



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

June 27, 2017

SUBJECT: Consideration to approve the proposed Development Agreement amendment for the Heritage Oaks Estates – West Subdivision project between the City of Wheatland and DeValentine Family Partnership, a general partnership.

PREPARED BY: Tim Raney, Community Development Director

Recommendation

The City of Wheatland Planning Commission recommends City Council approval of the proposed amendment to the Development Agreement for the Heritage Oaks Estates – West Subdivision project. The Development Agreement was originally executed between the City of Wheatland and DeValentine Family Partnership, a general partnership, in 2007.

Discussion

City staff has been working with DeValentine Family Partnership to revise the Heritage Oaks Estates – West Development Agreement to extend the term of the Agreement for a period of three years to coincide, and be consistent with, the plan of development for a related project.

The infrastructure and development of the Heritage Oaks Estates – West Subdivision is heavily dependent on the development of the adjacent Heritage Oaks Estates – East Subdivision. The Heritage Oaks Estates Project consisting of both the East and West Subdivisions was originally annexed into the City of Wheatland together and includes joint infrastructure. City staff wishes the projects remain viable together, thereby, requesting the three-year extension of the term of the Agreement to coincide with the Heritage Oaks Estates – West Subdivision Agreement.

Development agreements and amendments require planning agency recommendation under State law. Therefore, city staff requested a Planning Commission recommendation of approval for the Amendment No. 1 to the City of Wheatland Development Agreement concerning Heritage Oaks Estates-West Subdivision to extend the term of the Agreement for a period of three-years (December 7, 2020) (see Attachment 1).

On May 16, 2017, the Wheatland Planning Commission heard staff's presentation and voted to recommend City Council approval of the proposed amendment to the Development Agreement

for the Heritage Oaks Estates – West Subdivision project. The minutes for the May 16, 2017 Planning Commission Meeting is included as Attachment 2.

Alternatives

The City Council could deny the proposed amendment to the Development Agreement between the City of Wheatland and DeValentine Family Partnership, a general partnership. The City Council could also continue the public hearing to a future meeting date and direct staff to further revise the Development Agreement.

Fiscal Impact

None.

Attachments

1. Draft Heritage Oaks Estates - West Amendment No. 1 Development Agreement between the City of Wheatland and DeValentine Family Partnership, a general partnership.
2. May 16, 2017 Planning Commission Minutes.
3. Ordinance of the City Council of the City of Wheatland approving Amendment No. 1 to the City of Wheatland Development Agreement concerning Heritage Oaks Estates-West Subdivision.

ATTACHMENT 1

Recording requested by, and when
recorded return to:

City of Wheatland
111 C Street
Wheatland, CA 95692

Exempt from recording fees (Government Code §§ 6103, 27383)

**AMENDMENT NO. 1 TO
CITY OF WHEATLAND DEVELOPMENT AGREEMENT
CONCERNING HERITAGE OAKS ESTATES-WEST SUBDIVISION**

This Amendment No. 1 to the Development Agreement (the “Amendment”) is made and entered into this _____, 2017 by and between the City of Wheatland, a general law city (“City”), and DeValentine Family Partnership, a general partnership (“Developer”) (“collectively the “Parties”), who agree as follows.

1. Recitals. This Amendment is made with reference to the following background recitals:

- 1.1. On June 12, 2007, the parties entered into the *City of Wheatland Development Agreement Concerning Heritage Oaks Estates-West Subdivision* (the “Agreement”), a copy of which is on file in the City Clerk’s office. The Agreement was recorded in the Yuba County Recorder’s Office on June 21, 2007 as Document No. 2007R-010604.
- 1.2. City and Developer desire that the Agreement be amended to extend the term of the Agreement for a period of three years to coincide, and be consistent with, the plan of development for a related project for which City and Wheatland Heritage Oaks, LLC, a California limited liability company, entered into the *City of Wheatland Development Agreement Concerning Heritage Oaks Estates-East Subdivision* on November 9, 2010. That agreement is set to expire on December 7, 2020.

2. Amendment to Agreement. The term of the Agreement set forth in Section 2.2.1 of the Agreement shall be amended to extend until December 7, 2020. This extension is made in accordance with Sections 2.2.1 and 2.2.3 of the Agreement and shall be effective retroactive to June 12, 2017.

3. No Effect on Other Provisions. Except for the amendment in Section 2, the remaining provisions of the Agreement shall be unaffected and remain in full force and effect.

CITY OF WHEATLAND

DEVELOPER

By: _____
Greg Greeson

By: _____
Steven J. DeValentine
Partner, DeValentine Family Partnership

ATTACHMENT 2

ATTACHMENT 3

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND
APPROVING AMENDMENT NO. 1 TO THE
CITY OF WHEATLAND DEVELOPMENT AGREEMENT
CONCERNING HERITAGE OAKS ESTATES-WEST SUBDIVISION**

The City Council of the City of Wheatland does ordain as follows:

SECTION 1. Purpose and Authority. The purpose of this ordinance is to approve *Amendment No. 1 to the City of Wheatland Development Agreement Concerning Heritage Oaks Estates-West Subdivision* in the form attached hereto and incorporated herein (the "Amendment"). This ordinance is adopted pursuant to Government Code sections 65867.5 and 65868 and other applicable law.

SECTION 2. Findings. The City Council finds and determines as follows:

A. On June 12, 2007, the City of Wheatland and DeValentine Family Partnership entered into the *City of Wheatland Development Agreement Concerning Heritage Oaks Estates-West Subdivision*, which was recorded in the Yuba County Recorder's Office on June 21, 2007 as Document No., 2007R-010604. For the reasons stated in the recitals of the Amendment, the parties desire to amend the Development Agreement.

B. The Wheatland Planning Commission has conducted a duly noticed public hearing in accordance with law, and recommends that the City Council approve the Amendment.

C. The City Council has conducted a duly noticed public hearing in accordance with law, and now desires to approve the Amendment.

D. The City Council has evaluated the Amendment and the City General Plan and has determined that the Amendment is consistent with the General Plan.

SECTION 3. CEQA Findings. In accordance with Public Resources Code section 21166 and California Environmental Quality Act (CEQA) Guidelines section 15162, the City Council finds and determines as follows:

A. The potential environmental effects of the actions described in the Amendment and Development Agreement have been analyzed, considered and mitigated through a final environmental impact report ("EIR") prepared and certified in 2003 pursuant to CEQA. See City Council Resolution No. 50-03.

B. The City has evaluated and considered the changes that would be implemented by the Amendment. These changes do not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

C. The City has evaluated and considered the changes with respect to the circumstances under which the actions identified in the Development Agreement, as amended by the Amendment, are being undertaken. The changes with respect to these circumstances do not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

D. The City is not aware of any new information of substantial importance that discloses that the actions described in the Amendment will have other or more severe significant environmental effects not previously discussed or that previously rejected or other mitigation measures or alternatives are now feasible and effective.

E. Therefore, the 2003 EIR remains adequate and no further CEQA environmental analysis is required for the Amendment.

SECTION 4. Amendment Approval. The City Council hereby approves the Amendment in the attached form and authorizes and directs the City Manager to execute the Amendment on behalf of the City and to record the Amendment with the Yuba County Recorder within 10 days of the date of this ordinance.

SECTION 5. This ordinance shall take effect 30 days after its final passage.

SECTION 6. Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

INTRODUCED by the City Council on the ____ day of _____ 2017.

PASSED AND ADOPTED by the City Council of the City of Wheatland on the ____ day of _____ 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rick West, Mayor

Attest:

Lisa J. Thomason, City Clerk

I hereby certify that the foregoing is a true and correct copy of City of Wheatland Ordinance No. _____, which ordinance was duly introduced, adopted and posted pursuant to law.

Lisa J. Thomason, City Clerk