



Board Agenda Item 50

DATE: December 12, 2023

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Millerton New Town Infrastructure Plan - Time Extension

RECOMMENDED ACTION:

Approve a three-year extension of the Millerton New Town Infrastructure Plan for the Millerton Specific Plan (Infrastructure Plan), including its associated Millerton New Town Area Implementation Procedures (Implementation Procedures), to allow the Infrastructure Plan including its associated Implementation Procedures to continue through December 31, 2026.

The recommended three-year extension to the Infrastructure Plan, including the Implementation Procedures, is needed to give the County, specifically for the County Service Area No. 34 (CSA 34), the ability to continue to hold allocation in the wastewater and surface water treatment plants capacity to the Millerton New Town developers who have made substantial monetary contributions to the existing and future infrastructure in the Plan Area. The three-year extension will give County staff sufficient time to review and provide comments and corrections to the submitted drafts. The Infrastructure Plan, including the Implementation Procedures, was first extended by your Board on December 15, 2020 and will expire on December 31, 2023, unless extended. This item pertains to District 5.

ALTERNATIVE ACTION(S):

The recommended actions are all required either directly by the Millerton Specific Plan or through the fulfillment of the Infrastructure Plan, including the Implementation Procedures.

Your Board may deny the recommended action identified above. Denial will result in the inability of requests for future tract map approvals to be brought before your Board for recordation (final maps) due to the requirement within the Millerton Specific Plan to be consistent with the approved Infrastructure Plan and Implementation Procedures. Denial will also require your Board to identify the action or actions being denied and to direct staff accordingly. In addition, denial will result in expiration of the Infrastructure Plan on December 31, 2023. Should this occur, the reservation of capacity in CSA 34 facilities available to serve the Plan Area shall end, and the County may make any unallocated capacity available to serve properties both inside and outside of the Plan Area, subject to reimbursement by developers obtaining such unallocated capacity to the developers responsible for construction of the facilities that provide the remaining unused capacity, in a manner consistent with the Infrastructure Plan.

FISCAL IMPACT:

There are no Net County Costs associated with the recommended actions. The infrastructure for the Plan Area is being constructed at the developers' cost and there will be no cost to the General Fund. The Implementation Procedures included in the Infrastructure Plan provide for developers to either construct

facilities to serve their development or pay fees to acquire capacity in existing facilities. Additionally, the Implementation Procedures provide for reimbursement by developers to the developers who construct facilities with capacity in excess of that needed for their development.

DISCUSSION:

On December 19, 2000, the Board of Supervisors adopted the current Millerton New Town Infrastructure Plan for the Millerton New Town Plan Area (Infrastructure Plan). The Infrastructure Plan is a requirement for development within the Millerton Specific Plan. The Millerton New Town Plan Area (Plan Area) covers approximately 2,000 acres planned for 5,074 equivalent residential units. The Plan Area includes the Millerton Specific Plan Area, Brighton Crest, Table Mountain Rancheria and lands to the north and east of the Specific Plan Area as shown on the attached map. CSA 34 is within the Plan Area.

The Infrastructure Plan, adopted by the Board of Supervisors on December 19, 2000, details the requirements for domestic water, wastewater, drainage and reclaimed water use in the Millerton New Town Plan Area (Plan Area) and specifies the backbone system to be installed to serve the planned developments. The Infrastructure Plan, as adopted, also includes the Millerton New Town Area Implementation Procedures (Implementation Procedures) to guide developers and County staff as development of the Plan Area occurs. The cost of construction of all facilities required by the Infrastructure Plan is being assumed by the developers and there has been no cost to the General Fund. Under the Implementation Procedures, completed water, sewer and drainage facilities are owned and operated by CSA 34. But lands for which easements are granted to permit effluent disposal or other CSA 34 owned facilities shall remain the property of the owner granting the easement.

The Millerton New Town Area Implementation Procedures (Implementation Procedures) included in the Infrastructure Plan provide guidelines for construction of the infrastructure by the developers. Based on these procedures, completed facilities are to be owned and operated by CSA 34. A developer must provide a secure water source to supply the needs of their development in order to obtain capacity in the system. A developer must either construct some increment of the system to provide capacity or pay fees to purchase excess capacity that may have been constructed by another developer. The Implementation Procedures also provide specific requirements for reimbursement by developers to developers who construct facilities with excess capacity. Included in the Implementation Procedures are details on how existing facilities, that are part of the Plan, are to be valued. In addition, the Implementation Procedures detail how the owner is reimbursed by CSA 34 for excess capacity.

The Implementation Procedures provide uniform fees for each residential unit (equivalent) to be paid by the developer. The amount of the fees for each unit is not determined until there is a valuation of the existing facilities. Payment of the fees are established through an agreement with the County and developers at the time their projects are approved through filing a final map or conditions of approval for other entitlements.

The Implementation Procedures address the reservation of capacity for Brighton Crest, developers' reimbursement for the cost of existing facilities that are used to provide services to the entire Plan Area, and restrictions on providing capacity for development outside of the Plan Area.

Section XI of the Implementation Procedures expressly envision the possibility of an extension of the Infrastructure Plan (which includes its associated Implementation Procedures) beyond its current expiration date of December 31, 2023.

The proposed three-year extension does not alter or amend the Implementation Plan including its associated Implementation Procedures, as it will continue in full force and effect, if so extended, according to its terms.

The Millerton Specific Plan does not allow filing of a final map without an adopted infrastructure plan for the Plan Area. The Public Works and Planning Department (Department Staff) has reviewed the request and recommends approval of the extension.

The Department Staff has informed the affected developers for the Plan Area of today's item being presented to your Board.

The Millerton Newtown Specific Plan, the Infrastructure Plan, including its associated Implementation Procedures, are on file with the Public Works and Planning Department's Planning Division. The Infrastructure Plan including its associated Implementation Procedures are on file with the Clerk of the Board as well (Board Agenda item No. 20, December 19, 2000).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION:

The recommended action does not require additional environmental review under the California Environmental Quality Act (CEQA), because, pursuant to Section 15162(a) of the CEQA Guidelines, the previously-certified Environmental Impact Report (EIR) that was prepared for the Millerton Specific Plan, and as more fully described in Section 15162(a), there are no substantial changes proposed to the Infrastructure Plan, including the Implementation Procedures, and no substantial changes have occurred with respect to the circumstances under which it is undertaken, which will require major revisions of the previously-certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and there is no new information of substantial importance (as described further in Section 15162(a)), since the time the EIR was certified as complete. As a result, given the absence of any such new information or changed circumstances, Section 15162(a) provides that no subsequent EIR shall be prepared.

REFERENCE MATERIAL:

BAI #20, December 19, 2000
BAI #89, December 15, 2020
Millerton Newtown Specific Plan
Infrastructure Plan including its associated Implementation Procedures

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A - Millerton Specific Plan Area Map

CAO ANALYST:

Salvador Espino