

# Criteria for Development Agreements

- **Agreements can bind future councils**
- **Developers need certainty**
- **Voluntary agreements**
- **Difference between pre-annexation, development agreements and master agreements**
- **Specific government code sections –duration, uses, etc**
- **Enforceable notwithstanding CC**
- **New cities must honor agreements**
- **Development agreements not applicable for special districts**
- **CEQA does apply**
- **Avoid legal risk (and Victorville)**
- **Balance owner's expectations with allowed land uses**
- **And what city's expectations**
- **Check sphere of influence**
- **First work with city on allowed land uses**
- **Development plan**
- **Negotiate with confidentiality**
- **Tension about how much for developer to "give"**
- **Allow public input**
- **Shorter development time may affect when development agreement heard**
- **Assessment of risk by developer**
- **Consult with LAFCO**

- **Development agreement includes timing and that will affect LAFCO**
- **LAFCO Executive Officers and LAFCO attorney should review development agreements**
- **LAFCO should look at contracts between special districts and developers**
- **Development agreements can specify service delivery by special districts**
- **Development agreements can survive bankruptcy**
- **Default provisions should be included**
- **Annual reviews of agreements**
- **Assignment clause—can assign agreement to another and original signer is released**
- **Do not low building permit until money is in hand**
- **Land is more valuable with development agreement**
- **County can be involved in regional infrastructure issues**
- **Property tax agreement can be option for negotiation**
- **CFDs and other financing tolls can be include in agreements**
- **CFDs for operations/maintenance problematic for developers**
- **CFDs can be re-negotiated in light of current economy**
- **Agreements should share risk**
- **Tie timing in agreements t payment**
- **Creativity in handling O/M**
- **O/M costs associated with creation of open space**

- **Re-conveyance fees**
- **Reimbursement agreements should be include—upfront, timely etc in development agreements**
- **Make sure you get the attorney involved early (developer/attorney playground)**
- **All agencies should communicate early (especially in small counties)**
- **Sit down with LAFCO for pre-annexation**
- **Collect as many development agreements as possible to learn from previous efforts**
- **Can use “endowment contract” for O/M**