

Chapter 16.60

DEVELOPMENT AGREEMENT

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16.60.010 Purpose.

It is the purpose of this chapter to describe the requirements for entering into a Development Agreement, as established by Article 2.5 of the California Government Code. (Ord. 606, 1999)

16.60.020 Requirements for Application.

A. Applications for a Development Agreement may be initiated by the property owner(s) or authorized agent, the Planning Commission, or City Council. Applications are filed with the Planning Department.

B. A fee, as specified by resolution of the City Council, is required with the application.

C. Before application, the Director may require a preapplication conference or Development Review Committee meeting. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)

16.60.030 Review Procedures.

A. Development Agreements shall be reviewed using the Public Hearing Review Procedure in Section 16.08.040, with modifications as provided in this Section.

B. Planning Commission. The Planning Commission shall review the propose agreement to determine if the provisions are consistent with the general plan. At the conclusion of the public hearing, the Planning Commission shall recommend approval/denial of the agreement by the City Council.

C. City Council. The City Council shall hold a public hearing to review the Planning

Commission's recommendation and take final action. (Ord. 606, 1999)

16.60.040 Approval and Recordation.

A. The approval of a development agreement shall be subject to the adoption of an ordinance by the City Council. The effective date for any approved development agreement shall be thirty (30) days after the adoption of the ordinance approving the agreement.

B. Within ten (10) days of the adoption of the ordinance approving a development agreement, or any modification or cancellation of it, the city clerk shall have the agreement, the modification or notice of cancellation recorded with the county recorder. (Ord. 606, 1999)

16.60.050 Amendment or Cancellation.

A. Development Agreement may be amended or canceled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. Notice of intention to amend or cancel any portion of the agreement shall be given in same manner as that given to enter the original agreement.

The agreement may include alternative procedures to process minor amendments to the agreement. (Ord. 606, 1999)

16.60.060 Annual Review.

A. All Development Agreements are subject to review by the Planning Commission at least once every 12 months, unless the agreement requires more frequent review, then the agreement will prevail.

B. The purpose of the review is to inquire into the good faith compliance of the applicant with the terms and conditions of the agreement.

C. A written report about all development that has occurred under the agreement as prepared by the Planning and Economic Development Department shall be forwarded to the Planning Commission for a public hearing.

D. After a public hearing, a report of the

Commission's determination shall be forwarded to the City Council. If the Planning Commission reports that there has been compliance in good faith with the terms and conditions of the agreement for the period under review, the Council may accept the report for filing and take no further action.

E. If the Planning Commission reports that there has not been compliance in good faith with the terms and conditions of the agreement for the period under review, the Council shall hold a public hearing to consider the report and recommendation of the Commission.

F. At the conclusion of the public hearing, the Council may refer the matter to the Planning Commission for a further report and recommendation, or it may make a final determination on whether or not there has been compliance in good faith with the terms and conditions of the agreement. If the Council finds and determines that there has not been compliance in good faith with the terms and conditions of the agreement for the period under review, the Council may terminate the agreement or impose conditions necessary to protect the interests of the City. (Ord. 606, 1999; Ord. 758, §2 (part), 2007)