

**DIVISION 13: DEVELOPMENT AGREEMENT REGULATIONS**

**CHAPTER 9-1300**

**DEVELOPMENT AGREEMENT REGULATIONS: INTENT AND ORGANIZATION**

**Sections:**

- 9-1300.1 Title and Intent.
- 9-1300.2 Organization.

**9-1300.1 TITLE AND INTENT.**

Division 13 constitutes the Development Agreement Regulations. The intent of this Division is to prescribe regulations for entering into and implementing Development Agreements.  
(Ord. 3675)

**9-1300.2 ORGANIZATION.**

Division 13 consists of the following chapters:  
 (a) 9-1300 Development Agreement Regulations: Intent and Organization;  
 (b) 9-1305 Adoption of Development Agreements; and  
 (c) 9-1310 Implementation of Development Agreements.  
(Ord. 3675)

**CHAPTER 9-1305**

**ADOPTION OF DEVELOPMENT AGREEMENTS**

**Sections:**

- 9-1305.1 Intent.
- 9-1305.2 Parties to the Agreement.
- 9-1305.3 Mandatory Contents.
- 9-1305.4 Optional Contents.
- 9-1305.5 Review Procedures.
- 9-1305.6 Findings.
- 9-1305.7 Recordation.

**9-1305.1 INTENT.**

The intent of this Chapter is to specify the contents of a Development Agreement and the process for its adoption.  
(Ord. 3675)

**9-1305.2 PARTIES TO THE AGREEMENT.**

The County may enter into a Development Agreement, pursuant to the California Government Code, with any person having a legal or equitable interest in real property located within the unincorporated area of the County.  
(Ord. 3675)

**9-1305.3 MANDATORY CONTENTS.**

A Development Agreement shall specify the following:  
 (a) The duration of the agreement;  
 (b) The permitted uses of the property;  
 (c) The density or intensity of use;  
 (d) The maximum height and size of buildings;  
 (e) Provisions for reservation or dedication of land for public purposes; and  
 (f) The property that is subject to the agreement.  
(Ord. 3675, 3715)

**9-1305.4 OPTIONAL CONTENTS.**

A Development Agreement may contain the following:  
 (a) Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, or requirements shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement;  
 (b) A date upon which construction must commence and a date when the project or any phase of the project must be complete;  
 (c) Terms and conditions relating to the applicant financing necessary public facilities with or without subsequent reimbursement over time;

(d) Restrictions on the assignability of the agreement by the applicant and, if assignable, provisions ensuring that the successor in interest assumes the obligations under the agreement;

(e) Provisions for minor modification of the Development Agreement; and

(f) Other terms and conditions related to the proposed project which are mutually agreeable to the parties. (Ord. 3675)

**9-1305.5 REVIEW PROCEDURES.**

The review procedure for a Development Agreement shall be the Public Hearing Review Procedure as set forth in Chapter 9-220, with the following modifications:

(a) **Planning Commission Review.** At the conclusion of the Public Hearing, the Planning Commission shall recommend approval or denial of the Development Agreement to the Board of Supervisors.

(b) **Decision by Board of Supervisors.** Final action on the Development Agreement shall be taken by the Board of Supervisors at a Public Hearing. (Ord. 3675, 3715)

**9-1305.6 FINDINGS.**

Prior to approving a Development Agreement, the Review Authority shall find that all of the following are true:

(a) **Consistency.** The provisions of the Development Agreement are consistent with the General Plan and any applicable Master Plan, Public Financing Plan, Specific Plan, and Special Purpose Plan for the area; and

(b) **Development Title.** The proposed development complies with all provisions of this Title. (Ord. 3675, 3756)

**9-1305.7 RECORDATION.**

No later than ten (10) days after the final approval of a Development Agreement, the County Clerk shall record with the County Recorder a copy of the agreement, which shall describe the land subject thereto. (Ord. 3675)

**CHAPTER 9-1310**

**IMPLEMENTATION OF DEVELOPMENT AGREEMENTS**

**Sections:**

<b>9-1310.1</b>	<b>Intent.</b>
<b>9-1310.2</b>	<b>Enforcement.</b>
<b>9-1310.3</b>	<b>Rules, Regulations, and Official Policies.</b>
<b>9-1310.4</b>	<b>Periodic Review.</b>
<b>9-1310.5</b>	<b>Amendment or Cancellation.</b>
<b>9-1310.6</b>	<b>State and Federal Laws.</b>

**9-1310.1 INTENT.**

The intent of this Chapter is to describe the legal effect of a Development Agreement and to prescribe how the agreement is monitored, modified, and canceled. (Ord. 3675)

**9-1310.2 ENFORCEMENT.**

Unless amended or canceled pursuant to Section 9-1310.5 and except as provided in Section 9-1310.6, a Development Agreement shall be enforceable by any party thereto notwithstanding any change in any applicable General Plan, Specific Plan, Special Purpose Plan, zoning, subdivision, or building regulation adopted by the County which alters or amends the rules, regulations, or policies specified in Section 9-1310.3. (Ord. 3675)

**9-1310.3 RULES, REGULATIONS, AND OFFICIAL POLICIES.**

(a) **Laws in Effect.** Unless otherwise provided by the Development Agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a Development Agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement.

(b) **Subsequent Actions.** A Development Agreement shall not prevent the County, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a Development Agreement prevent the County from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations, and policies.

(c) **Emergency Situations.** The County may suspend the issuance of building permits for the development project after a noticed hearing if it finds in good faith that a clear and present emergency situation requires the suspension.  
(Ord. 3675)

#### 9-1310.4 PERIODIC REVIEW.

(a) **Frequency of Review.** The Director of the Community Development Department shall cause the Development Agreement to be reviewed annually on the anniversary date of its adoption. A more frequent review may be undertaken at the direction of the Planning Commission or Board of Supervisors.

(b) **Good Faith Compliance.** The applicant or successor in interest shall be required to demonstrate good faith compliance with the terms of the agreement as part of the review.

(c) **Termination or Modification.** If the County finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with the terms or conditions of the agreement, the County may terminate or modify the agreement.

(1) Action to terminate or modify the agreement may be initiated only by the Planning Commission or the Board of Supervisors; and

(2) No action to terminate or modify the agreement shall be taken without the Public Hearing Review Procedure in Chapter 9-220.

(d) **Payment of Periodic Review.** The cost of the annual review of the Development Agreement shall be paid for by the party (or the party's successor in interest) who entered into the Development Agreement with the County. The payment shall cover the actual cost to the County of conducting said annual review, including employee salaries and benefits, overhead, and materials.  
(Ord. 3675; Ord. 4035 § 13, 1999)

#### 9-1310.5 AMENDMENT OR CANCELLATION.

A Development Agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. An agreement shall be amended or canceled using the same process as was used for its adoption.  
(Ord. 3675)

#### 9-1310.6 STATE AND FEDERAL LAWS.

(a) **Modification or Suspension.** In the event that state or federal laws or regulations, enacted after a Development Agreement has been entered into, prevent or

preclude compliance with one (1) or more of the provisions of the Development Agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

(b) **County Action.** Any action pursuant to this Section shall be taken by the Board of Supervisors at a Public Hearing, in accordance with the Public Hearing Review Procedure in Chapter 9-220.  
(Ord. 3675)

