



City of Wheatland

111 C Street Street – Wheatland, California 95692
Tel (530) 633-2761 – Fax (530) 633-9102

SPECIAL PLANNING COMMISSION MEETING STAFF REPORT

**Date: May 16, 2017
Agenda Item: 1**

Subject: Consideration to recommend City Council approval of a 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

Staff requests that the Planning Commission recommend Wheatland City Council approval of the 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; therefore, requesting the three-year extension of the term of the Agreement to coincide with the Heritage Oaks Estates – West Subdivision Agreement.

Because substantive changes, such as extension of time, the Planning Commission is required to conduct a hearing and make a recommendation to City Council on the Development

Agreement Amendment. The Amendment No. 1 to City of Wheatland Development Agreement between the City of Wheatland and DeValentine Family Partnership, a general partnership is included as Attachment 1.

Alternatives

The Planning Commission could choose to recommend that the City Council not approve the amendment to the Development Agreement between the City of Wheatland and DeValentine Family Partnership, a general partnership. The Planning Commission could also continue the public hearing to a future meeting date and direct staff to further revise the Development Agreement.

Attachments

1. Proposed Heritage Oaks Estates - West Amendment No. 1 Development Agreement between the City of Wheatland and DeValentine Family Partnership, a general partnership.
2. Resolution recommending approval of Amendment No. 1 to City of Wheatland Development Agreement between the City of Wheatland and DeValentine Family Partnership, a general partnership.

APPENDIX A

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

APPENDIX B

**PLANNING COMMISSION
RESOLUTION NO. 2017-****

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND
RECOMMENDING APPROVAL OF AMENDMENT NO. 1 TO CITY OF WHEATLAND
DEVELOPMENT AGREEMENT BETWEEN THE CITY OF WHEATLAND AND
DEVALENTINE FAMILY PARTNERSHIP, A GENERAL PARTNERSHIP, FOR THE
HERITAGE OAKS ESTATES – WEST PROJECT**

WHEREAS, the City received an application from DeValentine Family Partnership, a general partnership, for approval of an Amendment No. 1 to City of Wheatland 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, to expire on December 7, 2020; and

WHEREAS, the City of Wheatland previously adopted a Development Agreement between the City of Wheatland and DeValentine Family Partnership, a general partnership, for the Heritage Oaks Estates – West Subdivision on June 12th 2007; and

WHEREAS, the City and DeValentine Family Partnership, a general partnership, have negotiated the Amendment No. 1 to City of Wheatland Development Agreement Concerning Heritage Oaks Estates – West Subdivision attached as Exhibit 1 to this resolution; and

WHEREAS, the adoption of this Amendment No. 1 to City of Wheatland Development Agreement will not adversely affect the comprehensive General Plan and it is consistent with the General Plan and carries out the purposes of the General Plan.

NOW THEREFORE, BE IT RESOLVED that in recommending approval to the City Council of the Amendment No. 1 to City of Wheatland Development Agreement between the City of Wheatland and DeValentine Family Partnership, a general partnership, the Planning Commission makes the following findings, which are based on its review and consideration of the entire record, including the recitals above and any oral or written testimony provided at the hearing:

1. There have been no substantial changes to the project through the Development Agreement. Therefore, the Heritage Oaks Estates FEIR and MMP are the appropriate environmental documents for the proposed project.
2. The Development Agreement is consistent with the General Plan, as it carries out the purposes of the General Plan and is consistent with the land use and development designation in such plans.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council approve the Amendment No. 1 to City of Wheatland Development Agreement between the City of Wheatland and DeValentine Family Partnership, a family partnership for the Heritage Oaks Estates – West Subdivision, in the form attached as Exhibit 1, subject to such changes as may be approved by the City Council.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 16th day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TIM RANEY
Community Development Director

EXHIBIT 1

AMENDMENT NO.1 TO CITY OF WHEATLAND DEVELOPMENT AGREEMENT

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Steven J. DeValentine
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