

ORDINANCE NO. 1017

**AN ORDINANCE OF THE CITY OF LOS BANOS
AUTHORIZING THE MAYOR TO EXECUTE A
DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY
FOR THAT CERTAIN DEVELOPMENT PROJECT KNOWN
AS THE ORCHARD TERRACE II SUBDIVISION AND
ANNEXATION**

IT IS HEREBY ORDAINED by the City Council of the City of Los Banos as follows:

Section 1.

A. The City Council has considered the existing Mitigated Negative Declaration for the Orchard Terrace II Subdivision and Annexation development project, and finds that there is no evidence, which would require the preparation of a new or updated environmental document pursuant to the California Environmental Quality Act subject to the findings included in Exhibit A.

B. The development project, as of this time, is in compliance with all previously approved mitigation measures and conditions of approval.

C. Staff is directed to file a new notice of determination.

Section 2. The City Council finds that the Development Agreement, attached hereto as Exhibit B and incorporated by reference herein, is consistent with the City of Los Banos General Plan.

Section 3. Prior to adopting this ordinance, the City Council has considered the effect of this ordinance and the other ordinances approving development agreements on the housing needs of the region. Furthermore, in considering the effect, the City Council has balanced these needs against the public service needs of its residents and available fiscal and environmental resources. The City Council finds that recent housing starts have caused growth to occur faster than the City has been able to provide public safety services. By phasing growth, as provided for in this ordinance, the City Council finds that it will be able to move towards restoring the traditional ratio of public safety personnel which has existed in the past. Adequate levels of public safety are an essential aspect of community services within the City of Los Banos, and to the extent there is any adverse impact on regional housing needs, the City Council finds that the impact is justified in terms of the residents' health, safety and welfare.

Section 4. The City Manager hereby certifies that the developer/applicant has deposited with the City a sum equal to the estimated costs associated with the processing of the Development Agreement. (§1.17).

Section 5. Upon passage of this Ordinance, the Mayor is authorized to execute the Development Agreement on behalf of the City. Within ten (10) days of the execution, the City Clerk shall cause the Development Agreement to be recorded in the Office of the County Recorder as provided for by Government Code §65868.5. The Development Agreement shall not take effect for thirty (30) days following after passage and adoption of his Ordinance.

Section 6. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption, and a summary shall be published by one (1) insertion in the Los Banos Enterprise, a newspaper printed and published in

the City of Los Banos, within fifteen (15) days after its final passage.

Introduced by Council Member Smith, seconded by Council Member Hudak
on the 26th day of October 2004.

Passed on the 3rd day of November 2004, by the following vote:

AYES: Council Members Gerbi, Hudak, McAdam, Smith, Mayor Amabile
NOES: None
ABSENT: None

APPROVED:

/s/ Michael S. Amabile
Michael S. Amabile, Mayor

ATTEST:

/s/ Lucille L. Mallonee
Lucille L. Mallonee, City Clerk