



Resource Management Agency

COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

LARRY MICARI
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: November 5, 2024

Public Hearing Required	Yes
Scheduled Public Hearing w/Clerk	Yes
Published Notice Required	Yes
Advertised Published Notice	Yes
Meet & Confer Required	N/A
Budget Transfer (Aud 308) attached	N/A
Personnel Resolution attached	N/A
Agreement(s) attached	Yes

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Development Agreement No. DEV 24-005, Amending
Development Agreement DEV 18-001, Sequoia Gateway, LLC

REQUEST(S):

That the Board of Supervisors:

1. Hold a Public Hearing at 9:30 a.m. or shortly thereafter.
2. Adopt the Planning Commission findings and recommendation to approve Development Agreement No. 24-005, an Amendment to Development Agreement No. 18-001, as set forth in Planning Commission Resolution No. 10277, to modify the terms of the original agreement to compensate Sequoia Gateway LLC, for any work associated with the completion of Sequoia Gateway Drive.
3. Authorize the Chair to sign the Amendment to Development Agreement.
4. Adopt an Ordinance amending Ordinance No. 3563, approving modifications to Development Agreement No. 18-001 (County Contract No. 29180).
5. Find that this ordinance by statute can only be passed after notice and a public hearing, so it is exempt from the usual requirements that an ordinance be read in full and adopted over two regular meetings
6. Direct the Clerk to publish the adopted Ordinance as required by law.
7. Approve a Reimbursement Agreement authorizing payment to Sequoia Gateway LLC for construction work associated with the completion of Sequoia Gateway Drive, in the amount of \$251,022.
8. Authorize the Chair to sign the Reimbursement Agreement.

SUMMARY:

The Board of Supervisors approved the 126.9-acre Sequoia Gateway Commercial and Business Park Specific Plan and Development Agreement No. DEV 18-001 by Resolution No. 2018-0938 and Ordinance No. 3549. The final approved development

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agreement was approved by the Board of Supervisors by Resolution No. 2019-0466 and the Development Agreement Recitals for Ordinance No. 3563 were approved by the Board of Supervisors on June 4, 2019.

At the time, Caltrans and the County of Tulare, RMA, had contemplated building out Sequioa Gateway Drive as part of the access requirements of the Caldwell Interchange when the original draft Development Agreement was approved in 2018, which was to be paid for by the Measure R funding for the Caldwell Project. When Great Wolf Lodge came along and the schedule for the Caltrans improvements were changed to a full shut down of the overpass during construction, the developer contemplated building out Sequia Gateway Dr. themselves with full infrastructure improvements, and to be reimbursed by Great Wolf Lodge, or other future developers through a reimbursement agreement, or by Measure R monies for just the actual roadway construction. At that point, Caltrans had moved forward without Sequioa Gateway Drive being part of their design plans. However, as of now, since Great Wolf Lodge is no longer a project, and Caltrans is moving forward on the Caldwell Overpass Project without Sequioa Gateway Drive, this puts RMA in a position to build out the roadway, and to recompensate the developer for their design efforts through existing Measure R funding in lieu of Caltrans doing these improvements.

Because the completion of Sequioa Gateway Drive and Drive 85/Sherman Way improvements are not "Sequioa Gateway Build Improvements" within the meaning of Section 4.05 (a) and Recital D of the original agreement (requiring the developer to build), the County has agreed to compensate Sequioa Gateway for any work associated with the completion of the southern portion of Sequioa Gateway Drive, and the Drive 85/Sherman Way improvements. Sections 4.08 and 5.07 of the original Development Agreement (County Contract No. 29180), will be amended to compensate Sequioa Gateway for improvements on the South side of Avenue 280 (Caldwell Avenue) at the southeast corner of State Route 99 and Avenue 280, approximately one mile west of the City of Visalia in Tulare County (APN 119-110-024).

FISCAL IMPACT/FINANCING:

The processing of this Development Agreement Amendment itself is paid for by the applicant at a rate of a \$1,000 deposit and \$115.00 per hour, as part of their processing fees. Sequia Gateway has incurred design, project management, direct and indirect costs associated with the Highway Interchange Project of \$143,022. Moreover, total costs to complete the plans associated with these improvements according to 4Creeks Engineering in accordance with County's design specifications and project modifications is estimated to be an additional \$108,000 for a total of \$251,022. Upon execution of this agreement Sequioa Gateway shall provide a release for use of the plans by County, and the County shall make a progress payment of \$112,678, and the balance shall be paid upon final County approval of the improvement plans. These plans and specifications and any additional costs are paid for by Measure R funds and were initially anticipated to be drafted and utilized by Caltrans to design and build these improvements.

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LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The project is consistent with the County's plan to promote economic development opportunities, effective growth management and a standard of living. The requested development agreement and tentative parcel map may help encourage growth consistent with the County General Plan and the Goshen Community Plan Update.

ADMINISTRATIVE SIGN-OFF:

/s/ Aaron R. Bock

Aaron R. Bock, MCRP, JD, LEED AP
Assistant Director Economic Development & Planning

/s/ Michael Washam

Michael Washam, ACE
Associate Director

/s/ Reed Schenke

Reed Schenke, P.E.
Director

Cc: County Administrative Office

Attachment 1 – Ordinance

Attachment 2 – Amended Development Agreement 24-005

Attachment 3 – Reimbursement Agreement

Attachment 4 – Planning Commission Resolution No. 10277