

ORDINANCE NUMBER 2023-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, APPROVING AN AMENDED DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF BEAUMONT AND MERITAGE HOMES OF CALIFORNIA, INC.

WHEREAS, City is a general law city and a municipal corporation of the State of California; and;

WHEREAS, Meritage Homes of California, Inc. (“**Owner**”) relating to the development of that certain real property commonly known as the Fairway Canyon Project (the “**Project**”), located in the City, County of Riverside, State of California , described in Exhibit “A” (“**Subject Property**”); and

WHEREAS, Development Agreement between City and LB/L – Suncal Oak Valley LLC, a Delaware Limited Liability Company, and its successors and assigns (“**Developer**”), dated November 18, 2003, and recorded at Document No. 2003-977700, Official Records of Riverside County, California, and re-recorded on February 26, 2004, as Instrument No. 2004-0131329, as amended by the Administrative Amendment No. 1 to the Development Agreement recorded in the Official Records of the County on July 15, 2020, as Instrument No. 2020-0309850 (the “**Development Agreement**”), and was partially reassigned to the Owner on June 30, 2021, as Instrument No. 2021-0396265 relating to the development of that certain real property commonly known as the Fairway Canyon Project (the “**Project**”), located in the City, County of Riverside, State of California.

WHEREAS, the property owner and the City agree to transfer densities within Planning Areas in the Fairway Canyon Project consistent with Oak Valley & SCPGA Specific Plan and within the maximum development threshold of 3,011 dwelling units; and

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Sections 65864 et seq. of the California Government Code, "Development Agreement Statute" which authorizes cities to enter into property development agreements with any person(s) or entity(ies) having a legal or equitable interest in real property for the development of such real property in order to establish certain development rights in the real property; and

WHEREAS, under Government Code Sections 65864 et seq. and Beaumont City Council Resolution No. 1987-34 a development agreement is intended to provide assurances to developer that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval, and provide assurances that City cannot otherwise unilaterally impose conditions of approval of the project outside the context of a negotiated development agreement; and

WHEREAS, based on the foregoing recitals, City has determined that this Agreement is appropriate under Government Code Sections 65864 et seq. and Beaumont City Council Resolution No. 1987-34; and

WHEREAS, this Agreement is voluntarily entered into in consideration of the benefits to and the rights created in favor of each of the parties hereto and in reliance upon the various representations and warranties contained herein; and

WHEREAS, City, as "Lead Agency" under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, has determined that the "Project," as more fully described in this Ordinance, has been fully analyzed under CEQA and CEQA Guidelines and is subject to a certified EIR and addendum.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS

That the above Recitals are true and correct and are incorporated as though fully set forth herein.

SECTION 2. APPROVAL OF AMENDED DEVELOPMENT AGREEMENT EXHIBIT C

That the City Council hereby approves the Amended Development Agreement updating Exhibit C by and Between the City of Beaumont and Meritage Homes of California, Inc. ("Development Agreement"), a copy of which is attached hereto as **Exhibit "B"** and incorporated herein by this reference, subject to the terms and conditions stated therein.

SECTION 3. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE OF ORDINANCE

That this Ordinance shall take effect thirty (30) days after its second reading by the City Council.

SECTION 5. EFFECTIVE DATE OF DEVELOPMENT AGREEMENT

The Development Agreement shall not be executed by the City until on or after the effective date of the Ordinance.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Beaumont Municipal Code as heretofore adopted by the City of Beaumont that are in conflict with the provisions of this ordinance are hereby superseded to the extent of such inconsistency.

SECTION 7. RECORDATION OF DEVELOPMENT AGREEMENT

The City Clerk is hereby directed to record the fully executed Amended Development Agreement with the Riverside County Recorder no later than ten (10) days after its execution.

SECTION 8. CERTIFICATION

That the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED THIS 17th day of January, 2023.

CITY OF BEAUMONT CITY COUNCIL

Julio Martinez, Mayor

ATTEST:

_____, City Clerk

AJ Patel

APPROVED AS TO FORM:

John Pinkney, City Attorney

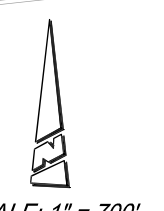
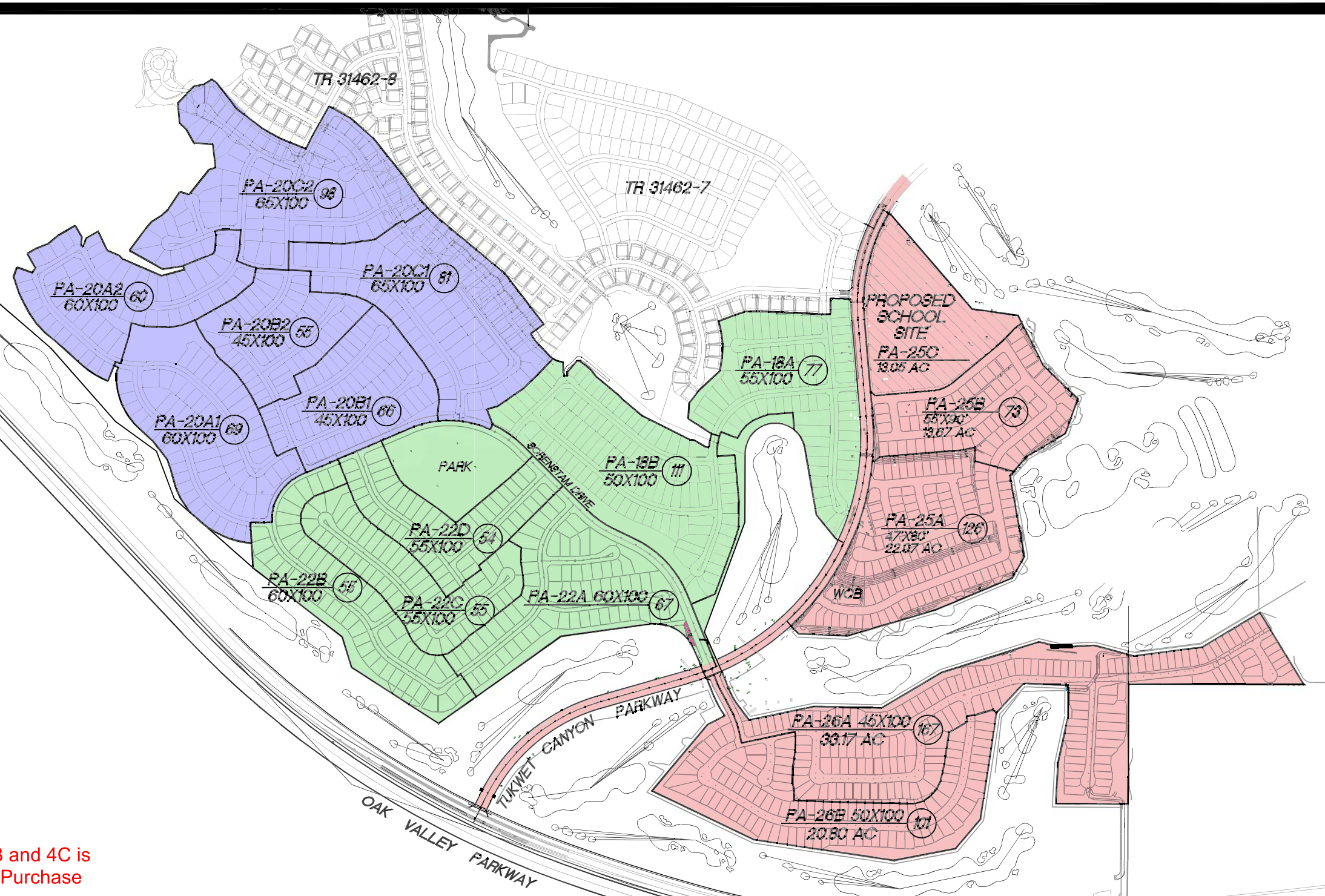
EXHIBIT "A"

EXHIBIT "B"

- # NUMBER OF DWELLING UNITS
- PHASE 4A - ±111.6 AC
 - PHASE 4B - ±107.9 AC
 - PHASE 4C - ±105.0 AC

PROPOSED DESIGN			
P.A.	LOT/PAD SIZE	# OF LOTS	ACREAGE
25A	47'X80'	126	22.07 AC GROSS
26A	45'X100'	167	33.17 AC GROSS
26B	50'X100'	101	20.80 AC GROSS
25B	55'X90'	73	13.67 AC GROSS
25C	N/A	N/A	13.05 AC GROSS
SUBTOTAL		467	
18A	55'X100'	77	
18B	50'X100'	111	
22A	60'X100'	67	
22B	60'X100'	55	
22C	55'X100'	55	
22D	55'X100'	54	
SUBTOTAL		419	
20A1	60'X100'	69	
20A2	60'X100'	60	
20B1	45'X100'	66	
20B2	45'X100'	55	
20C1	65'X100'	81	
20C2	65'X100'	98	
SUBTOTAL		429	
TOTAL		1315	

Phase 4B and 4C is Meritage Purchase



FAIRWAY CANYON PHASE 4

PROACTIVE ENGINEERING WEST, INC.
 25109 JEFFERSON AVE. SUITE 200
 MURRIETA, CA 92562
 951-200-6840

PROACTIVE ENGINEERING WEST
 DATE: 03/14/2019

Drawing Name: X:\06-002-000\Drawings\Working\Drawings\BASIS-Rpt-count-03-14-2019.dwg

EXHIBIT "B"

Development Agreement - Exhibit C

Planning Area	Reference Map or Tract No.	Acreage	Number of DUs	Land Use⁽²⁾	Density (DU/Acre)
15	31462-1	27.53	107	Medium	3.89
12C	31462-2	25.03	118	Medium	4.71
12B	31462-3	14.32	87	Medium High	6.08
12A	31462-4	12.8	76	Medium High	5.94
8B	31462-5	18.28	79	Medium	4.32
11C	31462-6	19.63	79	Medium	4.02
16	31462-7	41.62	148	Medium	3.56
19	31462-8	34.89	130	Medium	3.73
11B	31462-9	31.71	87	Medium	2.74
8A	31462-10	36.93	88	Medium	2.38
3B/7B/11A	31462-11	51.05	83	Low	1.63
2A/3A/4	31462-12	51.13	137	Medium	2.68
2B	31462-13	12.96	63	Medium	4.86
6	31462-14	20.37	74	Medium	3.63
1	31462-15	31.1	133	Medium	4.28
18A	VTTM 31462-26	20.51	81	Medium	3.95
18B	VTTM 31462-16	26.62	108	Medium	4.01
20A	VTTM 31462	37.5	146	Medium	3.9
20B	VTTM 31462	14.6	86	Medium High	5.9
20C	VTTM 31462	44.7	197	Medium	4.4
20D	VTTM 31462	12.8	School		
21B	VTTM 31462	7.07	Park		
22	VTTM 31462	see below	0	see below	
22A	VTTM 31462-20	17.19	67	Medium	3.9
22B	VTTM 31462-23	13.76	55	Medium	4
22C	VTTM 31462-24	11.8	55	Medium	4.66
22D	VTTM 31462-25	11.25	54	Medium	4.8
26A	31462-21	33.65	167	Medium	4.96
26C	31462-22	20.48	101	Medium	4.93
14	36558	21.88	94	Medium	4.3
21A	36783	13.73	53	Medium	3.86
25		see below	0	see below	
25A	37698	22.09	126	Medium High	5.7
25B	37697	13.11	73	Medium High	5.57
25C	37696	13.58	62	Medium	4.57
5	N/A	22.5	Park		

Development Agreement - Exhibit C

7A	N/A	55.55	Open Space		
13	N/A	4.06	Park		
17	N/A	6.68	Park		
23A/23B	N/A	98.96	Open Space		
24	N/A	6.47	Park		
27	N/A	3.92	Rec. Center		
35A	N/A	5.8	Commercial		
35B	N/A	24.58	Commercial		
San Timoteo	N/A	10.37	Right of Way		
Totals		1024.56	3,014⁽³⁾		

(1) Based upon the Development Agreement and Development Plan, including original VTTM 31462 approved in October 2003, VTTM 31462 Amendments and Substantial Conformances, and Final Tract Maps.

(2) Low Density is defined as 0.2 to 2 DUs/acre; Medium Density is 2 to 5 DUs/acre; Medium High Density is 5 to 8 DUs/acre; High Density is 8 to 12 DUs/acre; and Mixed Use is 12 to 20 DUs/acre.

(3) The Development Agreement and VTTM 31462 limit the total number of DUs in Fairway Canyon to 3,300 DUs. Current projections estimate a total of 3,001 DUs, which is 299 DUs less than the 3,300 DUs allowed.