

# ATTACHMENT S

## § 5.20.230. - Development agreements.

- A. *Purpose.* This section establishes procedures and requirements for the review and approval of development agreements in compliance with the provisions of Government Code sections 65864 through 65869.5. The County finds and declares the use of development agreements is beneficial to the public, in that:
1. Development agreements increase certainty in the approval of development projects, thereby preventing the waste of resources, reducing the cost of development to the consumer, and encouraging investment in and commitment to comprehensive planning.
  2. Development agreements provide assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to specified conditions of approval, thereby strengthening the public planning process and reducing economic costs of development.
  3. Development agreements enable the County to plan for and obtain necessary public improvements, including, but not limited to, streets, sewage, transportation, water, school, and utility facilities.
- B. *Applicability.* Only a person who has legal or equitable interest in the subject property which is the subject of the development agreement (or his or her authorized agent), may submit an application for a development agreement.
- C. *Review process.* A public hearing on an application for a development agreement must be held by the Planning Commission and the Board of Supervisors. Notice of intention to consider the adoption of a development agreement must be given as provided in Government Code §§ 65090 and 65091.

The designated approving authority for development agreements is the Board of Supervisors. The Board of Supervisors may approve a development agreement only by ordinance in accordance with the requirements of this section.

- D. *Findings.* A development agreement shall not be approved by the Board of Supervisors unless the Board finds that the development agreement is consistent with the General Plan, any applicable specific plan, and Zoning Ordinance.
- E. *Amendment and cancellation of agreement.* Any party to the agreement may propose an amendment to or cancellation in whole or in part of the development agreement, the procedure for which is the same as the procedure described in subsection (C) of this section. Notice of the proposal to amend or cancel any portion of the development agreement shall be given as provided for in Government Code §§ 65090 and 65091.
- F. *Recordation.* Within ten days after the County enters into the development agreement or any amendment thereof, the Clerk of the Board shall cause the agreement or amendment to be recorded with the County Clerk-Recorder. The Clerk of the Board shall be the official custodian of the development agreement file. Said file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, and/or cancellations to the development agreement.
- E. *Periodic review.* The Director of the Department of Planning and Development must, at least every 12 months as provided by Government Code § 65865.1, review the development agreement and provide a written report to the Board of Supervisors. The burden of proof is on the applicant to provide necessary information verifying good faith compliance with the terms of the development agreement. The applicant shall also bear the cost of such review in accordance with the fee established by a Board of Supervisors resolution. If the Director finds that any aspect of the development project is not in good faith compliance with the terms of the development agreement, the Planning Director may schedule the matter before the appropriate reviewing authority for review for possible amendment or termination.

( [Ord. No. NS-1200.367, § 1, 6-19-18](#) )