



LAND USE SERVICES DEPARTMENT PLANNING STAFF REPORT



HEARING DATE: February 20, 2014

AGENDA ITEM NO: 6

Project Description:

Applicant: San Bernardino County Land Use Services Department

Proposal: A Development Code Amendment to amend Sections 83.05.070, 83.09.030, 83.09.040 and 83.09.050 of the San Bernardino County Development Code relative to the waiver or modification of the County's dedication and/or street improvement requirements.

Community: Countywide

Location: Countywide

Project No: P201400023

Staff: Dave Prusch

BACKGROUND:

Prior to 2010, the Development Code included a provision which authorized the Director of the Department of Public Works to waive street dedication and improvement requirements if the Director found that the waiver or modification would not adversely affect the public health and safety and that the improvements were not a necessary prerequisite to the orderly development of the surrounding area. The County Development Code also included a provision that stated that before waiving or modifying any improvement requirement, the Director of the Department of Public Works could require a written agreement from the applicant, whereby the applicant agreed to participate in any street improvement program for the area in which the property was located, whether privately or publicly initiated.

Due to concerns over having this waiver authority vested in one County officer (the Public Works Director), in 2010, the Department of Public Works recommended, and the Board of Supervisors approved, the deletion of the waiver provision from the Development Code.

Since 2010, staff has determined that there is still a need for the County to have a Development Code provision that authorizes the waiver or modification of street dedications and improvements, when the requirement for dedication and/or street improvements, on a project specific, case-by-case basis, does not make practical sense based on the specifics of the individual development proposal.

Currently, the Development Code requires that a developer or government agency (which includes any federal, State, County, municipal corporation, school district or any other public district or body) provide street dedication and the installation of street improvements as part of a typical entitlement project (conditional use permit, minor use permit, site plan permit, tentative tract or parcel map). Additionally, street dedication and improvements

Action taken by the Planning Commission on this item may be appealed to the Board.

Yes No

Note: Recommendations to the Board of Supervisors are not appealable.

Revised 12/15/95

may be required when a private developer or government agency is processing a non-entitlement project, such as a building permit for a single family residence. Occasionally, the County finds that it is not appropriate or feasible for a developer to provide dedication and/or install street improvements. However, the County does not currently have a mechanism within the County Development Code to waive or modify dedication and/or improvement requirements. The only provision that currently exists within the Development Code that exempts dedication and street improvement requirements is for the alteration or enlargement of an existing building or structure, when the proposed alteration, within three years form date of application for a permit, does not exceed one-half of the original square footage of the existing buildings or structures This provision was adopted in 2012.

The proposed Development Code amendment will reestablish a waiver/modification process for dedication and/or construction of street improvement requirements that would typically be required as part of any development project, as well as for dedication and improvements that are required outside of a development project, such as when building permits are issued for a single family residence, which does not require a discretionary permit through County Planning.

However, the proposed Development Code amendment does not merely bring back the original waiver/modification process from 2010. Instead, the proposed Development Code amendment brings back, builds upon and improves the original waiver/modification process. In addition, the proposed Development Code amendment addresses the 2010 concern of vesting the waiver authority in one County officer by requiring any waiver or modification to be approved by both the Director of the Land Use Services Department and the Director of the Department of Public Works. It should be noted that the proposed Development Code amendment does not bring back the option of requiring a written agreement from the applicant to participate in a street improvement program. This provision was left out of the proposed Development Code amendment due to the fact that it is uncertain whether the County would be successful in actually collecting money from the applicant, or some future property owner, years after project approval. In addition, staff believes that if a project qualifies for a waiver or modification, such a decision should be addressed at the time the project is approved rather than later as part of a contract enforcement matter.

ANALYSIS:

Staff is proposing to reestablish a waiver/modification process (to be codified in County Code Section 83.05.070) for both a discretionary permit and for non-discretionary approvals (building permit only). A request for a waiver or modification of either type of approval may be initiated by either the project applicant or by the Director of either the Land Use Services Department or the Department of Public Works. A waiver/modification request may be made at any time during the development approval process and must be approved by both the Director of the Land Use Services Department and the Director of the Department of Public Works (Directors).

The decision of the action taken by the Directors pertaining to a waiver/modification request for a discretionary permit may be appealed to the review authority of the discretionary permit (the subdivision or development project) land use decision within 10 calendar days of receipt of the decision made by the Directors, through the Planning Division's standard appeal process. The appeal shall identify the subject development project, the specific decision being appealed, the date of the appeal and the justification for the appeal and any remedy or solution for which the appellant petitions. The Land Use Services Department shall schedule the appeal hearing within 30 days of the acceptance of an appeal application.

An appeal of the Directors' decision to waive or modify required dedications and/or street improvements related to a non-discretionary project approval shall be made directly to the County's Chief Executive Officer within 10 calendar days of receipt of the decision made by the Directors, on the designated forms provided by the Land Use Services Department. The appeal shall identify the subject development project, the specific decision being appealed, the date of the appeal and the justification for the appeal and any remedy or solution for which the appellant petitions.

The Chief Executive Officer and Land Use Services Department shall make all the same findings relative to the appeal of the waiver/modification process, as the Directors were required to make with respect to the approval of the original waiver/modification.

More specifically, prior to granting any waiver or modification to the required dedication and/or street improvement requirements, the Directors shall make all of the following findings:

1. The waiver or modification would not adversely affect the public health and safety;
2. The waiver or modification would not create a financial impact to the County of San Bernardino or the San Bernardino County Flood Control District within ten (10) years from the date of the waiver or modification;
3. The request for a waiver or modification is not based solely on the financial hardship to the applicant;
4. The waiver or modification would not conflict with other County departments' dedication and/or improvement requirements; and
5. There is good cause shown for the waiver or modification and such waiver or modification would serve a public purpose.

While considering the above Development Code amendment to the County Code, the Department identified other necessary changes. As a result, the proposed ordinance also:

1. Includes minor nonsubstantive revisions to the County Code. More specifically, in 2013 the Land Development Division was moved out of the Department of Public Works and into the Land Use Services Department. As a result, some of the references to the Department of Public Works were updated to reference the Land Use Services Department.
2. Adds a footnote in Tables 83-9, infrastructure improvement standards for the Valley region (Section 83.09.030), 83-10, infrastructure improvement standards for the Mountain region (Section 83.09.040), and 83-11 infrastructure improvement standards for the Desert region (Section 83.09.050), which cross-references the proposed waiver/modification provision found in Section 83.05.070.

FINDINGS FOR THE DEVELOPMENT CODE AMENDMENT: The following findings must be made by the Commission in making its recommendation to the Board to approve the proposed Development Code Amendment:

1. Properly noticed public hearings have been held before the Planning Commission and will be held before the Board of Supervisors of the County of San Bernardino, State of California, pursuant to the Planning and Zoning Law of the State of California and the San Bernardino County Code;
2. The proposed amendments are consistent with the General Plan and any applicable community plan or specific plan, including County General Plan Goal CI 1, in that the County will provide a transportation system, including public transit, which is safe, functional, and convenient, and in that it meets the public's need, and enhances the lifestyles of County residents;
3. The proposed amendments are consistent with the General Plan, in particular, Goal CI 4 in that the County will coordinate land use and transportation facilities to support planned land uses and ease congestion;
4. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the County;
5. The proposed amendments are internally consistent with other applicable provisions of the San Bernardino County Code;
6. The proposed amendments support the Board of Supervisors County goals and objectives, in that they will improve County government operations, assist in the goal of operating in a fiscally-responsible and business-like manner, and will ensure development of a well-planned, balanced, and sustainable County;
7. This ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with Title 14 of the California Code of Regulations, Section 15061(b)(3) (otherwise known as the CEQA Guidelines) as the proposed changes do not have

the potential to cause a significant effect on the environment; and

8. The purpose of this ordinance is to provide the County of San Bernardino Director of the Land Use Services Department, referred to in this ordinance as “Director”, and the Director of the Department of Public Works with the authority to waive or modify in whole or in part dedication and/or street improvement requirements under specific conditions. Any waiver or modification must be approved by both the Director of the Land Use Services Department and the Director of the Department of Public Works. The ordinance also establishes an appeal process concerning the decision to waive or modify dedication and/or street improvement requirements and includes minor nonsubstantive revisions to the Code.

RECOMMENDATION: Staff recommends that the Planning Commission recommend the following actions to the Board of Supervisors:

- A. ADOPT the proposed ordinance that amends Sections 83.05.070, 83.09.030, 83.090.40 and 83.09.050 of Title 8 of the County Code relative to the waiver or modification of the dedication and/or street improvement requirements;
- B. ADOPT the findings as contained in the staff report; and
- C. FILE the Notice of Exemption.

ATTACHMENT:

Exhibit A - Proposed Development Code Amendment

EXHIBIT A

Proposed Development Code Amendment

CHAPTER 83.05 DEDICATIONS AND INSTALLATIONS OF STREET AND TRAIL IMPROVEMENTS

Sections:

83.05.010	Purpose
83.05.020	Applicability
83.05.030	Dedication of Street and/or Highway Right-of-Way
83.05.040	Dedication and Installation of Trail Right-of-Way
83.05.050	Installation of Street Improvements
83.05.060	Delayed Improvements
83.05.070	(Reserved)
83.05.080	Building Official Determination

83.05.010 Purpose

This Chapter regulates and controls dedications and the installation of street improvements and trails. The regulations are intended to preserve the public health, safety, and general welfare; to promote orderly growth and development; and to ensure the provision of adequate traffic circulation, utilities, and services.

Adopted Ordinance 4011 (2007); Amended Ordinance 4098 (2010)

83.05.020 Applicability

The requirements of this Chapter shall apply to all subdivision and single-parcel development. The road dedication and street improvement standards provided in this Chapter do not apply to: (1) the alteration or enlargement of an existing building or structure on a lot or parcel of land if the total square footage of such alteration or enlargement, and all other alterations or enlargements completed three (3) years prior to the date of the application for a permit for such alteration or enlargement, does not exceed one-half (1/2) of the original square footage of all buildings and structures on such lot or parcel of land, or (2) the erection of one or more accessory structures (not including accessory dwellings) as defined in Subsection 810.01.030(g) of the County Code. For purposes of this section, “original square footage” means the square footage of all buildings and structures that existed on such lot or parcel of land three (3) years prior to the date of the application for such permit.

Adopted Ordinance 4011 (2007); Amended Ordinance 4181 (2012)

83.5.30 Dedication of Street and/or Highway Right-of-Way

- (a) **Dedications required by approved plans or ordinances.** Before final inspection of structures, the dedication of additional street and/or highway right-of-way may, at the discretion of the Director of Public Works, be required to comply with the General Plan, an adopted specific plan, a Local Area Transportation Facilities Plan, or the provisions of any specific ordinance which has established a future right-of-way line.

- (b) **Dedications required in absence of approved plans or ordinances.** Where approved plans or ordinances do not exist, the required dedications shall be as follows:
- (1) **Desert Region.** In the Desert Region, a 44-foot half width on section lines and quarter section lines and a 30-foot half width on sixteenth section lines shall be required.
 - (2) **Mountain Region.** In the Mountain Region, a 20-foot half width from centerline shall be required; however, whenever the Director of Public Works waives this dedication requirement, a 10-foot half width shall be the absolute minimum required.
 - (3) **Valley Region.** In the Valley Region, additional right-of-way shall be required in compliance with road widths established by the General Plan after review by the Director of Public Works.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

83.5.40 Dedication and Installation of Trail Right-of-Way

- (a) **Dedications required by approved plans or ordinances.** Before final inspection of structures, the dedication of a trail right-of-way may, at the discretion of the Director, be required to comply with the General Plan, an adopted specific plan, or the provisions of any specific ordinance that has established a future right-of-way line.
- (b) **Dedications required in absence of approved plans or ordinances.** Where approved plans or ordinances do not exist, the required dedications may be required for specific plans and planned development projects and shall be as follows:
- (1) Proposed development adjacent to trail systems may be required to dedicate land for trail access points, as determined by the Director.
 - (2) The dedication or offers of dedication of trail easements where appropriate may be required for establishing a planned trails system alignment or where an established trail is jeopardized by impending development.
- (c) **Development standards.**
- (1) To ensure application of uniform design standards and to promote the safety of trail users and their enjoyment of the trails system, the Director shall apply the *County Trail Use and Design Guidelines*. These standards are intended to serve as a general guide, and may at times be superseded by standards of managing agencies other than San Bernardino County (e.g., U.S. Forest Service standards). Standards may vary depending on the proposed use and operation of the trail; more detailed standards for specific trails may be developed at the time specific siting and planning for a trail link is completed.

- (2) The scenic corridor on either side of a proposed trail route, measured from the outside edge of the right-of-way, trail, or path shall be identified. Development along the scenic corridor shall be compatible with existing scenic qualities.
- (3) Signage shall indicate approved off-highway vehicle (OHV) trails or access areas and shall notify where OHV use is prohibited.
- (d) **Delayed improvements.** Delayed improvements may be allowed in compliance with Section 83.05.060 (Delayed Improvements).
- (e) **Waiver of Public Works requirements.** A waiver of the Public Works Department requirements may be allowed in compliance with Section 83.05.070 (Waiver of Public Works Requirements).

Adopted Ordinance 4011 (2007)

83.5.50 Installation of Street Improvements

- (a) **When installation of street improvements required.** Before final inspection of a structure or improvement resulting in an increase or change of vehicular traffic that necessitates the construction of street improvements for the purposes of protecting public safety and health, the installation of street improvements may, at the discretion of the Director of Public Works, be required in compliance with the current adopted County standards.
- (b) **Street improvements described.** Street improvements shall include any or all of the following:
 - (1) Curb and gutter.
 - (2) Sidewalks.
 - (3) Concrete driveway approaches.
 - (4) Drainage structures.
 - (5) Back filling and preparation of the road surface to rough grade for the placement of paving.
 - (6) Paving.
 - (7) Other necessary improvements as determined by the Director of Public Works.

Adopted Ordinance 4011 (2007)

83.5.60 Delayed Improvements

- (a) **Dedication and installation required first.** The right-of-way dedication and installation of street improvements shall be required before the occupancy of the premises or commencement of uses.
- (b) **Delayed improvements allowed with written agreement.** Where it is impractical to install the required improvements at the time of the proposed development, a delayed improvement agreement in writing shall be entered into with the County Department of Public Works to make the improvements along with the posting of a form of surety described in subsection (c), herein. If the United States, the State of California, the County of San Bernardino, any other county, any municipal corporation, school district, other public district or public body includes in the delayed improvement agreement a written guarantee of payment of all costs for which the public district or public body may become liable to the County, then the posting of a form of surety described in subsection (c), herein, is not required from such public district or public body. The foregoing exemption to the surety requirement does not apply to subdivisions under the California Subdivision Map Act, Government Code Section 66410 et seq.
- (c) **Surety required.** A cash deposit, a surety bond, a developer lien agreement, or other form of surety acceptable to the County Department of Public Works in an amount equal to the estimated cost of the improvements as determined by the County Engineer, shall be posted with the County Department of Public Works to guarantee the installation of the improvements. The actual installation of street improvements may be delayed until the County makes a written demand for the installment. If surety bonds are submitted, they shall be furnished by a surety company authorized to write the bonds in the State of California. If a developer lien agreement is used, it shall be used only for residential subdivisions (as defined in Subsection 87.07.040(d)(1)), and commercial or industrial development and shall be prepared and processed in compliance with County policy.

Adopted Ordinance 4011 (2007); Amended Ordinance 4180 (2012)

83.5.70 Waiver or Modification of Dedication and/or Street Improvement Requirements.

- (a) Request for Waiver or Modification of Dedication and/or Street Improvement Requirements. The Director and the Director of the Department of Public Works shall have the authority to approve a request for a waiver or modification, in whole or in part, of the dedication and/or street improvement requirements as defined in Subsection 83.05.050(b). Requests for a waiver or modification may be made by the applicant or the waiver or modification may be initiated by the Director or the Director of the Department of Public Works. Waivers or modifications initiated by the Director or the Director of the Department of Public Works may be made at any time during the development approval process. The waiver or modification must be approved by both the Director and the Director of the Department of Public Works.
- (1) Findings Required. Prior to granting any waiver or modification to the required dedication and/or street improvement requirements, the Director and the Director of the Department of Public Works shall make all of the following findings:

- (A) The waiver or modification would not adversely affect the public health and safety.
- (B) The waiver or modification would not create a financial impact to the County of San Bernardino or the San Bernardino County Flood Control District within ten (10) years from the date of the waiver or modification.
- (C) The request for a waiver or modification is not based solely on the financial hardship to the applicant.
- (D) The waiver or modification would not conflict with other County departments' dedication and/or improvement requirements.
- (E) There is good cause shown for the waiver or modification and such waiver or modification would serve a public purpose.

(2) No Findings Required Under Certain Circumstances. Notwithstanding Subsection 83.05.070(a)(1), a waiver or modification may be granted and no findings are required when the dedication and/or street improvement requirements of this Code, as applied to a particular project, would violate federal or state law or the United States Constitution or the State of California Constitution.

(b) Appeal of Action Taken by the Director and the Director of the Department of Public Works.

- (1) A decision by the Director and the Director of the Department of Public Works pertaining to a request to waive or modify required dedications and/or street improvements may be appealed to the review authority of the subdivision or the development project's land use decision within ten (10) calendar days of receipt of the decision made by the Director and the Director of the Department of Public Works.
- (2) In the event the development project is not subject to any discretionary land use decision, an appeal of the decision made by the Director and the Director of the Department of Public Works pertaining to a request to waive or modify required dedications and/or street improvements may be made to the County's Chief Executive Officer within ten (10) calendar days of receipt of the decision made by the Director and the Director of the Department of Public Works.
- (3) Any appeal of the decision of the Director and the Director of the Department of Public Works under this Subsection (b) may be appealed by the applicant or other affected party in compliance with the following provisions:
 - (A) **Appropriate Forms.** Applications for an appeal shall be made on forms supplied by the Land Use Services Department.
 - (B) **Appeal Submittals.** Applications for appeals shall be addressed and submitted to:

- (I) For appeals described in Subsection 83.05.070(b)(1), to the review authority of the subdivision or the development project's land use decision.
 - (II) For appeals described in Subsection 83.05.070(b)(2), to the County's Chief Executive Officer.
- (C) **Grounds for Appeal.** Applications for an appeal shall include a written statement of the grounds upon which the appeal is based.
- (D) **Contents of Appeal Application.** The appeal application shall identify:
- (I) The subject development project;
 - (II) The specific decision being appealed;
 - (III) The date of the appeal;
 - (IV) The justification for the appeal; and
 - (V) Any remedy or solution for which the appellant petitions.
- (E) **Appeal Shall Stay All Proceedings.** A properly filed application for appeal shall stay the proceedings in the matter appealed until a decision is rendered on the appeal.
- (F) **Notice of Appeal Required.**
- (I) For appeals described in Subsection 83.05.070(b)(1), the review authority shall consider the appeal at the time it considers the subdivision or development project's land use decision. Within thirty (30) calendar days of the acceptance of an application for an appeal, the review authority shall set the matter for hearing and shall give notice of the date, time, and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified. In addition, notice shall also be given in the same manner as notice was given for the land use decision.
 - (II) For appeals described in Subsection 83.05.070(b)(2), within thirty (30) calendar days of the acceptance of an application for an appeal, the County Administrative Office shall set the matter for hearing and shall give notice of the date, time, and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified.
- (G) **Action on Appeal.**
- (I) For appeals described in Subsection 83.05.070(b)(1), upon hearing the appeal, the review authority shall consider the record and any additional evidence that may be offered, and may affirm, reverse, or modify, in whole or in part, the decision appealed.

- (II) For appeals described in Subsection 83.05.070(b)(2), upon hearing the appeal, the County's Chief Executive Officer shall consider the record and any additional evidence that may be offered, and may affirm, reverse, or modify, in whole or in part, the decision appealed.
- (H) Applicable Criteria, Findings, and Requirements. The review authority and the County's Chief Executive Officer are subject to all of the criteria, findings, and requirements imposed by this Code upon the original decision maker.
- (I) Withdrawal of Appeal. An appeal may be withdrawn before the time that the review authority or the County's Chief Executive Officer issues a decision. The applicant or the applicant's representative shall notify the Land Use Services Department in writing that they wish to withdraw the appeal.
- (J) Appeal of the Land Use Decision. If there is a land use decision for the development project, any appeal of the decision of the review authority, other than a decision by the Board of Supervisors which is final, regarding the waiver or modification may be further appealed by the applicant or other affected party along with the land use decision in compliance with Chapter 86.08 (Appeals).
- (K) Judicial Review. No person shall seek judicial review of a County decision on the waiver or modification decision until all appeals have been first exhausted in compliance with the Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4098 (2010)

83.5.80 Building Official Determination

Before final inspection of a structure, the Building Official shall determine that all of the following have been accomplished:

- (a) Dedications have been provided.
- (b) Street improvements have either been installed or that a cash deposit, surety bond or other form of acceptable surety in an amount equal to the estimated cost of the street improvements has been posted with the County Department of Public Works to ensure the installation of the street improvements.

Adopted Ordinance 4011 (2007)

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CHAPTER 83.09 INFRASTRUCTURE IMPROVEMENT STANDARDS

Sections:

- 83.09.010 Purpose
- 83.09.020 Applicability
- 83.09.030 Infrastructure Improvement Standards - Valley Region
- 83.09.040 Infrastructure Improvement Standards - Mountain Region
- 83.09.050 Infrastructure Improvement Standards - Desert Region

83.09.010 Purpose

The purpose of this Chapter is to establish the infrastructure improvements required for proposed development in order to ensure that the development does not result in fiscal liabilities to County residents. The intent is to require an appropriate range of infrastructure facilities and services to support areas of high intensity development and areas of low intensity development. The requirements are based upon the direct relationship between the intensity of land uses and the amounts of facilities and services that are needed to support the uses.

Adopted Ordinance 4011 (2007)

83.09.020 Applicability

The standards provided in this Chapter apply to all new residential and nonresidential subdivisions and non-residential development in the Valley Region, Mountain Region, and Desert Region of the County. Where indicated, some of these standards may apply to ministerial permits (e.g., Building Permits). Infrastructure requirements for residential development on existing lots of record are listed in Section 84.21.030 (Minimum Residential Construction Standards) and Section 84.16.040 (Development Standards Applicable to All Multi-Family Projects).

The road dedication and street improvement standards provided in this Chapter do not apply to: (1) the alteration or enlargement of an existing building or structure on a lot or parcel of land if the total square footage of such alteration or enlargement, and all other alterations or enlargements completed three (3) years prior to the date of the application for a permit for such alteration or enlargement, does not exceed one-half (1/2) of the original square footage of all buildings and structures on such lot or parcel of land, or (2) the erection of one or more accessory structures (not including accessory dwellings) as defined in Subsection 810.01.030(g) of the County Code. For purposes of this section, “original square footage” means the square footage of all buildings and structures that existed on such lot or parcel of land three (3) years prior to the date of the application for such permit.

Adopted Ordinance 4011 (2007); Amended 4181 (2012)

83.09.030 Infrastructure Improvement Standards - Valley Region

Table 83-9 identifies the infrastructure improvements required for all new residential and nonresidential subdivisions and non-residential development in the Valley Region.

Table 83-9
Infrastructure Improvement Standards
Valley Region

STANDARDS	Residential and Agricultural Land Uses (Lot sizes are the size of the resultant parcels after subdivision)			Commercial and Institutional Land Uses	Industrial Land Uses
	1 acre or less	More than 1 to less than 2.5 acres	2.5 acres or greater	All lot sizes	All lot sizes
	Y = Yes NA = Not Allowed N = Not required				
Legal and physical access	Y	Y	Y	Y	Y
Grants of Easements ⁽¹⁾⁽⁹⁾	Y	Y	Y	Y	Y
Paved Access ⁽⁹⁾					
Internal access (internal roads)	Y	Y	Y	Y	Y
Perimeter access (road abutting subject property)	Y	Y	Y	Y	Y
Off-site access (paving to nearest paved road)	Y	Y	Y	Y	Y
Curbs and gutters ⁽²⁾⁽⁹⁾	Y	Y	Y ⁽³⁾	Y	Y
Sidewalks ⁽²⁾⁽⁹⁾	Y (2 sides)	Y ⁽⁴⁾ (1 side)	N	Y	Y
Street lights					
Standard spacing including intersections	Y	N	N	Y	Y
Intersections only	N	N	Y	N	N
Water			Y		
Water purveyor ⁽⁵⁾	Y	Y	or	Y	Y
Substantiated well water	NA	NA	Y ⁽⁶⁾	N	N
Sanitation	Y	Y	Y		
Sewer ⁽⁷⁾	or	or	or	Y	Y
Septic systems ⁽⁸⁾	Y	Y	Y	N	N
Drainage improvements ⁽⁹⁾	Y	Y	Y	Y	Y
Fireflow	Y	Y	Y	Y	Y

⁽¹⁾ Necessary rights-of way for transportation and circulation, drainage and flood control facilities, and utilities included.

⁽²⁾ These requirements may be waived within infill areas where there is no plan or financing mechanism in place to provide such improvements to other existing properties and where, as a result, such improvements will not be connected to other infrastructure.

⁽³⁾ The Public Works Department shall require curbs and gutters, if necessary, to control vehicle access and street drainage. May be required by Caltrans on State highways.

⁽⁴⁾ Sidewalks may be required on both sides of the street by the Public Works Department if needed for pedestrian safety.

⁽⁵⁾ Projects shall connect to a water purveyor when the nearest property line is within 200 ft. of a water line. This requirement shall be increased by 100 ft. for each dwelling unit in the project.

⁽⁶⁾ Individual well allowed if no water purveyor is available and when consistent with Water Master requirements in adjudicated groundwater basins.

⁽⁷⁾ Sewers shall be required within established sewer service districts and outside such districts when required by the WQCB. Projects shall connect to a sewer system when the nearest property line is within 200 ft. of a sewer line. This requirement shall be increased by 100 ft. for each dwelling unit in the project.

⁽⁸⁾ Septic systems are allowed only if the subject parcel is larger than one-half acre or meets WQCB requirements.

⁽⁹⁾ [Waivers or modifications to these requirements may be considered pursuant to Section 83.05.070 of this Code.](#)

83.09.040 Infrastructure Improvement Standards - Mountain Region

Table 83-10 identifies the infrastructure improvements required for all new residential and nonresidential subdivisions and non-residential development in the Mountain Region.

Table 83-10
Infrastructure Improvement Standards
Mountain Region

STANDARDS	Residential and Agricultural Land Uses (Lot sizes are the size of the resultant parcels after subdivision)			Commercial and Institutional Land Uses	Industrial Land Uses
	1 acre or less	More than 1 to less than 2.5 acres	2.5 acres or greater	All lot sizes	All lot sizes
	Y = Yes NA = Not Allowed			N = Not required	
Legal and physical access	Y	Y	Y	Y	Y
Grants of Easements ⁽¹⁾⁽¹⁰⁾	Y	Y	Y	Y	Y
Paved Access ⁽¹⁰⁾					
Internal access (internal roads)	Y	Y	N	Y	Y
Perimeter access (roads abutting subject property)	Y	Y	Y	Y	Y
Off-site access (paving to nearest paved road)	Y	Y	Y	Y	Y
Curbs and gutters ⁽²⁾⁽³⁾⁽¹⁰⁾	Y	Y	N	Y	Y
Sidewalks ⁽³⁾⁽⁴⁾⁽¹⁰⁾	N	N	N	Y	N
Street lights at intersections only (collectors or higher) ⁽⁵⁾	Y	Y	N	Y	Y
Water					
Water purveyor ⁽⁶⁾	Y	Y	Y or Y ⁽⁷⁾	Y or Y ⁽⁷⁾	Y
Substantiated well water	NA	NA	Y ⁽⁷⁾	Y ⁽⁷⁾	N
Sanitation					
Sewer ⁽⁸⁾	Y or	Y or	Y or	Y	Y
Septic systems ⁽⁹⁾	Y	Y	Y	N	N
Drainage improvements ⁽¹⁰⁾	Y	Y	N	Y	Y
Fireflow	Y	Y	Y	Y	Y

⁽¹⁾ Necessary rights-of way for transportation and circulation, drainage and flood control facilities, and utilities included.

⁽²⁾ The Public Works Department shall require curbs, gutters and sidewalks if necessary to control vehicle access, street drainage, and to provide pedestrian safety. Curb and gutters may be required by Caltrans on State highways.

⁽³⁾ These requirements may be waived within infill areas where there is no plan or financing mechanism in place to provide such improvements to other existing properties and where, as a result, such improvements will not be connected to other infrastructure.

⁽⁴⁾ Sidewalks may be required on both sides of the street by the Public Works Department if needed for pedestrian safety.

⁽⁵⁾ Shall be in compliance with the requirements of Chapter 83.07 (Glare and Outdoor Lighting).

⁽⁶⁾ Projects shall connect to a water purveyor when the nearest property line is within 200 ft. of a water line. This requirement shall be increased by 100 ft. for each dwelling unit in the project.

⁽⁷⁾ Individual well allowed if no water purveyor is available for residential and institutional uses.

⁽⁸⁾ Sewers shall be required within established sewer service districts and outside such districts when required by the WQCB. Projects shall connect to a sewer system when the nearest property line is within 200 ft. of a sewer line. This requirement shall be increased by 100 ft. for each dwelling unit in the project.

⁽⁹⁾ Septic systems are allowed only if the subject parcel is larger than one-half acre or meets WQCB requirements

⁽¹⁰⁾ [Waivers or modifications to these requirements may be considered pursuant to Section 83.05.070 of this Code.](#)

83.09.050 Infrastructure Improvement Standards - Desert Region

Table 83-11 identifies the infrastructure improvements required for all new residential and nonresidential subdivisions and non-residential development in the Desert Region.

Table 83-11
Infrastructure Improvement Standards
Desert Region

STANDARDS	Residential and Agricultural Land Uses (Lot sizes are the size of the resultant parcels after subdivision)			Commercial and Institutional Land Uses	Industrial Land Uses
	Less than 1 acre	1 to less than 2.5 acres	2.5 acres or greater	All lot sizes	All lot sizes
	Y = Yes NA = Not Allowed			N = Not required	
Legal and physical access	Y	Y	Y	Y	Y
Grants of Easements ⁽¹⁾ ⁽¹⁶⁾	Y	Y	Y	Y	Y
Paved Access ⁽¹⁶⁾					
Internal access (internal roads)	Y	Y	Y ⁽²⁾⁽³⁾	Y ⁽⁴⁾	Y ⁽⁴⁾
Perimeter access (roads abutting subject property)	Y	Y ⁽²⁾⁽³⁾	Y ⁽²⁾⁽³⁾	Y	Y
Off-site access (paving to nearest paved road)	Y	Y ⁽²⁾⁽³⁾	Y ⁽²⁾⁽³⁾	Y	Y
Curbs and gutters ⁽⁵⁾⁽⁶⁾⁽¹⁶⁾	Y	N ⁽⁷⁾	N ⁽⁷⁾	N ⁽⁷⁾	N ⁽⁷⁾
Sidewalks ⁽⁶⁾⁽¹⁶⁾	Y (2 sides)	Y ⁽⁸⁾ (1 side)	N	N ⁽⁸⁾	N ⁽⁸⁾
Street lights					
Standard spacing including intersections ⁽⁹⁾	Y	N	N	Y	Y
Intersections only ⁽⁹⁾	N	Y	N	N	N
Water					
Water purveyor ⁽¹⁰⁾	Y	Y ⁽¹¹⁾	Y or Y ⁽¹²⁾	Y or Y ⁽¹²⁾	Y or Y ⁽¹²⁾
Substantiated well water	NA	N ⁽¹¹⁾			
Sanitation					
Sewer ⁽¹³⁾	Y	Y	N	Y	Y
Septic systems ⁽¹⁴⁾	or Y	or Y	Y	or Y	or Y
Drainage improvements ⁽¹⁶⁾	Y	Y	Y	Y	Y
Fireflow ⁽¹⁵⁾	Y	Y	Y	Y	Y

⁽¹⁾ Necessary rights-of way for transportation and circulation, drainage and flood control facilities, and utilities included.

⁽²⁾ This requirement shall not apply to subdivisions where the resultant parcel sizes are at least twice the minimum lot size for the land use zoning district in which they are located.

⁽³⁾ This requirement applies to all subdivisions creating 5 or more parcels. It will not apply to subdivisions created by Parcel Map unless the subdivision is adjacent to an existing paved road.

⁽⁴⁾ Required on driveway approach when accessed from a paved road. For alternate paving standards in parking areas, refer to Section 83.11.090 (Parking and Loading Development Standards).

⁽⁵⁾ A rolled asphalt berm may be substituted at the discretion of Public Works.

⁽⁶⁾ These requirements may be waived within infill areas where there is no plan or financing mechanism in place to provide such improvements to other existing properties and where, as a result, such improvements will not be connected to other infrastructure.

⁽⁷⁾ The Public Works Department shall require curbs and gutters, if necessary, to control vehicle access and street drainage. May be required by Caltrans on State highways.

⁽⁸⁾ Sidewalks may be required on both sides of the street by the Public Works Department if needed for pedestrian safety.

⁽⁹⁾ Shall be in compliance with the requirements of Chapter 83.07 (Glare and Outdoor Lighting).

⁽¹⁰⁾ Projects shall connect to a water purveyor when the nearest property line is within 200 ft. of a water line. This requirement shall be increased by 100 ft. for each residential lot in the project.

⁽¹¹⁾ This requirement applies to all subdivisions creating 5 or more parcels. It will also apply to subdivisions created by Parcel Map if the provisions of Section 83.09.060 cannot be met.

- (12) Individual well allowed if no water purveyor is available and when consistent with Water Master requirements in adjudicated groundwater basins.
- (13) Sewers shall be required within established sewer service districts and outside such districts when required by the WQCB. Projects shall connect to a sewer system when the nearest property line is within 200 ft. of a sewer line. This requirement shall be increased by 100 ft. for each residential lot in the project.
- (14) Septic systems are allowed only if the subject parcel is consistent with the WQCB requirements or is not within sewer service district.
- (15) Shall not be required for single-family dwellings and accessory structures on parcels of 2.5 acres or greater where such structures are located 50 ft. from the property lines. Structures on the same parcel shall be separated in compliance with County fire standards.
- (16) [Waivers or modifications to these requirements may be considered pursuant to Section 83.05.070 of this Code.](#)

83.9.60 Infrastructure Improvement Standards - Desert Region

The water and sanitation provisions in Table 83-11 shall be met for proposed subdivisions created by Parcel Map in the Desert Region unless the following standards can be met:

- (a) Wells shall be setback from all leach lines by 100 feet and from seepage pits by 150 feet.
- (b) Wells shall be set back from all property lines where no leach lines exist on the adjacent property by 50 feet.
- (c) Septic systems with leach lines shall be setback from all wells by 100 feet.
- (d) Septic systems with leach lines shall be setback from property lines where no leach lines exist on the adjacent property by 50 feet.
- (e) Septic systems with seepage pits shall be setback from all wells by 150 feet.
- (f) Septic systems with seepage pits shall be setback from property lines where no leach lines exist on the adjacent property by 75 feet.
- (g) Applicants providing a preliminary Composite Development Plan showing the envelope locations of the building/house pad, septic tanks/pits/leach fields, and water well do not have to meet these requirements for the requirements listed above when supporting engineering data is provided demonstrating feasibility of septic systems and wells. The location will be denoted on the final Composite Development Plan that accompanies a Final Map or Parcel Map.

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