



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Grant Yates, City Manager

Prepared by: Barbara Leibold, City Attorney

Date: July 10, 2018

Subject: Ordinance amending sections 19.12.140, 19.12.150, and 19.12.160 of the Lake Elsinore Municipal Code (LEMC) regarding certain Development Agreement Procedures

Recommendation

Introduce by title only and waive further reading:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING LAKE ELSINORE MUNICIPAL CODE (LEMC) SECTIONS 19.12.140, 19.12.150, and 19.12.160 CONCERNING PERIODIC REVIEW OF AND MODIFICATION OR TERMINATION OF DEVELOPMENT AGREEMENTS.

Background

Government Code sections 65864 through 65869.5 (the "Development Agreement Act") authorizes the City to enter into an agreement with any person having a legal or equitable interest in real property regarding the future development of such property and to vest certain development rights therein. Government Code section 65865.1 provides for annual review of development agreements by a local agency for the purpose of determining if the developer/property owner has complied in good faith with the terms of the agreement.

Pursuant to the Development Agreement Act, the City adopted Ordinance No. 996 establishing procedures and requirements for consideration of development agreements as set forth in LEMC Chapter 19.12. Currently under LEMC section 19.12.140, the annual review is the responsibility of the City Council.

Discussion

The annual review of development agreements is usually routine and can be efficiently and effectively conducted administratively. The proposed Ordinance will allow for annual review by the City Manager. If the City Manager determines that the property owner is in compliance with the agreement, the agreement shall stand and shall be reviewed again at the next annual review date. If the City Manager determines that the property owner has not complied with the

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terms of the agreement, the matter is referred to the City Council, which will then make its own determination. If the City Council determines that the property owner is not in compliance, it can commence proceedings to either modify the agreement or terminate it in accordance with the Development Agreement Act and the applicable provisions of the specific agreement under review.

Fiscal Impact

None.

Exhibits

Exhibit A-- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING LAKE ELSINORE MUNICIPAL CODE (LEMC) SECTIONS 19.12.140, 19.12.150, and 190.12.160 CONCERNING PERIODIC REVIEW OF AND MODIFICATION OR TERMINATION OF DEVELOPMENT AGREEMENTS.