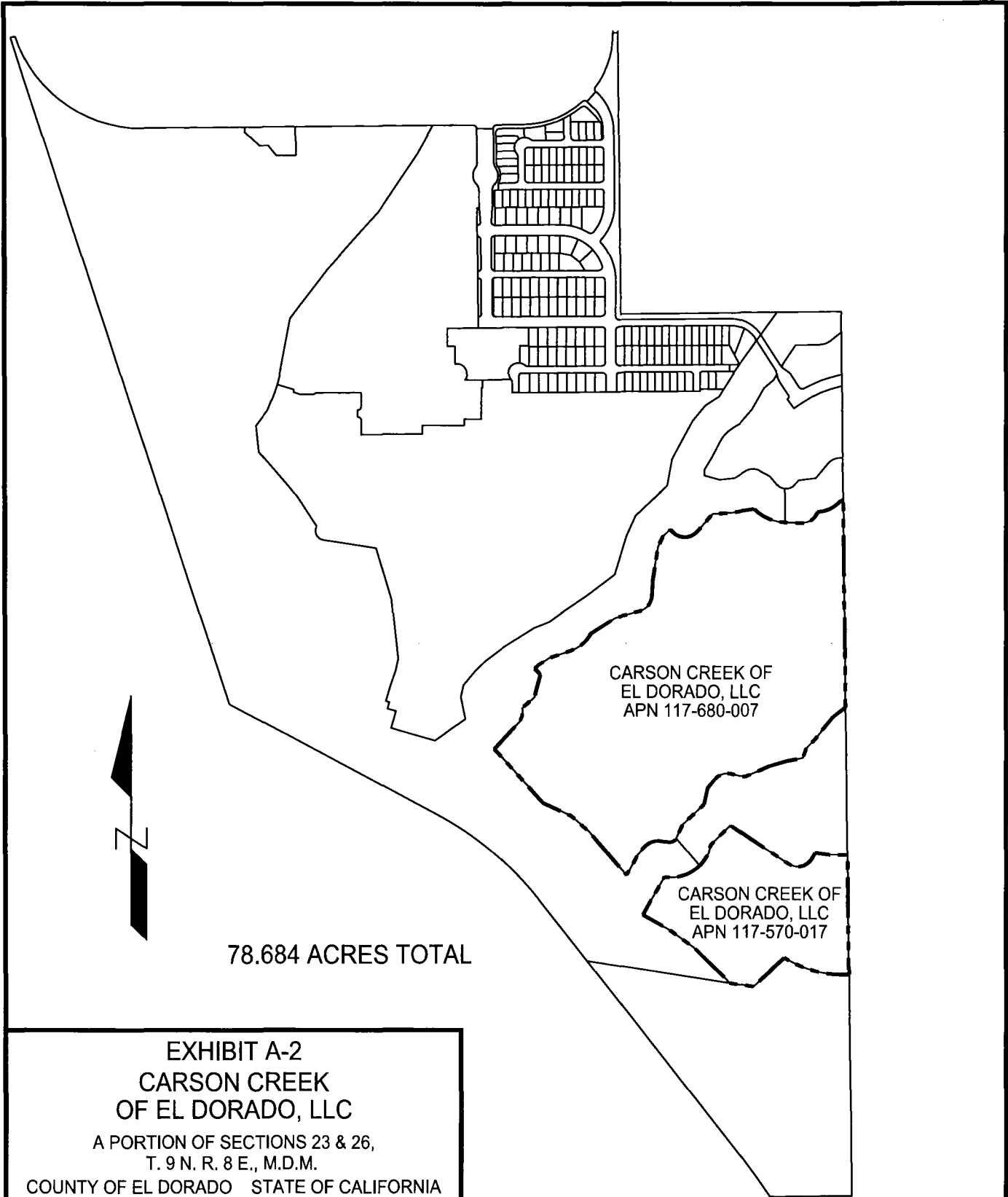


EXHIBIT A-2
CARSON CREEK
OF EL DORADO, LLC
 A PORTION OF SECTIONS 23 & 26,
 T. 9 N. R. 8 E., M.D.M.
 COUNTY OF EL DORADO STATE OF CALIFORNIA

R. E. Y. ENGINEERS, Inc.
 CIVIL ENGINEERS / LAND SURVEYORS
 905 SUTTER ST. STE 200 FOLSOM CA 95630
 (916) 366-3040 Fax (916) 366-3303

MRD	NTS	02/22/2021	7310.025
DRAWN BY	SCALE	DATE	JOB NO.

