

FROM THE PLANNING COMMISSION MINUTES OF APRIL 24, 2014

7. (14-0584) Hearing to consider a Development Agreement to establish contractual obligation to maintain Alto LLC Tentative Map approval of 23 residential lots for a minimum period of 10 years from the date of execution, with possible extension term of 5 years [Development Agreement DA13-0001/Alto LLC Tentative Map DA] on property identified by Assessor's Parcel Number 126-100-19, consisting of 81.6 acres, in the El Dorado Hills area, submitted by Alto LLC; and staff recommending the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Find that the negative declaration prepared for action on the zone change and tentative map (Z06-0005/TM06-1408/Alto LLC) sufficiently analyzed the environmental impacts of the project and approval of the proposed development agreement does not raise any new or increased environmental effects; and
- 2) Execute the proposed Development Agreement. (Supervisorial District 4)

Roger Trout presented the item to the Commission with a recommendation for approval to the Board of Supervisors. Mr. Trout spoke on the traffic circulation plan with the other approved developments in the area and the time extension process for Tentative Maps.

Sam Neasham, applicant's agent, said the Development Agreement was very straightforward, considered it a model agreement, 10 years was a reasonable time period, and made reference to the letter he had submitted.

Ellen Van Dyke made the following comments:

- Referenced her submitted written comments;
- Felt the basis of extending the project was because the Mitigated Negative Declaration elements and traffic have since changed; and
- There is currently a significant amount of land use discussion occurring at the Board of Supervisors level.

Chair Mathews closed public comment.

Commissioner Pratt commented that there was reliance and inter-operability with the other developers in the area.

Commissioner Stewart made the following comments:

- Requested clarification on the category of fees listed in Exhibit C of the Staff Report;
- Questioned if the Development Agreement consisted of "standard" language;
- Voiced concern that \$30,000 was a low amount and questioned what the County was giving up for it;
- Referenced the Zoning Ordinance Update and if the project would be grandfathered in regarding building heights; and
- Voiced concern over extending the approval of an environmental document for a significant length of time.

Chair Mathews made the following comments:

- Project has already had lots of challenges;
- If continually setting limits on what a developer can do, then nothing will get done, which is what some may want to occur; and
- Doesn't see area drastically changing in the next 15 years.

County Counsel David Livingston responded to one of Commissioner Stewart's comments by stating that the County was not giving up something for the \$30,000, but instead it was receiving a mutual benefit. He also stated that it was not an unfettered right to terminate unilaterally.

Mr. Trout responded to one of Commissioner Stewart's comments regarding the Zoning Ordinance Update by stating that the project was under a Planned Development.

There was no further discussion.

Motion: Commissioner Shinault moved, seconded by Commissioner Pratt, and carried (3-1), to recommend the Board of Supervisors take the following actions: 1. Find that the negative declaration prepared for action on the zone change and tentative map (Z06-0005/TM06-1408/Alto LLC) sufficiently analyzed the environmental impacts of the project and approval of the proposed development agreement does not raise any new or increased environmental effects; and 2. Execute the proposed Development Agreement.

AYES: Pratt, Shinault, Mathews
NOES: Stewart
ABSENT: Heflin