



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

June 27, 2017

SUBJECT: Consideration to approve the proposed Amendment No. 1 to Third Amended and Restated City of Wheatland Development Agreement concerning Jones Ranch Subdivision between the City of Wheatland and Dale Investments, LLC.

PREPARED BY: Tim Raney, Community Development Director

Recommendation

The City of Wheatland Planning Commission recommends City Council approval of the proposed Amendment No. 1 to Third Amended and Restated City of Wheatland Development Agreement concerning Jones Ranch Subdivision between the City of Wheatland and Dale Investments, LLC.

Discussion

City staff has been working diligently with representatives of Dale Investments, LLC for the past seven months to record a final subdivision map for the first 50 lots of Jones Ranch project. It should be noted that Dale Investments, LLC has renamed the Jones Ranch Subdivision to Caliterra Ranch for marketing purposes. According to section 17.06.020(B)(5) of the Wheatland Municipal Code, final map approval requires submitted improvements plans, and the project engineers need additional time to complete the improvement plans.

The previous development agreement amendment for Jones Ranch approved on November 25, 2014 required a final map approval for the first 50 lots by end of June 2017. This requirement was included to ensure the project would continue to make progress toward developing the site. The project applicant team has generally met all of the final map requirements and the final map is ready for approval. However, due to the requirement that the improvement plans be completed with the final map, city staff and the applicant team need approximately five additional months to complete all necessary documents for the final map approval.

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 Third Amended and Restated City of Wheatland Development Agreement Concerning Jones Ranch Subdivision to extend the term of the Agreement for a

period of five months (November 15, 2017) for the preparation and submittal of improvement plans (see Attachment 1).

On June 6, 2017, the Wheatland Planning Commission heard staff's presentation and voted to recommend City Council approval of the proposed Amendment No. 1 to Third Amended and Restated City of Wheatland Development Agreement concerning Jones Ranch Subdivision between the City of Wheatland and Dale Investments, LLC. The minutes for the June 6, 2017 Planning Commission Meeting is included as Attachment 2.

Alternatives

The City Council could deny the proposed Amendment No. 1 to Third Amended and Restated City of Wheatland Development Agreement concerning Jones Ranch Subdivision between the City of Wheatland and Dale Investments, LLC. The City Council could also continue the public hearing to a future meeting date and direct staff to further revise the Development Agreement Amendment.

Fiscal Impact

None.

Attachments

1. Draft Amendment No. 1 to Third Amended and Restated City of Wheatland Development Agreement concerning Jones Ranch Subdivision between the City of Wheatland and Dale Investments, LLC.
2. June 6, 2017 Planning Commission Minutes.
3. Ordinance of the City Council of the City of Wheatland approving Amendment No. 1 to the Third Amended and Restated City of Wheatland Development Agreement concerning Jones Ranch 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 THIRD AMENDED AND RESTATED
CITY OF WHEATLAND DEVELOPMENT AGREEMENT
CONCERNING JONES RANCH SUBDIVISION**

This Amendment No. 1 to the Third Amended and Restated Development Agreement (the “Amendment”) is made and entered into this _____, 2017 by and between the City of Wheatland, a general law city (“City”), and Dale Investments, LLC, a California limited liability company (“Developer”) (“collectively the “Parties”), who agree as follows:

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

- 1.1. On November 25, 2014, the parties entered into the *Third Amended and Restated City of Wheatland Development Agreement Concerning Jones Ranch 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 February 3, 2015 as Document No. 2015-001148.
- 1.2. City and Developer desire that the Agreement be amended to extend the time for recording a final subdivision map for the project to November 15, 2017 to allow Developer to complete work on the improvement plans required to be submitted to City prior to final map approval.

2. Amendment to Agreement. The time for recording a final subdivision map for the first phase of a minimum of 50 parcels set forth in Section 2.2.1 of the Agreement shall be amended to extend until November 15, 2017. If the final map is not recorded by November 15, 2017, then the Agreement will terminate on that date. This extension is made in accordance with Section 2.2.3 of the Agreement.

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: _____
Sundeep S. Dale
Owner, Dale Investments, LLC

ATTACHMENT 2

**JUNE 6, 2017
REGULAR WHEATLAND PLANNING
COMMISSION MEETING
WHEATLAND COMMUNITY CENTER,
101 C STREET, WHEATLAND, CA
6:00 – 6:08 P.M.**

PLANNING COMMISSIONERS PRESENT: T. Mihalyi, J. Wickliff, K. Curbow, R. Glynn
ABSENT: D. Panteloglou

OTHER OFFICIALS PRESENT: T. Raney, Community Development Director

PLEDGE OF ALLEGIANCE:

Commissioner Jared Wickliff led the pledge of allegiance.

PUBLIC COMMENT

None.

PUBLIC HEARING

T. Raney presented discussion of Amendment No. 1 to Third Amended and Restated City of Wheatland Development Agreement concerning Jones Ranch Subdivision between the City and Dale Investments. City staff has been working diligently with representatives of Dale Investments, LLC for the past seven months to record a final subdivision map for the first 50 lots of Jones Ranch project. It should be noted that Dale Investments, LLC has renamed the Jones Ranch Subdivision to Caliterra Ranch for marketing purposes. According to section 17.06.020(B)(5) of the Wheatland Municipal Code, final map approval requires submitted improvements plans, and the project engineers need additional time to complete the improvement plans. The previous development agreement amendment for Jones Ranch approved on November 25, 2014 required a final map approval for the first 50 lots by end of June 2017. This requirement was included to ensure the project would continue to make progress toward developing the site. The project applicant team has generally met all of the final map requirements and the final map is ready for approval. However, due to the requirement that the improvement plans be completed with the final map, city staff and the applicant team need approximately five additional months to complete all necessary documents for the final map approval. Development agreements and amendments require planning agency recommendation under State law. Therefore, city staff requests a recommendation of approval for the Amendment No. 1 to Third Amended and Restated City of Wheatland Development Agreement Concerning Jones Ranch Subdivision to extend the term of the Agreement for a period of five months (November 15, 2017) for the preparation and submittal of improvement plans.

Public Comment

None.

It was moved by J. Wickliff, seconded by T. Mihalyi **approve Resolution No. 2017-02 Recommending Approval of Amendment No. 1 to Third Amended and Restated City of Wheatland Development Agreement between the City of Wheatland and Dale Investment, LLC, A California Limited Liability**

Company, Concerning the Jones Rach Subdivision Project. Vote called – AYES: Wickliff, Mihalyi and Glynn. NOES: Curbow. Motion carried.

REPORTS

None.

With no other business before the Commissioners, the meeting adjourned at 6:08 p.m.

Respectfully submitted,
Tim Raney, Community Development Director

DRAFT

ATTACHMENT 3

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND
APPROVING AMENDMENT NO. 1 TO THE THIRD AMENDED AND RESTATED
CITY OF WHEATLAND DEVELOPMENT AGREEMENT
CONCERNING JONES RANCH 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 Third Amended and Restated City of Wheatland Development Agreement Concerning Jones Ranch 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 December 27, 2005, the City of Wheatland and Dale Investments, LLC entered into the *City of Wheatland Development Agreement Concerning Jones Ranch Subdivision*, which was recorded in the Yuba County Recorder's Office on April 18, 2006 as Document No., 2006R-07611. That Agreement was amended by Amendment No. 1 (recorded in the Yuba County Recorder's Office on September 11, 2008 as Document No. 2008R-014197) and Amendment No. 2 (recorded in the Yuba County Recorder's Office on November 24, 2010 as Document No. 2010R-014746). The parties approved a *Third Amended and Restated City of Wheatland Development Agreement Concerning Jones Ranch Subdivision* on November 25, 2014 (recorded in the Yuba County Recorder's Office on February 3, 2015 as Document No. 2015-001148). For the reasons stated in the recitals of the Amendment, the parties desire to amend the Third Amended and Restated 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. 55-03.

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 Third Amended and Restated 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