

**ITEM 6.1: Development Agreement Amendments 8 and 9 – 5181 Fiddymment Road – WRSP F-71 and F-66 – PL19-0048**

**REQUEST**

The applicant requests approval of two Development Agreement Amendments (DAAs) to the Fiddymment Land Venture Development Agreement (DA). The proposed Eighth (8<sup>th</sup>) amendment will extend the term of the DA by 30 years, revise Section 2.2 related to land uses, amend the language related to groundwater wells and water conservation goals, and will move the planned elementary school site (F-71) from Phase 3 to Phase 2 of the Fiddymment Ranch portion of the West Roseville Specific Plan (WRSP). The proposed Ninth (9<sup>th</sup>) amendment will extend the term of the DA by 30 years and amend the language related to water conservation goals. Two separate DAAs are needed due to recent changes in property ownership within the Fiddymment Ranch portion of the WRSP.

Applicant – Steve Hicks, Taylor Builders

Owners – WRDC; Jen California 15, LLC; Taylor Morrison; Roseville Schools, LLC; ATC Realty One, LLC

**SUMMARY RECOMMENDATION**

The Planning Division recommends that the Planning Commission take the following actions:

- A. Consider the Addendum to the West Roseville Specific Plan EIR,
- B. Recommend the City Council approve the Eighth Amendment to the Fiddymment Land Venture Development Agreement, and
- C. Recommend the City Council approve the Ninth Amendment to the Fiddymment Land Venture Development Agreement.

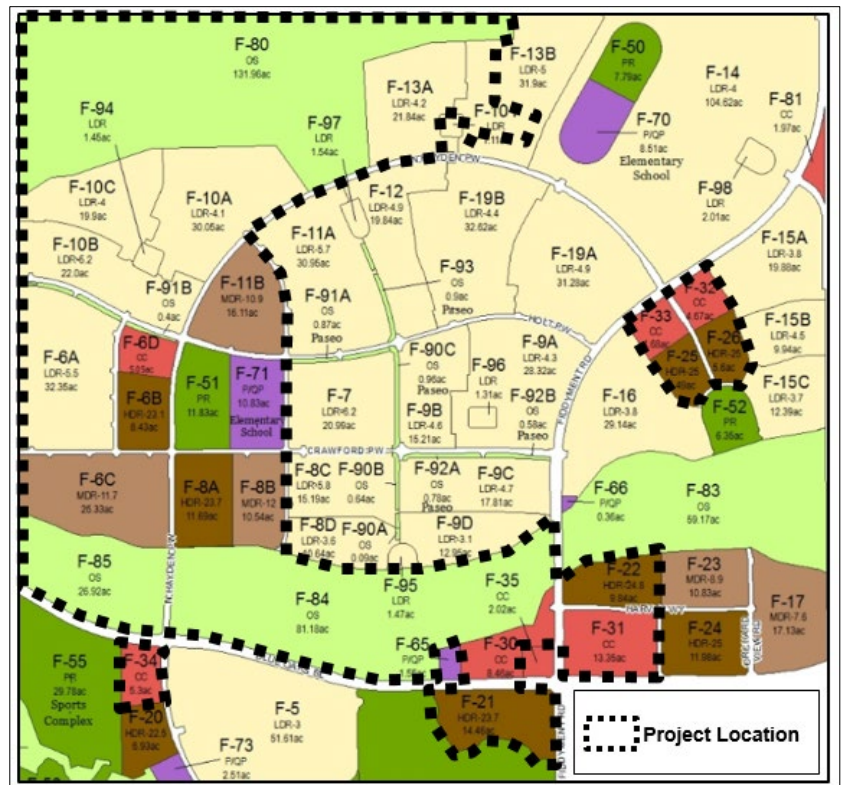
**SUMMARY OF OUTSTANDING ISSUES**

This item was heard at the December 12, 2019 Planning Commission hearing. Since that hearing, the property has been sold to multiple property owners. The background section below explains why the application is being heard by the Planning Commission for a second time.

**BACKGROUND**

The project is located within the West Roseville Specific Plan (WRSP), in the northern portion of the plan area (Figure 1). The project affects the undeveloped properties within the Fiddymment Ranch portion of the WRSP on properties with land use and zoning designations supportive of public, commercial, and residential uses. The development requirements for these sites were adopted as part of the Development Agreement by and between the City and Fiddymment Land Venture, LLC, which was approved by City Council concurrent with the WRSP on February 4, 2004.

**Figure 1: Project Location**



On December 12, 2019, the Planning Commission recommended approval of the Eighth (8<sup>th</sup>) amendment to the Fiddymment Land Venture DA to extend the term of the DA, amend language related to groundwater wells and water conservation goals, move construction of the elementary school site on Parcel F-71 from Phase 3 to Phase 2 of the Fiddymment Ranch portion of the specific plan, and remove Parcel F-66 from the groundwater section, thus allowing the site to be constructed with one single family dwelling unit. Along with the amendment to the DA, the Planning Commission recommended approval of a General Plan Amendment, Specific Plan Amendment, Rezone, and a Lot Line Adjustment for Parcel F-66 to change the designations to Low Density Residential (LDR) with Small Lot Residential (RS/DS) zoning in order to facilitate development of one single family residence. See Attachment 1 for the Staff Report and supporting material for this item.

Following the Planning Commission hearing, many of the properties within Fiddymment Ranch were sold and there are now multiple property owners who will be affected by the DAA. The DAA that was provided to the Planning Commission did not reflect the new property owners, as they were not known at the time. The DAA has been updated to reflect the new property owners; however, due to the number of new property owners (now five), and the requested property-specific amendments, the applicant is requesting approval of two separate DAAs. The proposed eighth (8<sup>th</sup>) amendment will extend the term of the DA by 30 years, amend the language related to water conservation goals, and amend sections to reflect property specific changes related to Parcel F-66 and Parcel F-71. The proposed Ninth (9<sup>th</sup>) amendment will extend the term of the DA by 30 years and amend the language related to water conservation goals.

### **EVALUATION: DEVELOPMENT AGREEMENT AMENDMENT**

Development Agreements (DAs) are binding contracts that set the terms, rules, conditions, regulations, entitlements, responsibilities, and other provisions relating to the development of the covered properties. Both of the DAAs include changes that will extend the term of the agreement and amend the language related to water conservation goals; however, the Eighth DAA includes changes that will eliminate the requirement that Parcel F-66 be developed with a groundwater well and will move construction of an elementary school on Parcel F-71 into Phase 2 of the WRSP. The modified sections are summarized below followed by a discussion of the proposed changes.

#### Eighth Amendment Affected Sections:

- Section 1.3 related to term extension has been updated to extend the agreement to March 29, 2054.
- Section 2.2 related to the approved land uses has been updated to reflect updated units and acreages.
- Section 3.7.5 related to groundwater wells has been modified to remove the requirement that Parcel F-66 be developed with a groundwater well, clarify the funding obligation for a second well site, and establish development requirements for the monitoring well site at Parcel F-66.
- Section 3.7.8 related to the water conservation for the property and the water supply available to the property.
- Exhibit "F" – has been revised to add Parcel F-71 to Phase 2 and remove it from Phase 3.

#### Ninth Amendment Affected Sections:

- Section 1.3 related to term extension has been updated to extend the agreement to March 29, 2054.

- Section 3.7.8 related to the water conservation for the property and the water supply available to the property.

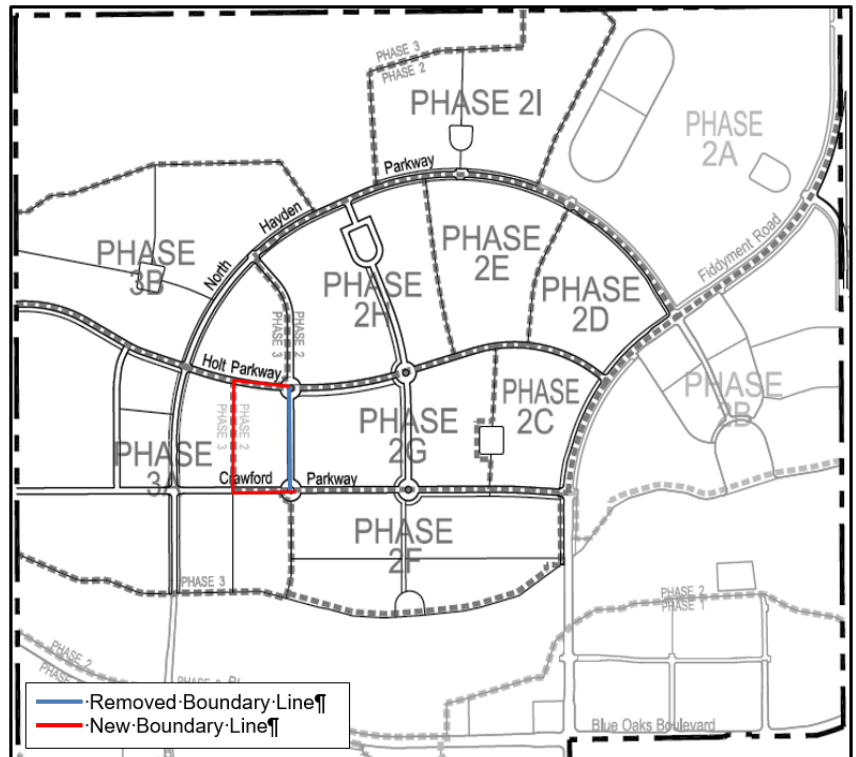
### Extension of DA's Term

The proposed DAAs includes a 30 year term extension. The properties affected by the Eighth and Ninth Amendment to the DA will be covered by the terms of the original DA and all subsequent amendments through March 29<sup>th</sup>, 2054. The properties affected by this extension are included in Exhibit's A and B of each DAA and include the remaining undeveloped land within the Fiddymment Ranch development. It is the intent of this extension that all applicable DA fees associated with Phase 3 of the Fiddymment Ranch development will not expire until 2054.

### Amendments Related to Parcel F-71

The existing DA requires that an elementary school be constructed on Parcel F-71 in Phase 3 of the WRSP. Parcel F-71 is located on the southwest corner of the intersection of Holt Parkway and Pruett Drive at the boundary of Phase 2 and Phase 3. Due to demand created from the adjacent residential development east of Parcel F-71 and within Phase 2, the applicant has requested that the boundary line between Phase 2 and Phase 3 be modified to include Parcel F-71 in Phase 2 and that it be removed from Phase 3 (Figure 3). This will allow the elementary school to be constructed with Phase 2 to meet the needs of the developing community. The requested change is consistent with the timing of necessary infrastructure, will promote orderly development, and will positively affect property values.

**Figure 3: Revised Phasing Exhibit**



### Amendments Related to Parcel F-66

As mentioned above, the City has determined that Parcel F-66 is no longer required for the development of a groundwater well. The proposed Eighth DAA includes language releasing the applicant from the obligation to construct a well and to deed the site to the City, and also includes provisions that return unneeded portions of the property to the developer as described below.

Parcel F-66 consists of two lots created within the subdivision for the purpose of providing a groundwater well to meet the water supply demand within the WRSP (Lot 21 and Lot D). The City currently owns Lot D and has an Irrevocable Offer of Dedication (IOD) over Lot 21. Because these properties are no longer needed by the City, the City's interest in Lot D and Lot 21 will be relinquished to the applicant. Additionally, a portion of Lot 21 containing the existing monitoring well will be dedicated to the City. These property transfers are illustrated in Figure 4.



1. Consistency with the objectives, policies, programs, and land use designations of the City of Roseville General Plan.
2. Consistency with the City of Roseville Zoning Ordinance.
3. Conformity with the needs of public health, safety, and welfare.
4. The effect on the orderly development of property or the preservation of property values.
5. Whether the provisions of the Agreement shall provide sufficient benefit to the City to justify entering into the agreement.

The amendments include new and revised exhibits to reflect the proposed changes. As amended, the DAs maintain consistency with the objectives, policies, programs, and land use designations of the General Plan and the Zoning Ordinance, conform to public health and safety needs, will result in orderly development and will maintain property values, and provide a benefit to the City.

### **PUBLIC OUTREACH**

The proposed project was distributed to the various agencies and departments which have requested notice of City applications, and all comments were considered and incorporated into the Conditions of Approval, as appropriate. Notice of the application was also distributed to the Roseville Coalition of Neighborhood Associations. No comments were received. A public notice of the Planning Commission hearing was published on February 14, 2020, and was distributed to all property owners within 300 feet of the project site. To date, no comments have been received.

### **CONCLUSION**

As demonstrated by the analyses in the foregoing sections, the proposed project is consistent with the policies and intent of the General Plan and the WRSP. Staff supports the proposed project as it will not be detrimental to public health or safety, nor will it be detrimental to the public welfare.

### **ENVIRONMENTAL DETERMINATION**

Pursuant to CEQA Guidelines Section 15164, an addendum to the West Roseville Specific Plan Environmental Impact Report (WRSP EIR), which was adopted February 2, 2004 (SCH# 2002082057), has been prepared to address the minor technical changes needed to describe the proposed project. No additional analysis is required.

### **RECOMMENDATION**

The Planning Division recommends the Planning Commission take the following actions:

- A. Consider the Addendum to the West Roseville Specific Plan EIR.
- B. Recommend the City Council approve the **Development Agreement Amendment – 5181 Fiddymment Road – WRSP SPA #7 – PL19-0048**.
- C. Recommend the City Council approve the **Development Agreement Amendment – 5181 Fiddymment Road – WRSP SPA #7 – PL19-0048**.

## **Attachments**

1. Planning Commission Staff Report (December 12, 2019)

## **Exhibits**

- A. CEQA Addendum to the WRSP EIR
- B. Eighth Amendment of the WRSP Development Agreement
- C. Ninth Amendment of the WRSP Development Agreement

**Note to Applicant and/or Developer:** Please contact the Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.