

ORDINANCE NO. 9841 (NEW SERIES)

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE, RELATING TO CONDOMINIUM CONVERSIONS, DESIGN AND ACCESS REQUIREMENTS, WATER SUPPLY, ADJUSTMENT PLAT PROCEDURES AND OTHER MATTERS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the following amendments will provide a necessary update to certain sections of the County Code of Regulatory Ordinances. Amendments made by this ordinance modify procedures relating to processing boundary adjustment applications, requirements applicable to condominium conversions, and road dedications to clarify definitions and modify procedures to make them consistent with state codes and past and present ordinance interpretations.

Section 2. Section 81.102.13.1 of the San Diego County Code is hereby repealed.

Section 3. Section 81.308 of the San Diego County Code is hereby amended to read as follows:

SECTION 81.308. EXPIRATION OF TENTATIVE MAP -- EXTENSION OF TIME

- (a) Within 36 months after the approval or conditional approval of the Tentative Map, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be filed in accordance with the Tentative Map as approved or conditionally approved and in accordance with the Subdivision Map Act and this division. However, if the subdivider is subject to a requirement to expend an amount equal to or greater than the amount specified in Section 66452.6 of the Subdivision Map Act to construct or improve or finance the construction or improvement of public improvements outside the boundaries of the Tentative Map, each filing of a final map on a portion of an approved Tentative Map, as authorized by Section 66456.1 of the Subdivision Map Act, shall extend the expiration of the approved or conditionally approved Tentative Map by 36 months from the date of its expiration as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the Tentative Map more than 10 years from its approval or conditional approval. However, a Tentative Map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 of the Government Code of the State of California may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps which may be filed shall be determined by the Advisory Agency at the time of the approval or conditional approval of the Tentative Map.

"Public improvements", as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

The final map or maps conforming to the approved or conditionally approved Tentative Map shall be filed with the Clerk of the Board of Supervisors in time so that the Board of Supervisors may approve the final map or maps prior to the expiration of the Tentative Map.

- (b) If the subdivider files with the Department of Planning and Land Use a written application for an extension, the Advisory Agency may, in accordance with Section 81.313, at any time prior to or not later than 60 days following the expiration of said 36 months, grant an extension not exceeding 60 months subject to specified conditions. The application shall be filed no more than 180 days prior to such expiration. In the event the Advisory Agency denies a subdivider's application for extension, the subdivider may within 15 days appeal to the Board of Supervisors. Following the hearing on an appeal, the Board of Supervisors shall grant or deny the extension or grant the extension subject to specified conditions.

Section 4. Section 81.110 of the San Diego County Code is hereby amended to read as follows:

SECTION 81.110. SUBDIVISIONS CONVERTING EXISTING RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENTS TO CONDOMINIUMS

- (a) Application: The conversion of an existing residential or non-residential development to a condominium shall require a Tentative Map for five or more units or a Tentative Parcel Map for four or fewer units. An existing residential or non-residential development is defined as a development that has received a certificate of final occupancy. The subdivision map shall indicate all sublots including common-held sublots. If the project is to be an air space condominium, a one-lot subdivision is required.
- (b) Standards for Conversion: All tentative subdivision maps involving conversion to condominiums, excepting residential mobilehome developments, of any existing residential or non-residential building shall be conditioned to:
 - (1) Bring the development into conformance with current Zoning Ordinance requirements for new development except that Section 4115 of the Zoning Ordinance (Computation of Permitted Dwelling Units) shall be applicable only if the Tentative Map or Tentative Parcel Map proposes additional dwelling units.
 - (2) Bring all structures on the site into conformance with the provisions of the Building, Plumbing, Electrical, Mechanical and Fire Codes as they were modified and in effect in San Diego County at the time the structures were constructed, and with the provisions of said Codes in effect at the time of approval of the Tentative Map or Tentative Parcel Map as they pertain to the following items:
 - i. Interior fire sprinklers;
 - ii. Smoke detectors; and,
 - iii. Railings and guardrails

The subdivider shall obtain a compliance survey from the Building Division of the Department, which confirms that the above requirements are complied with.

- (2) Provide an individual gas and/or electric metering system for each unit.
- (3) Provide trash enclosures to screen trash storage areas. These areas shall be enclosed with a solid masonry wall or solid wooden fences. This wall or fence shall be a minimum of five feet high.

Section 5. Section 81.401 of the San Diego County Code is hereby amended to read as follows:

SECTION 81.401. DESIGN OF SUBDIVISION

All major subdivisions shall conform to the following requirements as to design:

- (a) No lot shall include land in more than a single tax code area.
- (b) Every lot shall contain the minimum lot area specified in the Zoning Ordinance for the zone in which said lot is located at the time the final map is submitted to the Board of Supervisors for its approval; provided, however, if no lot area is established by the Zoning Ordinance, every lot shall contain a net area of no less than 6,000 square feet.
- (c) Every lot shall front on a dedicated road, a road offered for dedication, or a private road easement, as required by Section 81.402 or the conditions of approval of the Tentative Map.
- (d) Every lot shall be at least 50 feet wide exclusive of side yards required in the zone in which the lot is located measured at the right-of-way line, provided that no lot shall measure less than 60 feet wide measured at the right-of-way line.
- (e) Lots whose side lines are approximately radial to the center of a cul-de-sac or the center of the intersection of two dead end roads shall have at least 33 feet of frontage measured at the right-of-way line.
- (f) Panhandle-shape lots shall have minimum frontage of 24 feet on a dedicated road or private easement road except where the panhandle portion of two panhandle-shaped lots are adjacent to one another, in which case each shall have a minimum frontage of 20 feet on a dedicated road or private easement road. Panhandles may not serve as access to any lot except the lot of which said panhandle is a part nor shall any panhandle have a length of more than two-thirds the distance from the road on which the panhandle fronts to the rear lot line.
- (g) Through lots shall not be allowed unless vehicular access rights are relinquished to one of the abutting roads.
- (h) The side lines of all lots shall be at right angles or radial to the road upon which the lots front with a maximum deviation of up to 10 degrees allowed.
- (i) Lot depth shall be at least 90 feet and shall be no greater than three times the average width.

- (j) Whenever practicable, subdivision of residential property abutting roads shown on the Circulation Element of the San Diego County General Plan, railroads, transmission lines and open flood control channels shall be designed so that the lots do not face on such rights-of-way.
- (k) Whenever practicable side and rear lot lines shall be located along the top of man-made slopes instead of at the toe or at intermediate locations on said slopes.
- (l) Bicycle routes shown on the San Diego County General Plan shall be included in the subdivision provided such routes are reasonably related to the traffic caused by the subdivision. Whenever rights-of-way for roads are required to be dedicated in subdivisions containing 200 or more lots, the subdivider shall include bicycle routes when necessary and feasible for the use and safety of the residents.
- (m) No tentative subdivision or parcel map received on or after October 1, 1979 shall be approved unless each lot within the subdivision can be demonstrated by the subdivider to have unobstructed access to sunlight to an area of not less than 100 square feet, falling in a horizontal plane 10 feet above the grade of the buildable area of the lot. The condition of unobstructed solar access shall be considered to be achieved when a specific area of not less than 100 square feet has been unobstructed skyview of the sun between azimuths of the sun at 45 degrees to the east and 45 degrees to the west of true south on December 21. The purpose of this requirement is to assure solar access to solar water heating systems as required by San Diego County Code Section 53.119, located on a future structure built on the lot.
 - (1) This requirement shall not apply to specific lots whenever a subdivider can demonstrate that it is infeasible to comply due to:
 - i. A finding that the provisions of this section will result in reducing allowable densities under applicable planning and zoning in force at the time the Tentative Map is filed.
 - ii. A finding that the provisions of this section will result in reducing the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.
 - iii. A finding that compliance cannot be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.
 - iv. A finding that it is infeasible to comply due topographic conditions on or surrounding the land being subdivided, the configuration or orientation of the property being subdivided or existing road patterns contiguous to the subject property.
 - v. A finding that the nature of the existing or allowed future development contiguous to the subject property precludes adequate solar access to specific lots.

- (2) For purposes of this section, a tentative map or tentative parcel map is "received" on the date when the applicable fees are paid and map is stamped "received" by the Department.
- (n) The design of the subdivision shall reflect non-motorized vehicle trails required pursuant to Section 81.402(u).
- (o) To the extent that a Specific Plan approved by the Board of Supervisors or a Major Use Permit approved for a Planned Development pursuant to Section 6600 et seq. of the Zoning Ordinance, provides subdivision design requirements contrary to those set forth in paragraphs (b), (d), (e), (h) or (i) above, the provisions of the Specific Plan or Major Use Permit shall govern.

Section 6. Section 81.402 of the San Diego County Code is hereby amended to read as follows:

SECTION 81.402. DEDICATION AND ACCESS

No final map filed pursuant to Chapter 3 of this division shall be approved unless and until the following conditions have been satisfied:

- (a) Urban Development Areas. Where land to be subdivided is located in the Urban Residential #4 through #10 designations as defined by the Land Use Element of the San Diego County General Plan, all major subdivisions shall provide access by:
 - (1) Roads dedicated and improved in accordance with San Diego County Standards with right-of-way width from 52 to 60 feet on-site and no less than 40 feet off-site; except that a private road easement not less than 40 feet in width, improved in accordance with the San Diego County Standards for Private Roads, may be used for roads which will ultimately serve not more than an estimated 100 average daily trips (ADT), or roads that the Director of Public Works determines will not feasibly provide a current or future connection to another public road.
- (b) Non-Urban Development Areas. Where land to be subdivided is located in the Urban Residential #1, #2, #3 and all of the Non-Urban Residential, Agricultural and Special Purpose designations, #17 through #25, except #21 Specific Planning Area, as defined by the Land Use Element of the County General Plan, all major subdivisions shall provide access by:
 - (1) Private road easement not less than 40 feet in width improved in accordance with County Standards for Private Roads, except;
 - (2) On-site roads in areas designated for one- or two-acre minimum parcels by the County General Plan and which will ultimately serve an estimated 750 to 2500 ADT. Such roads shall be offered for dedication in accordance with County Standards with right-of-way width of 50 or 60 feet. When dedication is not accepted prior to approval of the final map, a private road easement not less than 40-foot in width shall be approved in lieu thereof, centered within the offered right-of-way, and improved in accordance with County Standards for Private Roads; and,

- (3) On-site or off-site roads which will ultimately serve more than an estimated 2500 ADT shall be dedicated and improved in accordance with County Standards with right-of-way width not less than 60 feet in width, unless otherwise specified in the conditions of approval of the tentative map.
- (c) Private Road Maintenance - Alternative Maintenance through Permanent Road Division (PRD) Zone
 - (1) Private roads will be maintained through private road maintenance agreements. However, the Director of Public Works may require that roads meeting private road standards be dedicated for public use, in which case, such roads may be maintained by a permanent road division zone established pursuant to Streets and Highway Code Section 1162.6 as the Director of Public Works determines. In such cases of public dedication, private road standards shall continue to apply.
 - (d) Where land to be subdivided is located in the Specific Planning Area designation as defined by the Land Use Element of the San Diego County General Plan, streets providing on-site and off-site access shall be designed and improved to those standards necessary to implement the development density design and objectives of an adopted Specific Plan as determined by the Director of Public Works.
 - (e) Where land to be subdivided is located in any commercial or industrial designation defined by the Land Use Element of the County General Plan, streets providing on-site and off-site access shall be dedicated and improved in accordance with San Diego County Standards.
 - (f) Where land to be subdivided is located in an Urban Residential #4 through #10 designation as defined by the Land Use Element of the San Diego County General Plan and abuts property that could be further subdivided under the density permitted by the General Plan, an analysis shall be made of the public road system within the proposed subdivision and that road system shall, where feasible and practicable, be designed so as to extend roads to the boundaries of the property to provide through access from the subdivision to existing or future offsite roads, to improve circulation in the vicinity.
 - (g) All dedicated roads which are proposed on the boundaries of a subdivision shall not be less than 40 feet in width together with a strip of land one-foot wide on its outer edge which shall be offered to the County for road purposes and over which access rights are relinquished.
 - (h) All dedicated roads proposed to be terminated at the subdivision boundary shall include a strip of land one foot wide extending across said street at its point of termination at said boundary which shall be portions of the adjacent lots, offered for road purposes and over which access rights are relinquished.
 - (i) Dead-end private road easements shall include a cul-de-sac with a minimum easement radius of 38 feet.
 - (j) Where it is necessary to extend a road beyond the boundaries of a subdivision to provide adequate circulation and fire protection for residents of the subdivision, the subdivider shall obtain the necessary easements therefore, which easements shall be dedicated or offered for dedication to the County when required by other provisions of

this Section and shall improve said easements in accordance with County Standards for County-maintained roads or with County Standards for Private Roads as may be applicable.

- (k) Where land to be subdivided is bounded by any water body such as an inlet, bay, estuary, lagoon, river or by the Pacific Ocean, there shall be a street along such water body or other adequate public access shall be required. Where said land is bounded by the Pacific Ocean, irrevocable offers of dedication to the public of an absolute right of traverse along the beach shall be required. This dedication shall include all of the area within the subdivision lying between the mean high tide (M.H.T.) line and the 10 foot elevation or base of the coastal bluffs, whichever is closer to the ocean, or from the M.H.T. line to the first line of vegetation in the case of an estuary mouth beach.
- (l) Where a drainage or flood control facility is necessary for the use of lot owners or for the protection of lots, adequate rights-of-way for such facilities shall be offered for dedication to the County or such other public entities as the Advisory Agency designates and shall be shown on the map.
- (m) Where it is necessary to extend a drainage or flood control facility beyond the boundaries of the subdivision for adequate drainage or flood control needs, the required public rights-of-way shall be provided. Such rights-of-way shall provide for the ultimate facility construction in accordance with the County Standards.
- (n) Where it is necessary to extend sewer systems beyond the boundaries of the subdivision, the subdivider shall provide all necessary easements and right-of-way to accommodate the facility and structures.
- (o) The subdivider shall offer to dedicate land for park purposes, pay fees in lieu thereof, or do a combination of both, pursuant to Chapter 1 of Division 10 of Title 8 of this Code.
- (p) The subdivider shall offer to dedicate the necessary right-of-way for bicycle routes in accordance with County Standards under the following circumstances:
 - (1) When such routes as shown on the County General Plan pass through or abut the subdivision; and/or
 - (2) When a subdivider is required to dedicate rights-of-way for streets in subdivisions containing 200 or more lots and such route is necessary and feasible for the use and safety of the residents.
- (q) Any Tentative Map approved subject to the condition that there be dedicated an interest in real property outside the boundaries of the subdivision shall also be subject to the condition that no grading permit shall be issued pursuant to the tentative map unless and until either:
 - (1) Said interests in real property have been acquired by the subdivider or the public agency concerned in a form satisfactory to the Director of Public Works; or
 - (2) The Board of Supervisors has agreed to acquire said interests in real property.

- (r) Where off-site access will not serve as access to on-site roads to be maintained by the County or a County Service Area, no dedication or offer of dedication shall be required for residential roads providing off-site access to the land to be subdivided when the Advisory Agency has determined that a practical difficulty in obtaining rights over intervening land makes dedication or any offer of dedication impossible or circumstances such as location, traffic volume or use make such dedication or offer of dedication unwarranted.
 - (1) When such determination has been made, a private road easement not less than 40 feet in width shall be approved in lieu of such dedication or offer of dedication.
 - (2) Where such private road easement is approved, the subdivider shall obtain documentation from a title company that the owner and his/her successors have the right to use such private road easement for the lots to be created prior to the approval of the final map.
- (s) In Non-Urban Development Areas, offers of dedication may be required when the Director of Public Works determines that a high probability exists that a proposed private road may need to be brought into the County-maintained system at some future date.
- (t) All utility easements which are acquired after the issuance of the Resolution of Approval (Notice of Approval) shall be subordinated to any Public Dedications which are required as a condition of said approval with the exceptions of major transmission facilities, mains and lines as determined by the Director of Public Works.
- (u) Easements for Public Utilities may be dedicated to and accepted by a Public Utility by certificate on the map.
- (v) Easements for non-motorized vehicle trails shall be offered for dedication by the subdivider when such trails, shown on maps adopted as part of the County General Plan, pass through or abut the subdivision.

Section 7. Section 81.403 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.403. REQUIRED IMPROVEMENTS

- (a) The subdivider shall be required to perform or agree to perform the following before approval of any final or parcel map of a major subdivision:
 - (1) Grade and improve all land dedicated or to be dedicated for roads or easements, bicycle routes, and all private roads and private easements laid out on a final map or parcel map, in such manner and with such improvements as are necessary for the use of the lot owners in the subdivision, local neighborhood traffic, and drainage needs in accordance with County Standards.
 - (2) Install all on-site and off-site drainage and flood control facilities required by the Director of Public Works in conformance with County Standards. When, it is determined that construction of off-site facilities to the ultimate County Standards is unreasonable, staged construction may be permitted when the Board of Supervisors has determined there is a substantial public benefit, and:

- (i) Drainage and flood control facilities required pursuant to this ordinance, which are outside the boundaries of the subdivision, may be constructed in stages in conformance with County Standards and shall provide for no increase in existing or potential flood hazards to downstream properties. Staged facilities shall provide for increases in flood flows attributable to a proposed development, and the cumulative effect of future developments in the watershed pursuant to current County policy regarding staged construction.
 - (ii) Design of staged facilities shall include provisions for minimum maintenance requirements including, but not limited to, vehicular access, erosion and sedimentation control, structural low flow channels, and service roads, plus landscaping and irrigation where appropriate.
- (3) Extend to the land to be subdivided, public water supply facilities adequate to serve the subdivision when the project is located within a water district or the district's adopted sphere of influence and either: (i) the main lines of the existing public potable water supply are located within 500 feet of the subdivision boundary; or, (ii) the subdivider has proposed the use of a public water supply to serve the subdivision.
- (4) Provide proof satisfactory to the Director of Planning and Land Use that the serving water district has certified that adequate potable public water supply is available to each lot or parcel or to the Director of the Department of Environmental Health that there exists an adequate potable well water supply available to each lot or parcel. The subdivider shall install minimum water supply pipe as determined by the Director of Public Works and recommended by the water district serving the proposed subdivision.
- (5) Install fire hydrants and connections as approved by the chief of the local fire district or the County Fire Marshal.
- (6) Install a public system for sewers or sewage disposal serving all proposed lots or parcels as a condition precedent to the approval of any parcel map or final map where it is determined that such system is required to preserve the public health due to the size and shape of the proposed lots, the terrain and soil condition of the land to be subdivided, and the existing development in the vicinity of the proposed subdivision. Such public system shall be approved by the serving district according to their standards and policies.
- (7) Underground all new and existing utility distribution facilities, including cable television lines, within the boundaries of any new subdivision or within any half road abutting a new subdivision. The subdivider is responsible for complying with the requirements of this Subsection and he shall make the necessary arrangements with each of the serving utilities, including licensed cable television operators for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to such underground utilities and street lighting systems may be placed above ground. The provisions of this Subsection shall not apply to the installation and maintenance of overhead electric transmission lines in excess of

34,500 volts and long distance and trunk communication facilities. When the installation of cable television lines is required, the subdivider shall provide the Director of Public Works with either documentation from a licensed cable television operator stating arrangements for the underground installation of cable television lines have been made; or documentation that the Cable Television Review Commission has reported that no licensed cable television operator is willing and able to install cable television lines in the subdivision. Any modification or waiver of the requirements of this Subsection shall be reviewed in accordance with the Board of Supervisors Policy "Undergrounding of Utilities."

- (8) Construct a street lighting system as required by the Director of Public Works in conformance with County Standards.
- (b) Where each parcel on a parcel map for a major subdivision contains a gross area of 20 acres or more, the subdivider shall be required to:
 - (1) Grade and improve private roads to grades and widths required in accordance with County Standards for Private Roads;
 - (2) Install all drainage structures and facilities required by the Director of Public Works in conformance with County Standards; and
 - (3) Install water supply pipelines, fire hydrants and connections as may be required by the Planning Commission or Board of Supervisors.
- (c) All drainage and flood control improvements shall conform to applicable floodplain overlay zoning and drainage and flood control policies of the County General Plan.

Section 8. Section 81.703 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.703. DEDICATION AND ACCESS

No parcel map filed pursuant to Chapter 6 of this division shall be approved unless and until the following conditions have been satisfied:

- (a) Urban Development Areas Where the land to be subdivided is located in the Urban Residential #4 through #10 designations as defined by the Land Use Element of the San Diego County General Plan, all minor subdivisions shall provide access by roads dedicated and improved in accordance with San Diego County Standards with right-of-way width from 52 to 60 feet on-site and no less than 40 feet off-site, except that a private road easement not less than 40 feet in width, improved in accordance with the San Diego County Standards for Private Roads, may be used for roads which will ultimately serve not more than an estimated 100 average daily trips (ADT), or roads that the Director of Public Works determines will not feasibly provide a current or future connection to another public road.
- (b) Non-Urban Development Areas Where land to be subdivided is located in the Urban Residential #1, #2, #3 and all of the Non-Urban Residential, Agricultural and Special Purpose designations, #17 through #25, except #21 Specific Planning Area, as defined

by the Land Use Element of the County General Plan, all minor subdivisions shall provide access by:

- (1) Private road easement not less than 40 feet in width improved in accordance with County Standards for Private Roads, except;
 - (2) On-site roads in areas designated for one- or two-acre minimum parcels by the County General Plan and which will ultimately serve an estimated 750 to 2500 ADT. Such streets shall be offered for dedication with right-of-way width of 56 or 60 feet. When dedication is not accepted prior to approval of the parcel map, a private road easement not less than 40 feet in width shall be approved in lieu thereof, centered within the offered right-of-way, and improved in accordance with County Standards for Private Roads; and,
 - (3) On-site or off-site roads which will ultimately serve more than an estimated 2500 ADT shall be dedicated and improved in accordance with County Standards with right-of-way not less than 60 feet in width, unless otherwise specified in the conditions of approval of the Tentative Parcel Map.
- (c) Private Road Maintenance - Alternative Maintenance through Permanent Road Division (PRD) Zone
- (1) Private roads will be maintained through private road maintenance agreements. However, the Director of Public Works may require that roads meeting private road standards be dedicated for public use, in which case, such roads may be maintained by a permanent road division zone established pursuant to Streets and Highway Code Section 1162.6 as the Director of Public Works determines. In such cases of public dedication, private road standards shall continue to apply.
- (d) Where land to be subdivided is located in the Specific Planning Area designation as defined by the Land Use Element of the County General Plan, roads providing on-site and off-site access shall be designed and improved to those standards necessary to implement the development density design and objectives of an adopted Specific Plan as determined by the Director of Public Works.
- (e) Where land to be subdivided is located in any commercial or industrial designation defined by the Land Use Element of the County General Plan, roads providing on-site and off-site access shall be dedicated and improved in accordance with County Standards.
- (f) Roads which are proposed on the boundaries of a subdivision shall be not less than 30 feet in width. In the event that the offer of dedication for said roads is to be accepted prior to approval of the parcel map, a strip of land one foot wide extending along the outer edge of said land offered for dedication may be required to be offered to the County for road purposes and over which access rights are relinquished.
- (g) Where land to be subdivided is located in an Urban Residential #4 through #10 designation as defined by the Land Use Element of the San Diego County General Plan and abuts property that could be further subdivided under the density permitted by the General Plan, an analysis shall be made of the public road system within the proposed subdivision and that road system shall, where feasible and practicable, be designed so

as to extend roads to the boundaries of the property to provide through access from the subdivision to existing or future off-site roads, to improve circulation in the vicinity.

- (h) Offers of dedication for roads which will be accepted before approval of the parcel map and which roads are proposed to be terminated at the boundary of the subdivision may be required to include a strip of land one foot wide extending across said road at its point of termination at said boundary which shall be portions of the adjacent lots, offered for road purposes and over which access rights are relinquished.
- (i) Dead-end private road easements shall include a cul-de-sac with a minimum easement radius of 38 feet.
- (j) Where land to be subdivided is bounded by any water body such as an inlet, bay, estuary, lagoon, river or by the Pacific Ocean, there shall be a road along such water body or other adequate public access shall be required. Where said land is bounded by the Pacific Ocean, irrevocable offers of dedication to the public of an absolute right of traverse along the beach shall be required. This dedication shall include all of the area within the subdivision lying between the mean high tide (M.H.T) line and the 10 foot elevation or base of coastal bluffs, whichever is closer to the ocean, or from the M.H.T line to the first line of vegetation in the case of an estuary mouth beach.
- (k) All easements required for public utilities and drainageways, including flood control and drainage easements required in Section 81.402(j) and 81.402(k) of this division shall be offered for dedication in the manner prescribed by Section 81.705 of this division when such offers of dedication are necessary to serve the subdivision and/or are a reasonable and logical extension of such facilities as exist in the vicinity.
- (l) No dedication or offer of dedication shall be required for roads providing on-site access to land to be subdivided where such road will serve only those lots created by that subdivision. A private road easement not less than 20 feet wide may be approved in lieu thereof, provided, that the easement will ultimately serve no more than four lots or parcels and the Director of Planning has determined that no adjacent properties shall require public access from such easement.
- (m) Where off-site access will not serve as access to on-site roads to be maintained by the County or a County Service Area, no dedication or offer of dedication shall be required for residential roads providing off-site access to the land to be subdivided when the Director of Planning has determined that a practical difficulty in obtaining rights over intervening land makes an offer of dedication or an irrevocable offer to dedicate impossible or circumstances such as location, traffic volume or use make such dedication or offer of dedication unwarranted.
 - (1) When such determination has been made, a private road easement not less than 40 feet in width or an existing private road easement established prior to February 1, 1972, not less than 20 feet in width shall be approved in lieu of such dedication or offer of dedication.

- (2) Where such private road easement is approved, the subdivider shall obtain documentation from a title company that the owner and his/her successors have the right to use such private road easement for the lots to be created prior to the approval of the parcel map.
- (n) In Non-Urban Development Areas, offers of dedication may be required when the Director of Public Works determines that a high probability exists that a proposed private road may need to be brought into the County-maintained system at some future date.
- (o) All utility easements which are acquired after the issuance of the Resolution of Approval (Notice of Approval) shall be subordinated to any Public Dedications which are required as a condition of said approval with the exceptions of major transmission facilities, mains and lines as determined by the Director of Public Works.
- (p) Easements for Public Utilities may be dedicated to and accepted by a Public Utility by certificate on the map.

Section 9. Section 81.706 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.706. REQUIRED IMPROVEMENTS

As a condition precedent to the approval of a parcel map for a minor subdivision filed pursuant to the Subdivision Map Act and this division it shall be required that the subdivider:

- (a) Improve or agree to improve in accordance with San Diego County Standards all right-of-way offered for dedication for road purposes which is accepted by the County prior to the approval of the parcel map.
- (b) Install or agree to install other improvements and facilities including but not limited to sewer, water, fire protection, schools and flood control services, in accordance with the requirements set forth in Section 81.403 of this division except that:
 - (1) fire hydrants shall be installed as provided in subsection (c) of this section;
 - (2) street lighting shall be required as provided in subsection (f) of this section; and
 - (3) conversion of existing overhead utilities to underground utilities shall not be required where no public road improvements are required; however, new service to on-site buildings shall be installed underground.
- (c) Install or agree to install fire hydrants with an adequate water supply at intervals not to exceed the following distances for the size of parcel created in the designated zone, which distance shall be measured along a road which is traversable by mechanized fire fighting apparatus, provided these requirements may be waived or modified by the Director pursuant to Section 81.614 of this division, upon recommendation by the chief of the local fire district, or if there is no local fire district, by the Director of Planning and Land Use.
 - (1) In zones other than industrial, commercial and multi-family, fire hydrants shall be installed at the following intervals:

- (i) Parcels 2-1/2 acres and larger--every 1,000 feet.
 - (ii) Parcels 1/2 to 2-1/2 acres--every 500 feet.
 - (iii) Parcels less than 1/2 acre--every 350 feet.
- (2) In multi-family zones, and in commercial and industrial zones fire hydrants shall be installed every 300 feet regardless of parcel size.

In commercial and industrial zones, fire hydrants shall have two 2½-inch ports and one 4-inch port with a six-inch barrel, and in all other zones fire hydrants shall have one 2½-inch port and one 4-inch port.

- (d) Provide proof that the serving public water district will serve each lot or parcel with potable public water or the Director of the Department of Environmental Health certifies that there exists an adequate potable well water supply available to each lot or parcel.
- (e) Extend to the land to be subdivided, public water supply facilities adequate to serve the subdivision when the project is located within a water district or the district's adopted sphere of influence and either: (i) the main lines of the existing public potable water supply are located within 500 feet of the subdivision boundary; or, (ii) the subdivider has proposed the use of a public water supply to serve the subdivision.
- (f) Provide proof satisfactory to the Director of Public Works that there exists an adequate water supply available to each required fire hydrant.
- (g) Install or agree to install street lighting pursuant to San Diego County Standards, provided that such street lighting shall only be required for traffic safety as determined by the Director of Public Works.
- (h) Provide proof that the serving public sewer district will serve each lot or parcel with public sewer.

Section 12. Section 81.902 of the San Diego County Code is hereby amended to read as follows:

SEC. 81.902. PROCEDURE FOR APPROVAL OF ADJUSTMENT PLAT

- (a) Application. All adjustment plats shall be in the form and shall contain and be accompanied by the data specified by the rules and regulations prescribed by the Director.
- (b) Decision. Within 30 calendar days after said application for approval of an adjustment plat has been filed (as defined in Section 66452.1(c) of the Subdivision Map Act) the Director shall approve, or conditionally approve or disapprove such plat. The applicant shall be notified of the Director's action by written notice. Notice shall be deemed to have been given upon deposit of the notice in the United States mail with postage thereon prepaid.

- c) Conditional Approval. If the Director conditionally approves the adjustment plat, the Director shall list the conditions that the owner must fulfill to receive final approval. A conditional approval shall be valid for six months from the date of the conditional approval. If, within this six-month period, the owner submits documentation showing that he/she has met all conditions listed in the conditional approval, the Director shall approve the adjustment plat by making the certification described in paragraph (d) below. If the owner does not submit this documentation within the six-month period, the conditional approval shall expire. Upon application filed before the expiration of the six-month period, the owner may request, and the Director may approve, one extension of the six month-period, not to exceed six months.
- (d) Certification. If the Director determines that the adjustment plat meets the requirements of this division he shall certify on the adjustment plat that it has been approved pursuant to this division and file it in the office of the Director. A revised adjustment plat shall be submitted for certification when the Director finds that the number or nature of the changes necessary for approval are such that they cannot be shown clearly or simply on the original adjustment plat.
- e) Certificate of Compliance. The Director shall cause either a deed or a certificate of compliance for the property included in the approved boundary adjustment to be filed for record with the County Clerk/Recorder.

Section 13. Effective Date and Publication. This ordinance shall take effect and be in force thirty days after the date of its passage, upon which date the San Diego County "Resource Protection Ordinance", as adopted by Ordinance No. 7631 and amended by Ordinances Nos. 7685, 7739, and 7968, shall be superseded by this ordinance and be of no further independent force or effect. Before the expiration of fifteen days after its passage, a summary of this ordinance shall be published once, with the names of the members voting for and against the same, in a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 21st day of March, 2007.

BOARD07\02-28\SUBDIVISION-CLNORD;jcr