

17.88 – Development Agreements

17.88.010 – Purpose

The purpose of this Chapter is to outline the procedures and requirements for the review and approval of Development Agreements, which is an agreement entered into between the City and a property owner(s) of a specific project, in accordance with Government Code Sections 65864 – 65869.5.

17.88.020 – Development Agreement Requests

- A. **Applicant.** A person or persons whom have a legal or equitable interest in a property (which is the subject of the Development Agreement) or their authorized agent may submit an application for a Development Agreement. Where there is more than one property owner, all property owners must agree to the Development Agreement application. An application for a Development Agreement may be filed for the following types of properties.
1. **City limits.** The City of Hollister may enter into a Development Agreement with the property owner(s) of a property within the City.
 2. **Sphere of Influence.** The City of Hollister may enter into a Development Agreement for a property located within the City's Sphere of Influence. Any Development Agreement entered into, for land located outside the City Limits, will not take effect until the annexation of the property is approved by the San Benito Local Agency Formation Commission (LAFCO). If annexation is not completed within the time specified within the Development Agreement, the Development Agreement shall become null and void.

17.88.030 – Content of Development Agreements

- A. **Required Content.** The Development Agreement shall include all of the required content found in Government Code Section 65865.2 and as listed below:
1. Duration of the agreement;
 2. Phasing of a project;
 3. Permitted/allowed uses for the subject property;
 4. Density or intensity of the allowable uses;
 5. Provisions, if any, for reservation or dedication of land for public purposes;

- 6. Protection from either a future growth control ordinance or a future increase in development or impact fees; and
 - 7. Review procedures for development within the project area and/or amendments.
- B. **Optional Provisions.** A Development Agreement may also contain additional provisions which are not required by Government Code Section 65865.2, such as the financing of necessary public improvements or reimbursement over time.
 - C. **Provisions Required by City Council.** Development Agreements may also include any terms determined to be appropriate and necessary by the City Council.

17.88.040 – Application

- A. **Application.** An application for a Development Agreement shall be filed on the form prescribed by the City and filed with the Planning Division. All property owners of the properties which are a part of the Development Agreement shall sign the application form.
- B. **Fee.** The application for a Development Agreement shall be accompanied by the fee listed on the City's Fee Schedule.
- C. **Materials.** The Applicant shall submit any information or supporting data the Community Development Director determines is necessary to process the application.

17.88.050 – Review Procedures for Development Agreements

- A. **Development Agreement Review.** The Community Development Director and Development Review Committee shall review all applications for a Development Agreement.
- B. **Notice.** Notice of the hearings shall be given in compliance with Chapter 17.XX.
- C. **Concurrent Review.** When a Development Agreement application accompanies another development application, the Development Agreement and development application(s) shall be reviewed concurrently.
- D. **Planning Commission Action.** The Planning Commission shall review Development Agreements and shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in 17.88.070.
- E. **City Council Actions.** Upon receipt of the Commission's recommendation, the Council may make one of the following actions during a public hearing:

1. **Approve.** Approve the Development Agreement as proposed or approve in modified form based upon the findings contained in 17.88.070.
2. **Deny.** The City Council may deny the proposed Development Agreement based upon the findings contained in 17.88.070. No action by the City Council is a denial of the proposed amendment.
3. **Final Action.** Action of the City Council is final.

Section 17.88.060 – Amendments and Cancellations

- A. **Amendment to a Development Agreement.** An amendment (including an extension of the terms of the Agreement) to a Development Agreement may be proposed by any party to the Agreement. Amendments to a Development Agreement shall be reviewed in accordance with the review for new Development Agreements, as discussed in Section 17.88.050.
- B. **Cancellation of a Development Agreement.** Any party to a Development Agreement may propose cancellation of a Development Agreement. Cancellation of a Development Agreement shall be reviewed in accordance with the review for new Development Agreements, as discussed in Section 17.88.050.

17.88.070 – Findings for Development Agreements

In approving or denying a Development Agreement, the Planning Commission and City Council shall make the following findings:

1. The Development Agreement is consistent with the General Plan and any applicable Specific Plan;
2. The Development Agreement will not adversely affect the orderly development of property.
3. The Development Agreement is in the best interest of the City.
4. A Tentative Map prepared for a subdivision (as defined under Government Code Section 66473.7) which is a part of the Development Agreement will comply with Government Code Section 66473.7.

17.88.080 – Recordation

- A. **Effective.** Within ten (10) days following City Council approval of a Development Agreement, the City shall record a copy of the Development Agreement with the San Benito County Recorder.

17.88.090 – Periodic Review

- A. **Periodic Review.** The Community Development Director shall conduct a periodic review of each Development Agreement every twelve (12) months.
- B. **Applicant Demonstration.** The Applicant or successor shall demonstrate good faith compliance with the terms of the Development Agreement during the review. Should the City determine that the Applicant has not complied in good faith with the terms or conditions of the agreement, the City may terminate or modify the agreement.
- C. **Fees.** If necessary, the applicant shall be required to cover the costs associated with the review and any necessary amendments.