

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2012-\_\_**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT A  
DEVELOPMENT AGREEMENT (DA 2010-02) FOR THE ENCHANTED  
RESORTS PROJECT LOCATED AT 515 FOOTHILL BOULEVARD (011-310-  
031 THROUGH 011-310-041 AND 011-310-044; 011-320-007; 011-320-039  
THROUGH 011-312-069; 011-310-024) WITHIN THE “PD 2010-01”,  
ENCHANTED RESORT AND SPA PLANNED DEVELOPMENT DISTRICT**

---

1           **WHEREAS**, on March 31, 2010, an application was submitted by the  
2 Enchanted Resorts, Inc., requesting a Development Agreement associated with  
3 the approval of a Conditional Use Permit, Design Review, and a Preliminary/Final  
4 Planned Development Plan for the development of the Enchanted Resorts  
5 Project featuring 110 resort hotel units (grouped among 36 cottages), 20  
6 residence club units, 13 custom residences, public restaurant and bar, event  
7 facilities, spa and swimming pools, and parking and support facilities. Offsite  
8 sewer and recycled water improvements would be installed. The property is  
9 located at 515 Foothill Boulevard (011-310-031 through 011-310-041 and 011-  
10 310-044; 011-320-007; 011-320-039 through 011-312-069; and 011-310-024); and  
11

12           **WHEREAS**, Enchanted Resorts, Inc. and the City of Calistoga have  
13 negotiated and drafted a development agreement for the Project ("Development  
14 Agreement"); and  
15

16           **WHEREAS**, the City Council authorizes the City Manager (or any  
17 successor City officer designated by law) to enter into or approve any additions,  
18 amendments, or other modifications to the Development Agreement agreed to by  
19 Enchanted Resorts, Inc. or its successors and assigns, that he or she  
20 determines, in consultation with the City Attorney, are in the best interests of the  
21 City, provided that any such additions, amendments, or modifications (i) do not  
22 materially increase the liabilities or obligations of the City or materially decrease  
23 the benefits to City, in either case arising under the Development Agreement  
24 and (ii) are necessary or advisable to effectuate the implementation of  
25 the Project, such determination to be conclusively evidenced by the execution  
26 and delivery by the City Manager of the Development Agreement as so added to,  
27 amended or otherwise modified; and  
28

29           **WHEREAS**, the Planning Commission pursuant to Resolution PC 2012-\_\_  
30 found that the Environmental Impact Report SCH #2010082028 adequately  
31 assesses the impacts of this Project; and  
32

33           **WHEREAS**, adoption of this Development Agreement will not result in  
34 conflicts with any other appropriate ordinance and to the extent such conflict  
35 exists, this resolution is hereby repealed; and  
36

37           **WHEREAS**, the Planning Commission considered this Development  
38 Agreement at its regular meetings on June 20, 2012, and \_\_\_\_\_, 2012, and  
39 prior to taking action on the Development Agreement, the Commission received  
40 written and oral reports by the Staff, and received public testimony; and

41  
42           **WHEREAS**, the Planning Commission adopted the following findings:

- 43  
44           1.     The City Council duly adopted Ordinance No. 547 enacting  
45 procedures for entering into development agreements.  
46  
47           2.     That this Development Agreement is a contract negotiated and  
48 entered into voluntarily between the City of Calistoga, and property  
49 owner and developer (Enchanted Resorts, Inc.) of the Enchanted  
50 Resorts Project.  
51  
52           3.     That this Development Agreement contains those conditions and  
53 obligations relating to the Project stated in the resolution(s)  
54 approving the Project.  
55  
56           4.     That the Project is a project of significance to the community and  
57 upon the community of Calistoga and for that reason a  
58 development agreement is a proper use of the City's authority to  
59 secure the project benefits for the community.  
60

61           **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
62 Commission that based on the above findings and the conditions and obligations  
63 contained in the Development Agreement, the Planning Commission  
64 recommends to the City Council adoption of the proposed Development  
65 Agreement with the findings, conditions and obligations contained in the record.  
66

67           **PASSED, APPROVED, AND ADOPTED** on June 20, 2012, by the  
68 following vote of the Calistoga Planning Commission:  
69

70 AYES:

71 NOES:

72 ABSTAIN: MANFREDI, KITE

73 ABSENT:

74  
75 \_\_\_\_\_  
76 PAUL COATES, Vice Chair  
77

78  
79 ATTEST: \_\_\_\_\_  
80 KENNETH G. MACNAB,  
81 Secretary to the Planning Commission