



## Staff Report

**TO:** City Council

**FROM:** Carole Kendrick, Planning Manager

**DATE:** September 21, 2021

**SUBJECT:** **Public Hearing and Consideration of (PLAN2021-0625) Partial Assignment and Assumption of a Development Agreement Related to the Development of a Portion of the Fairway Canyon Development (Assessor Parcel Numbers: 413-790-010 and a Portion of 413-790-042) Located in the Oak Valley and SCPGA Golf Course Specific Plan, North of San Timoteo Canyon Road, West of Tukwet Canyon Parkway**

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### **Background and Analysis:**

The Oak Valley SCPGA Specific Plan No. 318 encompassing 1,747.9 acres allowing 4,355 dwelling units was adopted by the County of Riverside on August 14, 2001. The property was annexed into the City of Beaumont on April 9, 2003, by the Local Agency Formation Commission (LAFCO) by LAFCO 2002-43-5. The Oak Valley SCPGA Specific Plan includes the developments of Fairway Canyon and Tournament Hills. The subject property is located within the Fairway Canyon portion of the specific plan.

The site was also subject to a development agreement originally entered into in November 2003, and amended in July 2004, and June 2020. Meritage Homes has purchased Planning Areas 18A, 18B, 20A1, 20A2, 20B1, 20B2, 20C1, 20C2, 21B, 22A, 22B, 22C, and 22D, which are shown in Attachment C in the purple and blue areas. The proposed partial assignment and assumption of the development agreement is to transfer rights from SDC Fairway Canyon, LLC to Meritage Homes of California, Inc.

In addition, the partial assignment and assumption of the development agreement refers back to the Fairway Canyon Park Agreement that was presented to the City Council at the September 7, 2021, meeting to provide that the Developer will offer to dedicate PA 21B Park to the City subject to City Council acceptance, that it has paid prevailing wages and that it will warrant Mickelson and PA 21B Park for one year.

A Community Facilities District (CFD) is also provided in the partial assignment and assumption of the development to the CFD to pay for the increased costs of services incurred by the City in connection with the proposed development of the property. The types of services that are proposed to be provided by the CFD and funded with the proceeds of special assessments levied by the CFD consist of services permitted to be financed under the Mello-Roos Community Facilities Act of 1982, including, without limitation, police and fire protection, ambulance and paramedic services (collectively, "Public Safety Services"), street sweeping, traffic signal maintenance and the maintenance of City-owned parks, parkways and open spaces, lighting, flood and storm protection services and the operation of storm drainage systems (collectively, "Maintenance Services").

### **Findings:**

The guidelines for development agreements are established in City of Beaumont Resolution No. 1987-34. This resolution requires City Council to make the following findings:

1. The proposed agreement is consistent with the objectives, policies, general land use and programs specified in the General Plan.

*The proposed partial assignment and assumption of the development agreement is consistent with the General Plan and its goals, objectives and policies.*

2. The proposed agreement facilitates land uses which are compatible with the uses authorized in, and the regulations prescribed for, the land use districts in which the real property is located.

*The proposed development agreement has no impact on zoning or land use on the property or in the surrounding area. There are no proposed changes to the zoning, land use or project approvals as a result of this partial assignment.*

3. The proposed agreement is in conformity with public convenience, general welfare and good land use practice.

*The partial assignment and assumption of the development agreement has no impact on land use or compatibility with the surrounding area.*

4. The proposed agreement will not be detrimental to the health, safety and general welfare.

*Approval of the development agreement will have no impact on the health, safety or welfare of the City, the surrounding area or its residents. The partial assignment and assumption of the development agreement, through the imposition of conditions will ensure the existing and proposed infrastructure can adequately serve the public.*

5. The proposed agreement will not adversely affect the orderly development of property or the preservation of property values.

*Approval of this development agreement will help facilitate the orderly development of infrastructure and related facilities. Approval of this partial assignment and assumption of the development agreement will not have a negative effect on orderly development or preservation of property rights and is agreed to by both the City and the property owner.*

There are no unusual or changed circumstances at this site which would affect the entitlements or consideration of amendment to the development agreement. All of the required findings can be made in a positive manner.

#### **Public Notice and Communications:**

A 10-day notice of public hearing was advertised on September 10, 2021, in the Press Enterprise (see Attachment D). The Planning Department has not received any letters of comment from the public as of the writing of this report.

#### **Environmental Documentation:**

From the standpoint of the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared and certified in 2001 for the Oak Valley SCPGA Specific Plan (Specific Plan No. 318) (SCH No. 2000051126), with the latest addendum of the EIR being approved by City Council in 2014 (13-EIR-03), which assessed the environmental impacts of the overall project and subsequent implementation steps. This development agreement amendment is not subject to CEQA, given certainty that there is no possibility that the activity in question may have a significant effect on the environment. *14 CCR Section 15061(b)(3)*.

#### **Fiscal Impact:**

Cost to prepare this report and associated documents is approximately \$2,500 and is covered by the development agreement deposit on file.

**Recommended Action:**

Conduct a public hearing, and  
Waive the first full reading and adopt by title only “An Ordinance of the City Council of the City of Beaumont adopting the Partial Assignment and Assumption of Development Agreement between the City of Beaumont and Meritage Homes, LLC.”

**Attachments:**

- A. Partial Assignment and Assumption of Development Agreement
- B. Aerial Photograph
- C. Fairway Canyon Lot Phasing Plan
- D. Proof of Publication

**Incorporated herein by Reference:**

- City of Beaumont General Plan
- City of Beaumont Zoning Ordinance
- Project Site’s Riverside Conservation Authority Multi-Species Habitat Conservation Plan Informational Map
- Contents of City of Beaumont Planning Department Project File Partial Assignment & Assumption of Development Agreement (PLAN2021-0625) Tentative Tract Map No. 31462, Tentative Parcel Map No. 38090 (PM2021-0008), LAFCO 2002-43-5, 02-ANX-02, Development Agreement dated November 18, 2003, Oak Valley SCPGA Specific Plan 318 and Environmental Impact Report 418.