

RESOLUTION NO. 2017-008

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA FINDING THAT THE DEVELOPER OF THE CALISTOGA HILLS PROJECT IS IN GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE PROJECT'S DEVELOPMENT AGREEMENT

WHEREAS, on April 9, 2013, the City of Calistoga (City) entered into a Development Agreement (Agreement) with Enchanted Resorts, Inc. (Developer) through its approval of Ordinance No. 687; and

WHEREAS, the Agreement provided the Developer with certain assurances that they could proceed with a development project, now known as Calistoga Hills, on property located west of Foothill Boulevard; and

WHEREAS, the term of the Agreement is for a period of five years commencing on April 9, 2013; and

WHEREAS, as required by Government Code Section 65865.1 and by the Agreement, each January 1, the City shall determine whether the Developer has, in good faith, substantially complied with the terms of the Agreement up to and including the date of the review; and

WHEREAS, at its meeting of January 3, 2017, the City Council considered the Annual Compliance Evaluation Form completed by the Developer that provides evidence of its good faith compliance with its obligations under the Agreement, and the facts as described in the staff report; and

WHEREAS, the annual review of the Agreement is not subject to the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility it could have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Calistoga hereby finds that:

1. The Developer is in good faith substantial compliance with the terms and conditions of the Development Agreement between the City of Calistoga and Enchanted Resorts, Inc. for the Calistoga Hills project.
2. This review satisfies the annual review of development agreement as provided in Government Code §65865.1.

PASSED AND APPROVED by the City Council of the City of Calistoga at its meeting held the 17th day of January, 2017 by the following vote:

AYES: Councilmembers Lopez-Ortega, Barnes, Kraus, Vice Mayor Dunsford and Mayor Canning.

NOES:


ABSTAIN:

ABSENT:



CHRIS CANNING, Mayor

ATTEST:



MELISSA VELASQUEZ, Deputy City Clerk