
TO ADDRESS THE COMMISSION
PLEASE STEP TO THE ROSTRUM &
STATE YOUR NAME & ADDRESS

Regular Meeting
June 25, 2008 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

YUBA CITY PLANNING COMMISSION
AGENDA

Commissioner Craig Starkey (Chairman)

Commissioner Preet Didbal (Vice Chair)

Commissioner John Sanbrook

Commissioner Satwant Takhar

Commissioner Mike Tomlinson

Commissioner John Dukes

Commissioner Jana Shannon

Roll Call

Pledge of Allegiance

Approval of minutes from meeting held on June 11, 2008

Appearance of Interested Citizens*

Correspondence: - None

Commission Consideration: - None

Public Hearing:

1. Continued Public Hearing for Tentative Subdivision Map #SM 05-06. Tentative Subdivision Map request to create a subdivision totaling 50 lots for single family residential development on an 11.30 acre project site; located on the east side of Township Road and approximately one-quarter mile north of Colusa Highway (SR 20), south of the Sutter County Bicycle Path; APN 62-020-079. In addition to the Tentative Subdivision Map, the application also includes a proposed Development Agreement with the City and a developer-prepared North Township Road Area Technical Master Plan. The Master Plan responds to a City-identified need to prepare an all-inclusive master plan document for the project site and for adjoining lands. Applicant/Owner, A&G Montna Properties, LP.
2. Consideration of an Update to the Harter Specific Plan Financing Plan and an Amendment to the Harter Specific Plan Development Agreement regarding infrastructure obligations and fee credits.

Commission Discussion: - None

Over

Other Business: - None

Report on Actions of the City Council

Adjournment

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$620, must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed within this time limit, the Commission action becomes final. The exception to this is rezonings--please check with the Planning Department, 1201 Civic Center Boulevard, Yuba City for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530/822-4601) at least 72 hours in advance so such aids or services can be arranged. City Hall TDD: 530/822-4732.

*Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Members of the Commission will respond as best as they can to public comments but cannot take action or enter into a discussion on items not contained on the agenda. Public comment on public hearing agenda items will be permitted during the hearing.



City of Yuba City
Planning Division Agenda Report
Planning Commission Meeting

June 25, 2008

DATE: June 20, 2008
TO: Yuba City Planning Commission
FROM: Community Development Department
SUBJECT: Agenda Report – Meeting of June 25, 2008

PUBLIC HEARINGS:

- 1. TENTATIVE SUBDIVISION MAP #SM 05-06 TO DIVIDE 11.30 ACRES INTO 50 RESIDENTIAL LOTS, DEVELOPMENT AGREEMENT AND THE WALNUT PARK WEST MASTER PLAN/NORTH TOWNSHIP ROAD TECHNICAL MASTER PLAN FOR PROPERTY LOCATED ON THE EAST SIDE OF TOWNSHIP ROAD APROXIMATELY ONE-QUARTER MILE NORTH OF COLUSA HIGHWAY (SR 20); ASSESSOR'S PARCEL NUMBER: 62-020-079; APPLICANT/PROPERTY OWNER: A&G MONTNA PROPERTIES, LP**

Project Description:

The applicant proposes to subdivide an 11.30-acre parcel into 50 single-family residential lots. Lot sizes vary from 5,390 square feet to 11,316 square feet resulting in a project density of 4.42 units per acre. In addition to the tentative map, the applicant also includes a developer-prepared Walnut Park West Master Plan/North Township Road Area Technical Master Plan and a Development Agreement with the City. The Technical Master Plan addresses the long range development infrastructure needs for the entire master plan area which stretches from SR 20 north to Butte House Road and between existing residential development to the east and Township Road.

The Master Plan and Technical Report respond to a City-identified need to prepare an all-inclusive master plan document for the project site and for adjoining lands as identified in the "Growth Polices" adopted by the City Council in 2005. The documents address site development, infrastructure plans for the area and financial issues related to on- and off-site improvements.

The Development Agreement addresses a wide range of development issues, including impact fee payments and affordable housing development, as well as certain responsibilities of the developer and the City.

The applicant had originally proposed a much larger project consisting of 277 lots on 39.1 acres. However, the applicant has since chosen to downsize the project to the one being brought before the Commission. Staff and the applicant agreed to keep the Master Plan and Development Agreement in place for the reduced project.

Property Description:

The 11.30 acre parcel is currently vacant agricultural land. (See Attachment 1, “Aerial Photo”.)

General Plan Designation:

Low Density Residential (LDR) – This designation allows for a residential density of from 2 to 8 units per acre.

Zoning Classification:

One-Family Residence, Special Standards Combining (R-1-X₂₃) District

Surrounding Land Use:

Agricultural land and the Bike Path are located to the north, the Walnut Park Estates subdivision to the east, Monroe Drive and a light industrial use to the south and Township Road to the west.

Previous Actions and/or Policies:

At the Planning Commission meeting of May 25, 2005 the Commission recommended approval of pre-annexation zoning to the R-1-X₂₃ District for the project site. The City Council at its July 19, 2005 meeting approved the zoning request.

Environmental:

A Mitigated Negative Declaration has been prepared and is attached for Commission review. Potential impacts (aesthetics, air quality, biological resources, archaeological/cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, public services – police and fire and traffic/circulation) were identified and have been reduced to less than significant with the inclusion of appropriate mitigating measures that are incorporated as conditions of approval for the map.

Staff Comments:

Staff comments on the proposal focus on the Tentative Map, Master Plan and the Development Agreement. Provided below is an evaluation for each of the different project components.

Tentative Map

Section 8-2.609 of the Yuba City Municipal Code and the Subdivision Map Act require that findings be made in order to approve a tentative map. The required findings are listed below in bold italics and are followed by an evaluation of the tentative map in relation to each finding.

- 1. The proposed tentative map is consistent with the General Plan and the design or improvement of the proposed subdivision is consistent with the General Plan.***

Staff Analysis: The proposed tentative map conforms to the Low Density Residential designation of the General Plan and the R-1 District of the Yuba City Zoning Regulations in all respects. Specifically, the project density is 4.42 units per acre which conforms to the Low Density Residential designation (2-8 units per acre) furthermore, the lot size of the proposed parcels all exceed the 5,000 square foot minimum in the R-1 District.

- 2. The site is physically suited for the type and proposed density of development.***

Staff Analysis: The proposed tentative map will allow development that is permitted on the site. With parcels sizes varying from 5,390 square feet to 11,316 square feet the lots will be large enough to accommodate buildings, required parking and landscaping, setbacks, and other improvements. Since the site is flat, there are no topographical features that would preclude development of any of the proposed parcels.

- 3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage and the type of improvements are not likely to cause serious public health problems.***

Staff Analysis: At the time of any future development, the applicant will be required to install curb, gutter, and sidewalk per the City specifications along Township Road and within the subdivision. The applicant will be required to follow mandatory best management practices and air quality regulations in order to ensure that the construction of future improvements will not cause health problems.

- 4. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.***

Staff Analysis: The design of the subdivision will not create problems related to site accessibility and does not conflict with any existing or future easements.

Master Plan

On March 15, 2005, the City Council approved a Resolution adopting 12 Growth Policies for the City's Sphere of Influence, including the development of specific plans and master plans prior to annexing into the City. The Council directed that development applications that had already been filed could move forward, and that all other Pre-annexation zoning application requests within the "Master Plan" areas be delayed until the already-submitted projects are completed. This proposal by A&G Montna Properties is one of the applications that was already in progress. In order to proceed with the pre-annexation zoning application and to be able to apply the 12 Growth Policies, the One-Family Residence, Special Standards Combining (R-1-X₂₃) District was applied as the base zone. The Walnut Park West Master Plan/Township Road Area Technical Master Plan is part of a larger master plan area, which includes residential lands to the north to Butte House Road; these remaining lands would be required to file amendments to the Master Plan at the time development is proposed on those properties. The submitted Master Plan

shows detailed site infrastructure improvements, along with conceptual infrastructure plans for the remainder of lands in the Master Plan boundary.

The City clarified its intent for Master Plans in preparing a “Master Plan Concept” that identifies various submittal requirements for developers. The submitted Walnut Park West Master Plan generally conformed to these requirements, and contains the following key information:

- Project background and introduction.
- Land use data for the project.
- Architectural, landscaping and design criteria, including architectural renderings of proposed housing models. (This item has been conditioned to be approved prior to the issuance of the first building permit, since the applicant does not propose to actually construct the residential buildings.)
- Public facilities, including proposed infrastructure improvements for water, sewer, storm drainage, and roadway improvements.
- Project financing details.

Development Agreement

A Development Agreement (DA) is proposed as part of the project approval entitlements. A DA may be entered into between the City and the developer consistent with provisions of Section 65864 *et seq.*, of the Government Code. The DA serves as a tool that addresses a wide range of issues and responsibilities of the developer and City as the project is built, above and beyond the project conditions of approval. The developer and City staff met multiple times to negotiate the terms of the draft DA. A summary of the key provisions of the DA include:

- Provides a 20-year term for the life of the DA.
- Acknowledges vested rights (entitlements) of the developer associated with the project.
- Recognizes developer obligation to pay development impact fees. The development impact fees will be used for multiple City programs and improvements, including:
 - Parks and Recreation
 - Community Civic Center
 - Fire Protection
 - Library Services
 - Police Protection
 - Roadways
 - Capital Projects
 - Levee Improvements
 - City Corporation Yard
 - Administration Component
 - Phasing of payment of development of impact fees
- Developer obligations to install necessary public improvements for water, sewer, storm drainage, parks, and roadways.

- The developer will meet City affordable housing objectives by either constructing 10 percent of the project units as affordable (4% very low income, 4% low income and 2% moderate income) or by payment of an in-lieu fee to the City. The developer has indicated they will pay the in-lieu fee.
- The developer will participate in a community facilities district (CFD) or similar funding mechanism once formed by City. The developer would be required to join the CFD prior to recordation of any project final maps. The CFD would be used to provide funding for ongoing operational costs for fire and police facilities, ongoing maintenance of parks, and other governmental services.
- Establishes provisions for reimbursements to the developer for oversizing of infrastructure.
- Includes provisions for considering default, transference, enforcement, and similar actions related to the DA.

As stated above the City Council adopted a set of 12 Growth Policies in order to ensure future growth in the City is developed in a manner consistent with the adopted General Plan and implementation measures. The Growth Polices are applicable to those areas that require preparation of Specific Plans and developer Master Plans. The Walnut Park West project site is included in one of the six master plan areas identified by Council for priority status regarding pre-annexation and preparation of Development Agreements.

The Growth Policies, and staff discussion of project consistency with the policies, follow:

1. *Prior to the City finalizing a development agreement, the developer will have a letter from the affected school district stating that the developer has satisfied their requirements for school infrastructure...at a minimum, all residential developments enter into a Mello Roos District...*

The applicant has obtained a letter from the Yuba City Unified School District indicating that the project would be required to annex to CFD No. 1 in order to mitigate project impacts upon schools.

2. *All residential subdivisions will include an affordable housing component that meets the minimum production standard of affordable housing outlined in the regional compact with SACOG adopted by the City of Yuba City in November 2004. There are a variety of options of how best to meet the affordable housing requirement. These options would be subject to negotiations between the City and developer.*

The project DA includes provisions for developer compliance with City affordable housing policies, through either construction of affordable units on site (per the SACOG compact with the City) or payment of an in-lieu affordable housing fee. The developer has indicated that they will pay the in-lieu fee.

3. *Drainage plans shall be provided for all subdivisions of land and shall comply with the City and County's master drainage plans.*

The applicant's Master Plan application includes detailed drainage plans, which includes construction of storm drain lines along and a new detention basin on the west side of Township Road to serve the greater master plan area. Drainage from the project site will be piped to the drainage system developed as part of the Walnut Park Estates project, which was sized to accommodate this project as well.

- 4. All developments proposing pre-annexation into the City will enter into a development agreement with the City. At a minimum, the Development Agreement will address the financing of roads, parks, public facilities, sewer, water, drainage and surrounding infrastructure as established in the General Plan.*

The draft DA is included within the Commission's packet for review, with final action to be taken by the City Council. The draft DA addresses all infrastructure and service issues.

- 5. All residential subdivisions shall meet the minimum standards for residential design as established by the City Council.*

The design of the subdivision meets the development standards of the R-1 district and complies with overall City design objectives.

- 6. Sewer and water fees, including connection fees and installation of major trunk lines...shall be incorporated into the cost of development and shall be part of the Development Agreement.*

The draft DA includes provision for applicant payment of impact fees to the City, including for water and sewer services. Water and sewer services will be extended from the Walnut Park Estates subdivision to serve the project site.

- 7. Development will be required to pay their fair share of major roadwork as part of their development...*

The draft DA includes provision for applicant payment of impact fees to the City, including for roadway improvements. The developer will be required to construct all on-site improvements as well as the expanded frontage along Township Road.

- 8. Payment of impact fees, which incorporate the public improvements necessary to implement the General Plan, will be required and will be part of the Development Agreement. These fees will be estimates and final payment will be based on a formally adopted impact fee study approved by the City Council. In addition to the park impact fee, the Quimby Act will also apply.*

The draft DA addresses payment of development impact fees (see discussion above under "Development Agreement").

- 9. Payment of a fee to address levee improvements and potential flood issues will be required as part of the Development Agreement.*

The draft DA includes provisions for payment of development impact fees, which shall include levee improvements.

10. *All developments will enter into a Community Facilities District to assist in funding police, fire and park maintenance.*

The draft DA identifies that the applicant will participate in a CFD, once formed by the City, to assist in police, fire, other government services, on-going maintenance of road and park facilities.

11. *All developments will address the community design policies in the General Plan, including walkable, livable concepts and address the village concept as provided for in the General Plan.*

The project, as conditioned and as per changes incorporated in the draft DA, complies with City objectives relative to community design.

12. *It will continue to remain the policy of the City that services will not be extended to unincorporated areas of the Sphere of Influence without first annexing to the City...*

The project site is located within the City of Yuba City. No extension of services will be required beyond the City limits for this project.

Recommended Action:

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

1. Environmental Assessment EA 05-27
 - A) Adopt the Mitigated Negative Declaration (EA 05-27); including provisions for mitigation monitoring and enforcement, that addresses Tentative Map SM 05-06, the Walnut Park West Master Plan/Township Road Area Technical Master Plan, and the project Development Agreement.
2. Walnut Park West Master Plan/Township Road Area Technical Master Plan
 - A) Recommend to the City Council adoption of the Walnut Park West Master Plan/Township Road Area Technical Master Plan for the A&G Montna Properties development of 11.3 acres, finding that the Master Plan is consistent with applicable General Plan Goals and Policies calling for preparation of developer master plans, the City's Master Plan processing criteria, and the City's 12 Growth Policies.
3. Development Agreement
 - A) Recommend to the City Council adoption of the Development Agreement for the A&G Montna Properties development of 11.3 acres, finding that:

1. The Agreement is consistent with applicable General Plan Goals and Policies and the City's 12 Growth Policies, adopted by Resolution 05-049.
2. The proposal is consistent with provisions of Article 2.5 of the California Government Code (Section 65864 *et seq.*), allowing the City to enter into a Development Agreement.
3. The Agreement is consistent with the objectives, policies, general land uses, and programs in the City's General Plan.
4. The Agreement is compatible with the uses authorized within, and the regulations prescribed for, the land use districts in which the project is located.
5. The Agreement is in conformity with the public convenience, general welfare and good land use practices.
6. The Agreement will not be detrimental to the health, safety, and general welfare of persons residing in the general neighborhood of the project or the City as a whole.
7. The Agreement will not adversely affect the orderly development of property or the preservation of property values.

4. Tentative Map SM 05-06 – Walnut Park West

- A) Adopt the following recommended findings for approval of the proposed Tentative Map (05-06):
 1. Following review and consideration of the attached Mitigated Negative Declaration along with the recommended mitigation measures and any comments received, find that with the mitigation measures, there is no substantial evidence that the project will have a significant impact on the environment;
 2. The approval of the Tentative Map for single-family residential development is consistent with the goals, policies and objectives of the Yuba City Urban Area General Plan;
 3. The approval of the Tentative Map for single-family residential development is consistent with the Low Density Residential designation of the Yuba City Urban Area General Plan; and
 4. The approval of the tentative map is consistent with and meets the minimum standards established under the R-1 District.
- B) Approve Tentative Subdivision Map SM 05-06, subject to the following 95 conditions of approval:

General

1. Conditions of Approval related to construction shall be attached to, and be made an integral part of, the improvement plans.
2. The development shall comply with the improvements identified in the Walnut Park West Master Plan/North Township Road Area Technical Master Plan (Master Plan).

Planning Division

3. At any time during the construction phases of the project should historic or cultural resources are unearthed during excavation, all work in the immediate vicinity shall cease and the City shall be notified.
4. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports which shall be used for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.
5. The approval of the Tentative Map is subject to the City Council's subsequent approval of the Master Plan and associated Development Agreement. Prior to the submittal of improvement plans or a final map, the Master Plan and Development Agreement shall be approved by City Council.
6. All residences which back to Township Road shall maintain a minimum rear-yard setback of 60 feet from the masonry wall at the edge of the Township Road right-of-way.
7. The Developer shall require a raptor pre-construction survey to be performed during the nesting season (February to September), to be performed by a qualified biologist. The survey shall include the planned subdivision site. The results of the survey shall be provided to the State Department of Fish and Game for review and acceptance prior to approval of the improvement plans.
8. The Developer shall comply with all provisions of the FRAQMD letter of April 18, 2006, based on mitigations identified in the MHM Engineering list attached to the Air District letter. These mitigations include provisions for:
 - Preparation of a Fugitive Dust Control Plan for review and approval by the District prior to site disturbance.
 - Require use of low-emission engines in construction equipment.
 - Use of bicycle and pedestrian improvements as part of the project.
 - Only utilize natural gas or electrical fireplaces in the residential units.
 - Provision of complementary electrical mowers (first 100 residents).

- Limit painting to not more than 30 homes in a 30-day period.
- Installation of natural gas outlets on rear properties.

Engineering Division

9. The Developer shall prepare and submit improvement plans for the construction of all public improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, signing, striping and streetlights. Improvements shall be in accordance with Master Plan.
10. All design and construction shall conform to the latest edition of the City of Yuba City Standard Specifications and Details, State of California Standard Specifications for Construction of Local Streets and Roads (May 2006), AASHTO Policy on Geometric Design of Streets and Highways for local roads, and FHWA Manual on Uniform Traffic Control Devices for Streets and Highways (2003 edition).
11. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, CalTrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.
12. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. An operational water truck shall be onsite at all times to assist in dust control.
13. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector.
14. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Public Works Department.
15. Temporary silt fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that transport of construction debris can be retained on-site.
16. Open burning is a source of fugitive gas and particulate emissions, which shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) shall be conducted at the project site. Vegetative wastes should be chipped or delivered to waste facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.
17. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street from unpaved roads. Vehicles and/or equipment shall

be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.

18. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
19. Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Department of Public Works and/or Caltrans, and to reduce vehicle dust emissions. An effective measure is to enforce vehicle traffic speeds at or below 15 mph.
20. Reduce traffic speed on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
21. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
22. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work. .
23. The Developer, at his expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
24. The Developer's Superintendent/Representative shall be onsite when contractor is working and be available to the City's Inspectors assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed improvement plans, signed special provisions, signed storm water pollution prevention plan, and the approved project agreement conditions.
25. The Developer's Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project.
26. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.

27. Storage of construction material is not allowed in the travel way.
28. The Developer and/or the Developer's Superintendent/Representative shall have a pre-construction meeting with the City prior to commencing construction of public improvements. The Developer shall notify the City of the meeting no less than two working days in advance of such meeting. Those in attendance at the meeting shall include: the City, the Developer and/or the Developer's Superintendent/ Representative, the Contractor, the Design Engineer, the Developer's safety representative, the Developer's SWPPP representative.
29. In the event that the City is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including but not to be limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees. In the event that the City elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the City, deposit with the City, as an advance, the full estimated cost of such acquisition or condemnation. The developer shall prepare any easements or deeds necessary for off-site improvements.

Building Division

30. The only hard surface (concrete or pavers) that can be placed in the street planter area other than the standard driveway serving the residence is 18" wide strips to accommodate the wheel path of vehicles.

Prior to issuance of Grading Permit

Engineering Division

31. On proposed developments that are larger than one acre, provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.
32. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
33. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the tentative map. The Engineer of Record shall designate on the plans

as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6” (inches). The use of any type of wood as the retaining wall is not permitted.

34. A master grading plan for all phases of the subdivision shall be submitted to the Public Works Department as part of the improvement plans with the first subdivision phase.
35. The Developer shall file improvement plans with City showing utility line locations within public rights-of-way.
36. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation.
37. The rear yards and/or side yards of the lots that are created by this subdivision that are adjacent to existing residential development shall have the same finish grade elevation as those lots within tolerances as approved by the Public Works Department.
38. The Developer shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). The Developer shall be responsible for maintaining the SWPPP. The SWPPP shall conform to the provisions in Section 7-1.01G, "Water Pollution," of the Caltrans Standard Specifications for construction of streets and local roads dated May 2006, the requirements in the Manuals, and the requirements of the Permits. The Developer shall be responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct the successful contractor to develop a SWPPP document per the directions on the Caltrans website at <http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>. The Contractor shall submit the SWPPP document within the time lines set forth on the development’s special provisions and allow 15 days for the City of Yuba City to review and approve or return the document for revisions. *The developer/Contractor shall not start any work until the SWPPP document has been approved by the City of Yuba City.* Should the Developer fail to ensure satisfactorily compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.
39. The following minimum Best Management Practices (BMPs) shall be required during construction:
 - a. Construction crews shall be instructed in preventing and minimizing pollution on the job.
 - b. Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per site. Vehicles entering and leaving construction sites spread pollutants such as sediment, gravel, and other loose particles onto adjacent roads. Pollutants are washed into roadside ditches and are a nuisance to drivers and may cause damage to vehicles.

- c. Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro-seeding, mulch, use of plastic sheeting or other approved means.
- d. Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
- e. Designate a concrete washout area, as needed; to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
- f. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
- g. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
- h. Be prepared for rain and have the necessary materials onsite before the rainy season.
- i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.
- j. Contractor to comply with the Storm Water Pollution and Prevention Plan.

Building Division

- 40. Prior to beginning construction, the applicant shall obtain a demolition permit from the City for removal of all existing structures on the site.
- 41. All existing well(s), septic tank(s), and service lines shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments, respectively.
- 42. The Developer shall prepare a soils report that includes soil sampling and laboratory testing to determine potentially hazardous concentrations of agricultural chemicals. If the chemicals are found in concentrations that exceed State or Federal standards, the report shall include recommendations for remedial actions to mitigate the hazard. Any required soils remediation actions shall be completed prior to issuance of a grading permit or building permit.

Prior to approval of Improvement Plans

Planning Division

- 43. The Developer shall be required to construct a 6-foot high decorative masonry block wall with a 2' berm or 8' sound wall (masonry block wall) along Township Road the full length of the project. A detail of the wall shall be shown on the improvement plans with the first phase of development for each unit. Design of the wall shall be reviewed and approved by the City prior to its construction in each phase. (*Noise Mitigation Measure*)

44. Improvement plans shall include a Class I bicycle lane along the east side of Township Road, and Class II bicycle lanes on Greene Lane and Monroe Drive, meeting City standards.

Engineering Division

45. Roadways shall be constructed in accordance with the typical sections shown on the Tentative Map for Township Road, Greene Lane, Monroe Drive, and all other interior streets.
46. A Subdivision Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to recordation of map.
47. The contractor shall obtain an Encroachment Permit from the City and/or County prior to performing any work within public rights of way.
48. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other affected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. The developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.
49. Where an excavation for a trench and/or structure is 5 feet deep or more, the contractor shall conform to O. S. H. A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department.
50. Improvement plans shall be approved by the Yuba City Fire Department.
51. The structural section of all road improvements shall be designed using a geotechnical investigation which provides the basement soils R-value and expansion pressure test results. The structural section shall be designed to the following standards:
 - a. Use 3” minimum for residential, and 4” minimum for collectors and arterials, of ‘Type A’ asphaltic concrete over Class 2 aggregate base (the thickness of the base shall be designed to the R-value of the soil)
 - b. Use a traffic index of 6 for residential streets
 - c. Use a traffic index of 7 for collector streets
 - d. Use a traffic index of 10 for arterial streetsA copy of the geotechnical investigation, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check.
52. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Public Works Department. Twenty-five miles per hour speed limit signs shall be installed within the subdivision at locations

determined by the Public Works Department. The Developer shall submit to the Public Works Department a design recommendation for all other speed limits. These proposed speed limit signs shall be shown on the Improvement Plans.

53. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.
54. The Developer shall be responsible for preparation of a street tree and irrigation plan that is deemed acceptable by the Director of Parks and Recreation prior to entering into a Subdivision Agreement with the City.
55. The street landscape planters, the street trees, and street lighting are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans and specifications for the subdivision when the improvement plans are submitted for the first improvement plan check.
56. The street trees proposed by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree specie(s) shall be a shade type approved by the City Arborist and the Public Works Department. Only one tree specie shall be planted on any street.
57. The final improvement plans shall reflect street tree placement so that no interference with streets, streetlights, and driveways will occur to the satisfaction of the Public Works Department.
58. The Developer shall prepare a detailed landscape plan for the Township Road frontage for City review and approval. The plan shall be consistent with the General Plan and design policies, calling for provisions for a continuous and dense landscaping by planting no more than two species of trees close, in multiple layers, and installation of street trees at Monroe Drive that are different from those used on the rest of the street.
59. Landscaping along Township Road shall be irrigated by a separate water service and meter. The Developer shall pay all applicable fees.
60. The Developer shall prepare a detailed landscape plan for the public area parcel (A) that identifies plant species, sizes, and irrigation details.
61. All landscape water services shall have reduced pressure backflow preventers.
62. Prior to the approval of the Improvement Plans, the Developer shall submit to the Sutter County Public Works Department a drainage plan for any drainage improvements that utilize County facilities for approval by the Sutter County Public Works Director.
63. The Developer shall, prior to the issuance of the first certificate of occupancy of the first residence in Phase 1, construct a solid 6-foot high chain link fence across the south side of Monroe Road at the back of curb.

64. The Developer shall enter into an agreement with Sutter County providing the following:

Participation in a zone of benefit, drainage district, agency, service area or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement shall contemplate the imposition by the district or public entity of any legally available fee, assessment or other financing mechanism to facilitate the construction and maintenance of a drainage system.

65. Special drop inlet frames and grates shall be installed at all drop inlets and junction drop inlets throughout the development area. Cast into the curb back shall be a message "Dump No Waste – Drains to River". If casting cannot be found that fits the City's standard drop inlet, then designated markers, approved by the City, shall be installed to the manufacturer's specifications on the top of curb, or at an appropriate alternative nearby location when no curb is available, at all storm drain inlets in the development area.

66. The Improvement Plans shall show provisions for the placement of centralized mail delivery units in the Public Utility Easement (P.U.E.). Developers will provide a concrete base for placement of the centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba City Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.

67. Required Improvement Plan Notes:

- a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
- b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
- c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."
- d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers

shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s).”

- e. “Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department.”

Prior to acceptance of Public Improvements

Engineering Division

- 68. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.
- 69. Prior to paving, the Developer shall hydroflush, and televise, all storm drain mains and all sewer mains. In addition, prior to the City’s acceptance of the subdivision improvements, and at the Public Works Department’s discretion, the storm sewer and sewer mains shall be re-hydroflushed.
- 70. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the geotechnical investigation, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic investigation shall be submitted for approval by the Public Works Department. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of settlement and seismic activity.
- 71. Prior to acceptance of the improvements, all sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
- 72. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been added to the plans, the Engineer of Record shall submit both an electronic copy (AutoCad version 2000 or newer) and hard copy (on mylar) to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.

Prior to Final Map Recordation

Engineering Division

- 73. The Developer shall pay for their share of off-site improvements identified in the “Draft North Township Road Area Phasing Analysis and On-Site Circulation Evaluation in Yuba City” prepared by Fehr & Peers and dated April 18, 2006, required to serve the

project that are not currently covered by the City's Development Impact Fee Program or a Reimbursement Agreement.

74. The Developer shall pay reimbursements due other developers for off-site improvements constructed by others that benefit the subject project. Existing Reimbursement Agreements include the Walnut Park Estates Reimbursement Agreement, the State Route 20/Western Parkway Reimbursement Agreement, and the Teal Hollow Unit 2 Reimbursement Agreement.
75. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting District for the purpose of maintaining street trees which are to be planted along all streets, maintaining the street lights, and maintaining the masonry walls. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
76. All street lighting shall be dedicated to the City of Yuba City.
77. A public utility easement shall be provided along all interior streets extending 10 feet behind the back of the sidewalk.
78. A public utility easement shall be provided along the street frontage of Township Road as shown on the Tentative Map, varying in width from 12.0' to 30.5'.
79. The Developer shall be required to pay any applicable Sutter County Water Agency drainage fees. The Developer shall provide the City with a copy, prior to the recordation of the final map, of the receipt indicating that the fees have been paid.
80. The Developer shall demonstrate to the satisfaction of the Public Works Department, how notice will be provided informing individuals acquiring lots in this subdivision of the proximity of:
 - a. *Ongoing agricultural operations such as: burning; pesticide spraying; machinery operation; and other impacts associated with said activities are in the vicinity of the subdivision and have the right to continue such operations, and*

Prior to Building Permit

Planning Division

81. Model home construction shall comply with the provisions of Municipal Code Section 8-5.5002.C.
82. Development shall be subject to City Design Review and approval by the Community Development Director prior to issuance of building permits. Design shall substantially comply with the general design guidelines and architectural themes contained in the Walnut Park West Master Plan. Submitted Design Review plans shall include all

building elevations, floor plans, corresponding site (lot) plan, and color and materials board.

83. Detailed plans shall be submitted to the Community Development Director and Public Works Director for review and approval to determine substantial compliance with the approved Tentative Map and corollary Master Plan.

84. The Developer shall have prepared a geotechnical engineering report that includes recommendations for site preparation, foundation systems and related actions to reduce potential impact from seismic events and expansive soils. Report recommendations shall be included in preparation of building and improvement plans.

Engineering Division

85. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of first building permit for each phase of construction.

Building Division

86. All street lighting shall be energized prior to the issuance of any building permits.

87. A building pad certificate from a licensed engineer as well as a lot grading certificate from a licensed surveyor shall be provided to the City.

Prior to Certificate of Occupancy

Engineering Division

88. Each lot shall be landscaped between the residence and the curb prior to occupancy between October 15th and April 15th. If it is deemed impractical, by the Public Works Department, to have the landscaping completed prior to occupancy, the Builder/Developer shall provide security for the value of the landscaping and commit to a water quality control plan to prevent the input of pollutants from the lot to the urban drainage system as approved by the Public Works Department.

89. Prior to the issuance of any certificate of occupancy of any building, the curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced.

90. The Developer shall construct the perimeter subdivision wall and/or fence to the satisfaction of the Public Works Department.

91. The Developer shall construct a solid 6-foot high chain link fence across the right-of-way of Montna Way and Green Lane connecting with the adjoining six-foot high fences. This fencing shall be constructed in addition to the standard dead end barricade. The fence

and barricade shall be maintained by the City via the landscape and lighting district, as shown on the improvement plans.

92. All reduced pressure backflow preventers shall be tested and a back flow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.

Building Division

93. All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both onsite and along all project frontages shall be placed underground. The undergrounding shall go from the next post beyond the project frontage, across the frontage and then to the next post beyond the project boundary. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets. Appropriate easements shall be obtained by the Developer to facilitate these installations.
94. A lot grading certificate from a licensed surveyor shall be provided to the City. This certification shall be performed after the placement of landscaping (unless a landscaping bond is in place).
95. All underground utilities, public improvements, and site improvements, including rough grading, shall be completed.

2. CONSIDERATION OF AN UPDATE TO THE HARTER SPECIFIC PLAN FINANCING PLAN AND AN AMENDMENT TO THE HARTER SPECIFIC PLAN DEVELOPMENT AGREEMENT REGARDING INFRASTRUCTURE OBLIGATIONS AND FEE CREDITS.

Project Description:

The applicant, Harter Packing Company and the City of Yuba City are proposing the following applications for the Planning Commission's review and consideration:

1. An Amendment to the Harter Specific Plan Development Agreement regarding infrastructure obligations and fee credits.
2. An update to the Harter Specific Plan Financing Plan related to the Harter Fee calculations and credits.

Background:

In October of 2004, the City of Yuba City approved the *Harter Specific Plan* for the development of approximately 180 acres located generally between Butte House Road to the North and Highway 20 to the south, and Tharp Road to the east and Ruth Avenue to the west. A copy of the land use diagram is provided in Attachment 1. The Specific Plan is intended to

provide for the orderly development of the subject property and includes proposed land uses, design guidelines, specific plan policies and standards, location of proposed infrastructure including roads, and an implementation/financing element.

At the same time, the City also approved the *Harter Specific Plan Financing Strategy and Phasing Plan* (“Finance Plan”) that was designed to assign costs associated with the necessary infrastructure improvements fairly and proportionately to those properties within the plan area. The Finance Plan addresses such issues as timing, phasing, cost of infrastructure improvements, and resulting cash flow issues. Additionally, the Finance Plan created the “Harter Specific Plan Infrastructure Fee” (Harter Fee) to provide for the developers “pay as you go” funding of infrastructure cost. This fee attributes the cost of infrastructure to each parcel as a prorated portion of anticipated construction cost. The Harter Fee is a developer imposed financing fee and is not related to Yuba City’s Development Impact Fee (DIF). The Harter Fee was last modified by City Council action on July 17, 2007.

On November 2, 2004, the City of Yuba City, Harter Packing Company, and Brown Yuba City, LLC entered into a Development Agreement (DA) which provides for the terms and conditions of the development of the plan area. This DA addresses among other items, the developer’s obligations for the development of the plan area including infrastructure improvements, park improvements, fee obligations, and credits.

Two years ago, Yuba City initiated a process to update its Development Impact Fees. This process followed the revision to the City’s General Plan, which was a necessary step in validating the basis for the development fee studies. State law (AB 1600) requires that a direct relationship be established between fee charges and the impacts created by new development. The City Council formed an Ad-hoc Committee to establish the basis for the Impact Fee revisions. This process resulted in the establishment of revised Development Impact Fees adopted by the City Council on October 16, 2007.

The establishment of revised Developer Impact Fees included establishing new fees for levees and community facilities. Adoption of the new Impact Fees included discontinuing City reimbursements for the oversizing of water, sewer, and roadways. Reimbursement for the cost of oversizing infrastructure is now predicated on future development paying their pro rata cost share to the original developer at the time of their future development. A few ongoing development projects, such as Harter, were identified as “pipeline projects,” which were to be revisited in relationship to the new development fees and policy changes.

Negotiations between staff and the Harter representatives resulted in a tentative agreement on the main points associated with the modification of the Harter Specific Plan Development Agreement and Financing Plan. This conceptual agreement was forwarded to the City Council at their May 20, 2008 meeting for review and consideration. The Council approved the concept of the proposed amendments to the Harter Development Agreement and Finance Plan and directed staff to proceed with the formal revisions. The proposed amendments require Planning Commission review prior to being forwarded to the Council for final action.

Analysis:

Provided below is a summary of the proposed changes to both the Development Agreement related to park construction phasing, fees and credits, and the Financing Plan regarding the Development Impact Fee phase-in and the extension of “Fee Credits” for oversizing infrastructure components.

Development Agreement Modifications

Amendments or addendums to the Development Agreement require the Planning Commissions’ review and approval. The first proposed modification to the Development Agreement would allow for the construction of the required five acre park in two phases. Park construction is now tied to completion by the 60th residential permit. Revised construction phasing would provide for the construction of the park in two phases coinciding with the issuance of final residential certificates of occupancy for Harter North and Harter South subdivisions, respectively. The other change that involves the Finance Plan, is the implementation schedule (phasing) of the Development Impact Fees for the plan area. Per the City Council’s direction when the Development Impact Fees were approved, the Council ordered a one year freeze of the new fees for residential projects, and a re-evaluation of the fees after a one year freeze for commercial projects. Since the Harter Specific Plan was identified by the Council as a “pipeline” project, a different phasing schedule was negotiated.

The proposed implementation of the revised Development Impact Fees would allow for a one year freeze on existing fees and a 15% per year phase-in of impact fee increases. All fees are subject to the annual cost of living adjustment (COLA) and the new levee fees become effective immediately. Sierra Central, an original Harter site project, would be given an extension holding existing fees through January 1, 2010. For further details of the proposed phasing schedule, refer to Exhibit A of the proposed amended DA.

Financing Plan Modifications

The modifications to the Financing Plan require an annual review and adjustment of the Harter Fees, as necessary, to provide for Developer imposed infrastructure cost. The Harter Fees are impacted by the extension of “Fee Credits” for infrastructure oversizing, as required by Yuba City’s General Plan, for water lines, sewer lines and roadways.

The Harter Fees are developer imposed and administered by the City as provided for in the Development Agreement. The City’s consultant, Joanne Brion, has developed the Harter Fee spreadsheet model to calculate and attribute Harter fees by parcel. Harter fees reflect the cost of construction and the application of Developer Impact Fee Credits for the oversizing of sewer lines, water lines and roadways as required by the City’s General Plan.

The approach used to determine the Harter Financing Plan and Harter fees has been consistent since the adoption of the Development Agreement in 2004. The current update reflects changes in the construction cost index and credits based on the oversizing of infrastructure. The revised “Harter Fee” by land use type is summarized in Table 1.

**Table 1
Comparison of 2007 to 2008 Harter Fee Rates**

Land Use	2007 Rate	2008 Recommended	Change (%)
Single family	\$14,404/unit	\$13,104/unit	-15%
Multi family	\$ 8,292/unit	\$7,510/unit	-14%
Commercial	\$17.65/sq. ft.	\$14.53/sq. ft.	-30%
Office	\$15.85/sq. ft.	\$13.05/sq. ft.	-30%
Business	\$9.20/sq. ft.	\$7.82/sq. ft.	-26%

The other issue associated with the amended Finance Plan is the subject of Fee Credits. The adoption of the revised “Development Impact Fees” last year provided for the elimination of “City Reimbursements” for oversizing water, sewer and/or roadway infrastructure. Future development is now required to enter into a “Reimbursement Agreement” for utility/roadway extensions or oversizing. The extension of “Fee Credits” is being proposed as the mechanism to reimburse the developer out of the development’s own impact fees for infrastructure oversizing. The Harter Development would be eligible for categorical fee credits, as a new development, as provided in Table 2.

**Table 2
Harter Impact Fee Credit
Eligibility by Category
(\$ Millions) 2008 dollars**

Fee Category	Impact Fees	Fee Credits
Roads	\$3.5	\$2.2
Sewer	4.9	.6
Water	3.6	.7
Other	2.5	0.0
Total	\$14.5 M	\$3.5 M

The Harter Development, as proposed, will generate \$14.5 million in impact fees. Under the new Development Fee Impact structure, the developer would be eligible for \$3.5 million in fee credits. Such credits would be used in lieu of “City Reimbursements” for infrastructure oversizing to meet the City’s General Plan requirements. The funding for the proposed fee credits would be generated by the Harter Development as it is built out. The fee credits would be issued based on actual construction cost only at the time of improvement completion. Total fee credits would not exceed the amount of fees owed by the Harter Development by category. No credit will be given for the Development of Marketplace or the construction of Poole Boulevard or Jefferson Avenue within the Harter Development.

Environmental:

An Environmental Impact Report (EIR) was approved for the Harter Specific Plan project. The proposed amendments to the Development Agreement and Finance Plan are consistent with the assumptions of the EIR and therefore there is no additional environmental review required.

Recommended Actions:

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

- A. Recommend that the City Council approve the First Amendment to the Harter Specific Plan Development Agreement as shown in Exhibit A.
- B. Recommend that the City Council approve the Update to the Harter Specific Plan Financing Strategy and Phasing Plan as shown in Exhibit B.