

Attachment B
Monterey County Code
Section 18.62.040

REF130073
California Flats Solar, LLC

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18.62.040 Development agreement authorized—Eligibility.

- A. This chapter authorizes the County of Monterey, at its sole discretion, to enter into a development agreement with any qualified applicant for the development of real property. The provisions of this Chapter are applicable throughout the unincorporated area of the County of Monterey outside of the Coastal Zone.
- B. Eligibility for Development Agreement and Pre-screening of Development Agreement Proposals.
 - 1. To file an application for a development agreement, the applicant must be a qualified applicant, as defined by this Chapter, and must obtain prior authorization from the Board of Supervisors to file such application based on the pre-screening process described in this section.
 - 2. Prior to filing a development application, an applicant must make a proposal for a development agreement which shall be pre-screened by the Board of Supervisors in accordance with the following procedures:
 - a. The applicant must submit the proposal for a development agreement to the Director together with the required fee for the processing of the development agreement proposal. The proposal shall include explanatory text, plans, maps, and such other documentation as the potential applicant elects to submit. The Director may request such additional material as deemed necessary to make a recommendation.
 - b. Upon acceptance of the proposal, the Director shall review the proposal and prepare a report and recommendation to the Board of Supervisors on whether the proposal should be accepted for the purpose of filing an application for a development agreement.
 - c. The Board of Supervisors, after considering the merits of the proposal, shall authorize the filing of an application for a development agreement or shall direct staff to terminate proceedings. The Board shall be guided in its determination by the following eligibility criteria:
 - (1) Development proposals which are eligible for consideration for a development agreement shall be limited to large projects in which the developer makes a substantial contribution to infrastructure, open space, affordable housing, or other public improvements and amenities of benefit to the County that would not otherwise be obtained through other applicable development approval processes; and
 - (2) The application for a development agreement pertains to an area governed by a specific plan previously adopted by the County or the application for a development agreement will be submitted in conjunction with an application for rezoning, a specific plan, subdivision map, combined development permit, or other discretionary land use entitlement authorizing the development which is the subject of the proposed development agreement.
 - d. A determination to authorize the filing of an application for a development agreement does not commit the County to approve the subsequent development agreement.
 - 3. Pending applications, as that term is defined herein, are exempt from the prescreening process set forth in this section and also exempt from Sections 18.62.060, 18.62.070, 18.62.080, and 18.62.090 of this Chapter. If the Planning Commission has already made a recommendation to the Board of Supervisors with regard to a pending application prior to the effective date of Ordinance No. 04236 adding this Chapter, then Section 18.62.110 shall not apply.

(Ord. 4270 § 1, 2005; Ord. 4236 § 1 (part), 2004)

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