

MEMO

To: Planning Commission
From: Susan M. Peters
Subject: Notice of Intent to Develop
Date: April 20, 2009

Discussion

In January 2009 the City Council reviewed the Planning Commission's recommendation for a 2009 allocation of 150 Housing Equivalent Units (HEUs). After taking public comment the City Council accepted the Planning Commission's recommendation and set the allocation at 150 HEUs. This allocation was based primarily on the 2005 allocation formula of spreading the remaining sewer capacity over three years. Subsequent to their decision staff advertised in the Ledger Dispatch. The following Notice of Intent to Develop was received by the March 31, 2009 deadline:

- Westbend – Fuller Family Partnership – a maximum of 400 single and multi family residences on 227 acres. Only requesting 150HEUs this year for Phase 1. Future phases will require the allocation of additional HEUs. Located on the north side of French Bar Road in the south west portion of the City of Jackson.

Recommendation

The Planning Commission is to review the Notice of Intent to Develop and make a recommendation to the City Council regarding award allocations of no more than 150 HEUs based on the specific criteria established in the Resource Constraints and Priority Allocation Policy.



WESTBEND

PROJECT CONTACTS

OWNER: Fuller Family Partnership
P.O. Box 1083
Jackson, CA 95642

Contact: Brian Drake
(209) 304-2296

CONSULTANT: Toma & Associates
41 Summit Street
Jackson, CA 95642

Contact: Matt Toma
(209) 223-0156



WESTBEND

NOTICE OF INTENT TO DEVELOP

In Compliance with
Ordinance No. 646
of the City of Jackson, California

March 18, 2009

WESTBEND

PREFACE

Fuller Family Partnership is the owner of approximately 277 acres to the southwest of the city of Jackson, California. In anticipation of the needs of future residents, Westbend is planned to include affordable "entry level" homes, conventional single family detached residences, as well as larger semi-custom and custom homes. Westbend has also been planned to enhance the rural lifestyle residents expect in the city of Jackson via its extensive network of open space systems, nature park and trailhead with connections to Jackson Creek and Downtown Jackson. Westbend further preserves the rural environment with more than 56% of the site designated to open space.

Westbend provides the City of Jackson with numerous benefits to the community, including:

- Dedication of approximately 12.5 acres to the Amador County Unified School District for a new elementary school
- A broad range of housing types, including both affordable and attainable ownership opportunities
- Dedication and construction of a new passive nature park and trail system
- An environmentally sound plan that preserves Jackson Creek, existing stream courses, public viewsheds and habitat
- A commitment to work with the Amador County Transportation Agency in alleviating "existing" traffic problems along Highway 49
- Pro-rata share participation in public service and infrastructure improvements
- Financial capability to pro-actively construct required roadway and infrastructure improvements in a timely manner
- A commitment to the community

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HEU REQUEST

Fuller Family Partnership wants to move ahead with the planning and design of Westbend. In order to proceed, we need a housing equivalent unit (HEU) allocation to begin the entitlement process. As such, we are requesting an allocation of 150 HEUs for the year 2009.

It is our intention, upon City approval and procurement of an allocation, to initiate the preparation of more detailed site plans, conduct the requisite environmental studies, prepare master infrastructure plans and develop detailed architectural plans in anticipation of submitting applications for entitlements during 2009. The project will be phased over a multi-year period.

SITE LOCATION

The property is located northwest of French Bar Road, west of State Highway 49 and south of Jackson Creek. Topographically, the site is characterized by a series of gently sloping plateaus that fall quickly toward Jackson Creek along the northern property boundary. On-site elevations range from 1,100 feet to 1,605 feet above sea level. Biological features found on the property include riparian/stream corridors, annual grassland and oak woodland savanna vegetative communities.

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DEVELOPMENT CONCEPT

As envisioned, Westbend will epitomize quality, harmony and opportunity. Quality expressed through design excellence with emphasis on both architectural and landscaping details. Harmony achieved through the careful planning of home sites, roads and recreational areas set against a background of preserved hillside expanses, streams and woodlands. Opportunity achieved through the creation of neighborhoods offering a variety of home types and sizes within walking distance of the retail and cultural environs of Downtown Jackson. Westbend provides a unique opportunity to add to the diversity and richness of the Jackson community.

Development concepts presented in this document are preliminary. Fuller Family Partnership wants to work with staff, elected officials, local agencies and the community in developing the plan that best meets the needs, expectations and desires of all effected stakeholders.

RESIDENTIAL LAND USES

Proposed concept for the site calls for the development of a number of individual residential neighborhoods phased to accommodate requisite on and off site infrastructure improvements.

In general, Planning Areas 1 and 2 are planned to cater to young families, offering higher densities in a traditional layout. Planning Area 1 is also planned to include homes intended to satisfy the 10% affordable housing requirement. Overall, this area is envisioned to contain a range of 150 to 180 homes.

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Residential Land Uses, continued

Planning Area 3 requires a different approach to site development as it occurs in an area exhibiting a higher degree of slope and is partially visible from areas in and around Downtown Jackson. Home sites in this area will be planned to occur on larger lots in a more informal setting to maximize each site's compatibility with the terrain. Overall, Planning Area 2 is envisioned to contain a range of 50 to 60 homes.

Planning Areas 4, 5 and 6 occur on two plateaus separated by a moderate change in grade. Home sites in this area call for a more traditional form of single family development interspersed by open space links. Large heritage oaks within these areas will be preserved within lots or open space to the maximum extent possible. Overall, Planning Areas 4, 5 and 6 are envisioned to contain a range of 150 to 160 homes.

Planning Area 7 is planned to accommodate a new elementary school with a roughly 12.5 acre site dedicated to the Amador County Unified School District.

OPEN SPACE

Approximately 56% of the site has been planned to remain as natural open space. Much of the property's unique environmental habitats occur within this open space preserve which proactively mitigates potential environmental impacts.

PARKS and RECREATION

Lifestyle opportunities envisioned for Westbend include recreation in the form of both passive and active facilities. A large natural park area has been planned to occur within the natural drainage course separating Planning Areas 1, 2 and 3 providing for passive activities and access in the form of a trailhead to the open space afforded by the plan. Active or more structured recreation facilities will be planned to occur within the elementary school site.

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PEDESTRIAN and BICYCLES

Proposed concept calls for the development of an internal trail system that connects each of the unique Westbend neighborhoods to the Downtown core via Jackson Creek. This paved trail system will provide both pedestrians and bicyclists access to the retail and cultural core of the City without the need of a car. The trail can also be seen as a part of a larger pedestrian/bicycle system encompassing a more substantial part of the Jackson community.

TRANSPORTATION

The project will contribute its fair share toward roadway and circulation improvements as identified in subsequent traffic studies. In addition, the project will be required to pay all applicable local and regional traffic fees.

WASTEWATER and WATER SERVICES

Detailed plans developed for the project will identify project specific water and wastewater disposal needs and any improvements required to the City's master planned facilities. The project will contribute its fair share toward master planned improvements and be responsible for all onsite work. In addition, the project applicant will investigate the use of treated effluent for irrigating common landscape areas. It is anticipated that most of the landscape improvements will utilize native and/or drought tolerant plantings to minimize the need for irrigation.

ARCHITECTURAL DESIGN CRITERIA

Guiding architectural principals will work with the land, particularly on sloping sites, in minimizing problems with excessive mass or bulk and the elimination of large flat planes. Architectural detailing should reflect the rural character of Jackson through the use of natural materials and subdued colors. All elevations of the structures should receive equal architectural treatment.

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GRADING DESIGN and VEGETATIVE SCREENING

Where development is visible from sensitive receptors, mitigation measures in the form of vegetative screening should be used filter the view of the residences. Planting patterns should mimic natural site patterns, occurring in random groupings or in bands similar to those occurring along natural drainage courses. When the residence is located near existing groups of trees, screening techniques should look like an extension of that natural planting scheme. Foreground landscaping with particular emphasis on the use of indigenous plant material should be employed to filter views of new development activities.

In order to lessen the visual impact of grading, altered areas should avoid the typical manufactured slope appearance. Options include varying the grade within the altered area, leaving pockets of undisturbed terrain and rounding all tops and toes of slopes. Leaving undisturbed pockets of terrain can also retain existing site features such as vegetation that can also be used in the landscaping program.

Rather than grading a singular pad to accommodate the structure and associated facilities on larger lots, a series of pads should be constructed in order to work with the natural slope of the land. Builders should work around existing site features such as trees or rock outcroppings, as well as employing the use of stepped foundations and retaining walls to further reduce pad requirements.

Ordinance No. 646

An Ordinance of the City of Jackson Establishing a Resource Allocation Program Limiting Development within the City of Jackson (uncodified)

The City Council of the City of Jackson does hereby ordain as follows:

Section 1. Findings

A. The City of Jackson is facing significant limitations on its ability to provide sewer, water, road capacity, and other infrastructure and services necessary to support the development of private property within the City,

B. It is necessary for the protection of the environment and the public health, safety and welfare of the citizens of Jackson that the timing and amount of new development allowed is consistent with the available resources and the provisions of the City General Plan,

C. It is required by both state law and city policy that road, water, and sewer capacity be available to support the construction of housing affordable to those who live and work in the City.

D. Any allocation system must accommodate those with an existing, ministerial right to develop their property the opportunity to do so before any new discretionary development approvals are allowed.

E. Based upon the above findings of fact and the evidence contained in the administrative record of the proceeding, the City Council finds and determines that the adoption of this ordinance is categorically exempt from California Environmental Quality Act under Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment).

Section 2. Definitions

Affordable dwelling unit means either a “low income dwelling unit,” or a “very low income dwelling unit,” or a “moderate income dwelling unit” as defined by the State Department of Housing and Community Development.

Applicant means the person applying for discretionary review.

Development project means any project undertaken for the purpose of development, as defined in the Subdivision Map Act (Government Code sections 66410, et seq.), and shall specifically include any tentative parcel map, tentative subdivision map, final parcel map, final subdivision map, preliminary development plan, or final development plan of five or more lots.

Dwelling means a building or structure, or portion thereof, designed for residential occupancy with facilities for cooking, sleeping, and bathing; provided, however, dwelling shall not mean any building or structure designed primarily for transient residents, such as hotels or motels.

Dwelling unit means one or more rooms in a dwelling designed for occupancy by one person, or group of people, with a common entry and a common cooking facility.

HEUs means "Housing Equivalent Units," and are an allotment made by the City in accordance with this policy which must be obtained by an applicant by allocation prior to applying for any new discretionary development.

Reasonable Certainty means that the applicant has provided documentation, to the satisfaction of the Planning Commission and City Council, which establishes that the financing necessary for the public facilities and services required to serve the development project is secured and which feasibly provides the required public facilities and services in a timely manner. In analyzing "reasonable certainty," the Planning Commission and City Council shall consider: (a) the availability of interim capacity in existing public facilities, including an analysis of the amount of unused and unallocated capacity, and the City's obligation to provide the unused and unallocated capacity to reasonably foreseeable future applicants or users; and (b) the availability of financing for the permanent public facilities which will serve the applicant's development project, including an analysis of financing from the applicant and financing which will come from other development projects which benefit from the public facilities; and (c) the anticipated date of completion of construction of the permanent public facilities which will serve the applicant's development project.

Section 3. Applicability and Exceptions

The provisions of this ordinance shall apply to all new development of private property within the City, which requires discretionary approval by the Planning Commission or City Council except as specifically set forth in this section.

Exceptions:

1. Variances for existing structures;
2. Conditional Use Permits for existing structures;
3. Boundary Line Adjustments;
4. Amendments to a Planned Unit Development (PUD) or Planned Development overlay (pd) which do not increase project size, allowable level of development, or require the use of any additional water, sewer or road capacity;
5. Any discretionary action for affordable housing projects intended for very-low, low, and moderate income persons;
6. Subdivision of parcels with existing structures (i.e. subdividing duplexes parcels for individual ownership);
7. Subdivision of four or less parcels assuming the subdivision utilizes the entire property (no "remainder" lots), the intended use is consistent with the General Plan Land Use Designation and Zoning, further subdivision is prohibited, and the subdivision does not require extension of public facilities or infrastructure;

8. Expansion of community medical facilities necessary to the provision of emergency care and treatment for residents of the City;
9. Such other exceptions as the City Council may approve by resolution after a public hearing; and
10. Exceptions required by the order of a court of competent jurisdiction.

Section 4. Establishment of Housing Equivalent Units

In January of each year the City Council with recommendations from the Planning Commission shall establish by resolution the Housing Equivalent Units (HEUs) that will be available each year. HEUs would be based upon the public facility and resource constraints that exist in the City of Jackson and the status of planned infrastructure improvements. Infrastructure improvements would be those prescribed in the City's Circulation Element of the General Plan, the Amador County Regional Transportation Plan, the Amador Water Agency's Urban Water Resource Plan, and the City's Waste Water Treatment Plant Facilities Plan. Other facility and resource management plans should be used if available. Unused HEUs from previous years should be considered when establishing the current year HEUs.

As part of the HEUs establishment process, the City Council shall determine what percentage of HEUs shall be available for ministerial projects. This percentage shall be based on analysis of the likelihood that vacant properties within the City of Jackson will develop which do not require discretionary review given the historical rate of development of these types of properties.

Section 5. Development Criteria for Allocation of Housing Equivalent Units

The City Council shall also annually establish by resolution development criteria for allocation of HEUs. The development criteria will apply to projects intending to request an HEU allocation. The criteria will consist of but not be limited to the following:

- Economic benefit or detriment to the City of Jackson of the proposed project;
- Improvements to be provided as a result of the proposed development which help to alleviate existing infrastructure constraints including:
 - Road improvements to preserve or enhance levels of service,
 - Recreational amenities (especially recreational fields) for use by the public,
 - Sewer treatment plant improvements or new facilities,
 - Preservation of the environment including trees, open space, wetlands, and views from public streets and rights of way,
 - School facilities;
- Provisions of affordable and workforce housing in excess of minimum requirements ;
- Projects which in-fill around existing development;
- Site development constraints; and/or
- Sensitivity to historic features

Section 6. Notice of Intent to Develop Required

Immediately following the establishment of the available annual Housing Equivalent Units and Development Criteria, the Planning Department will advertise in the local newspaper along with at least one metropolitan newspaper (i.e. Stockton Record or Sacramento Bee) availability of housing equivalent units and will begin accepting Notices of Intent to Develop.

The Notice of Intent to Develop shall be required for each project subject to this policy and seeking development approval in the calendar year specified in the developer's notice. Developers intending to apply for more than one project must complete a separate Notice of Intent to Develop for each development project. The Planning Department will work with applicants of proposed commercial developments to determine the appropriate HEU allotment to request.

Completed Notices of Intent to Develop shall be submitted to the Planning Department by March 31 of each year. Each Notice shall be signed by the property owner or his/her authorized agent. In order to meet the minimum standards required to obtain an allocation, the applicant shall provide documentation to the satisfaction of the Planning Commission and City Council that the public facilities and services required to serve the development project, including each of the elements outlined below, are (1) included in existing capacity funded by the applicant, or (2) there is reasonable certainty that the needs of the development project will be satisfied at the time that the need arises. The term "reasonable certainty" is defined in Definitions section of this document. The public facilities and services to be analyzed by the Planning Commission and City Council for each notice shall include the following information:

1. Project size (number of housing units or square footage of commercial structures, and acreage) and type of use (single-family residential, professional office, commercial, etc.);
2. Phasing (geographic and/or chronologic if over more than the applicable calendar year);
3. Number of bedrooms per housing unit or suites for commercial or office buildings;
4. Anticipated price or rental range;
5. Project amenities (private or public);
6. Public improvements (on and off-site);
7. Notice submittal date;
8. Estimated development application submittal date;
9. Number of HEUs requested (for commercial developments staff will work with the developer to determine this number);
10. A brief narrative describing how the proposed project satisfies the City Council's Development Criteria; and
11. Any other information considered pertinent by the Planning Director.

The number of HEUs requested on the Notice of Intent to Develop shall not be construed as a guarantee that the developer will either receive that number of allotments from the City Council or that the project will be approved for that number of units.

Section 7. Allocation of Housing Equivalent Units

By April 30th of each year, the Planning Commission shall have reviewed all Notices of Intent to Develop submitted for consistency with the Development Criteria established by the City Council and made recommendations for the allotment of HEUs. Along with the Development Criteria, all Notices of Intent to Develop shall be reviewed to determine their impact upon the following public facilities and services:

1. The water system to be utilized (including supply source, storage, treatment, and distribution);
2. The wastewater system to be utilized (including conveyance and treatment);
3. The storm drainage system (including permanent facilities and interim ponds prior to construction of the permanent facilities);
4. The roadway system (including regional highways, streets and interchanges, transit, bikeways, local streets, traffic signals, and other public right-of-way improvements);
5. The park system (including mini parks, neighborhood parks, and community parks);
6. Public buildings (including buildings for city hall, police, fire, public works maintenance, community meeting facilities, libraries, and aquatics);
7. Police protection services and facilities;
8. Fire protection services and facilities; and
9. School facilities.

By May 31st of each year the City Council shall have reviewed all Notices of Intent to Develop submitted and the recommendations of the Planning Commission and will award an allotment of the HEUs.

The allocation of HEUs to a specific project is not a commitment in any way that the Planning Commission or City Council will eventually approve the project, nor is it a commitment by the City Council to grant additional allotments to said project in future years. Projects receiving allocations must be designed to be constructed as a complete unit with no requirement that future allotments be granted to complete the project.

Section 8. Entitlement Applications

Upon receiving an allocation, developers shall submit all applications for the entitlements they are requesting no later than December 31 of the year that the developer received the allotment of HEUs. Failure to do so will result in a forfeit of their HEU allotment.

A development project that has forfeited its allotment may submit a new Notice of Intent to Develop during subsequent years notice periods, however, a prior allotment that has been forfeited is not a guarantee of return of the allotment.

Once an application has been submitted and deemed complete by the Planning Director, a project must complete the development review and entitlement process (including certification of any environmental documents) on or before December 31 of the year following the year for which the HEU was granted or said HEU allotment shall be forfeited.

Early in each calendar year the City Council shall review the status of projects with HEU allocations allotted the previous year. The City Council may, at its discretion, and with appropriate findings, extend the December 31 deadline for project approvals and forfeiture of allotments at any time. Allocations will, however, automatically expire upon expiration of the tentative parcel or subdivision map.

Projects completing the development review process within the appropriate time frame set forth above shall be considered by the City to have received the necessary allocations.

Section 9. Ordinance Amendment Process

Any proposals to amend this ordinance shall require, the following actions:

1. Proposed amendments to the policy shall be reviewed at a Planning Commission public hearing. The Planning Commission shall forward a recommendation regarding the proposed amendments to the City Council;
2. The City Council shall hold a public hearing and consider Planning Commission recommendation prior to taking action on the proposed amendment; and
3. Proposed amendments to the policy shall be noticed in the local newspaper a minimum of ten days prior to the Planning Commission and the City Council public hearings.

Section 10. Competitive Process

When more Housing Equivalent Units are requested than are available the City Council will determine which proposed project(s) best meet the needs of the City of Jackson and its citizens. If a competitive process is to be used proposed projects will be evaluated and ranked based upon the development criteria identified in the annual resolution adopted by the City Council, which may include, but not be limited to, the following:

- overall project quality – outstanding, good, average, below average
- environmental and site constraints
- internal and external street circulation and layout
- open space preservation
- landscaping and architectural design quality
- contribution to City facilities

- affordable/workforce housing contribution
- economic impact on the City
- environmental and historic preservation features

The project or projects with the highest ranking will receive priority for allocation use. If a higher priority project does not proceed the allocation will be made available to the next priority project.

Section 11. Violations of Ordinance and Penalties

No person or entity shall construct or cause to be constructed any development on private property within the City without compliance with the terms of this ordinance. Violations of this ordinance shall be punishable as set forth in Section 1.20 of the Jackson City Code or any successor section thereto.

The foregoing ordinance was introduced and the title thereof read at the meeting of the City Council the 14th day of February, 2005, and by unanimous vote of the Council members present, further reading was waived.

On a motion by Councilmember Nunes, seconded by Councilmember Stidger, the foregoing ordinance was duly passed and adopted by the City Council of the City of Jackson at a meeting thereof held on this 28th day of February, 2005 by the following vote:

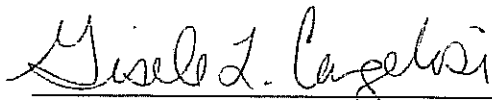
AYES: Lewis, Nunes, Pryor, Rodriguez, Stidger
NOES: None
ABSENT: Lewis
ABSTAIN: None

CITY OF JACKSON



RosaLee Pryor/Estamilla, Mayor

ATTEST:



Gisele L. Cangelosi, City Clerk

APPROVED AS TO FORM:

Richard Holt, City Attorney