



City of Wheatland

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PLANNING COMMISSION MEETING STAFF REPORT

Date: June 6, 2017
Agenda Item: 1

Subject: Consideration to recommend City Council approval of 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

Staff requests the Planning Commission make a recommendation of approval to the Wheatland City Council for the 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 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 (see Attachment 1).

Alternatives

The Planning Commission could choose to recommend that the City Council not approve the 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 Planning Commission could also continue the public hearing to a future meeting date and direct staff to further revise the Development Agreement Amendment.

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. Resolution recommending approval of 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.

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

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

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND
RECOMMENDING APPROVAL OF AMENDMENT NO. 1 TO THIRD AMENDED AND
RESTATED CITY OF WHEATLAND DEVELOPMENT AGREEMENT BETWEEN THE CITY
OF WHEATLAND AND DALE INVESTMENTS, LLC, A CALIFORNIA LIMITED LIABILITY
COMPANY, CONCERNING THE JONES RANCH SUBDIVISION PROJECT**

WHEREAS, the City received an application from Dale Investments, LLC, a California Limited Liability Company, for approval of an Amendment No. 1 to Third Amended and Restated City of Wheatland Development Agreement between the City of Wheatland and Dale Investments, LLC concerning the Jones Ranch Subdivision to extend the time for recording a final subdivision map for the first phase of a minimum of 50 parcels 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; and

WHEREAS, the City of Wheatland previously adopted a Development Agreement between the City of Wheatland and Dale Investments, LLC, a California Limited Liability company, concerning the Jones Ranch Subdivision on November 25th 2014; and

WHEREAS, the City and Dale Investments, LLC, a California Limited Liability Company, have negotiated the Amendment No. 1 to Third Amended and Restated City of Wheatland Development Agreement between the City of Wheatland and Dale Investments, LLC, Concerning the Jones Ranch Subdivision attached as Exhibit 1 to this resolution; and

WHEREAS, the adoption of this Amendment No. 1 to Third Amended and Restated City of Wheatland Development Agreement between the City of Wheatland and Dale Investments, LLC concerning the Jones Ranch Subdivision 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 Third Amended and Restated City of Wheatland Development Agreement between the City of Wheatland and Dale Investments, LLC, Concerning the Jones Ranch Subdivision, 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 2002 Jones Ranch FEIR and the subsequent 2005 Jones Ranch IS/MND 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 Third Amended and Restated City of Wheatland Development Agreement between the City of Wheatland and Dale

Investments, LLC, Concerning the Jones Ranch 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 6th day of June, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TIM RANEY
Community Development Director