



LAND USE SERVICES DEPARTMENT
PLANNING STAFF REPORT

HEARING DATE: July 23, 2015

AGENDA ITEM NO: 2

Project Description:

Applicant: Land Use Services Department
Community: Countywide
Project No: P201500305
Staff: Christney Barilla
Proposal: Development Code Amendment to correct errors and add clarification to various sections of the County Development Code. This amendment includes revisions to the following topics: Land Development Division references, Garage and Private Yard Sales.

Hearing Notice Published: July 12, 2015

Report Prepared By: Christney Barilla

BACKGROUND:

The Land Use Services Department has an on-going program of identifying unnecessary complications within the County Development Code, General Plan, and other documents prepared by the Department, and then formulating clarifications to address those issues. Suggestions for document corrections are submitted by staff and other users, to enhance these documents, making them more readable, functional, and complete.

PROPOSED AMENDMENTS

Staff has identified various sections of the Development Code that could benefit from clarification or correction. The Land Development Division was reassigned from the Department of Public Works to the Land Use Services Department in 2013. The Development Code is being corrected to reflect the reassignment and the references related to the Land Development Division. Additional language is added to clarify that garage sales and private yard sales are to be conducted at private residences only.

Land Development Division Reference Corrections

Staff's recommendations to correct these references, and are summarized as follows:

- **Chapter 82.13 Fire Safety (FS) Overlay** - *Soil Erosion and Sediment Control Plans/Permits* [Subsection 82.13.080(e)(6)(A)]
- **Chapter 82.14 Floodplain Safety (FP) Overlay** - *Floodplain Safety Review Areas* [Subsection 82.14.040(b)(2)]
- **Chapter 83.05 Dedications and Installations of Street and Trail Improvements** - *Dedication of Street and/or Highway Right-of-Way* [Subsections 83.05.030(a), 83.05.030(b)(2) and 83.05.030(b)(3)]

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.

- *Dedication and Installation of Trail Right-of-Way* [Subsection 83.05.040(e)]
- *Installation of Street Improvements* - [Subsection 83.05.050(a)] -
- *Delayed Improvements* - [Subsections 83.05.060(b) and 83.05.060(c)]
- *Building Official Determination* - [Subsection 83.05.080(b)]

- **Chapter 83.09 Infrastructure Improvement Standards** - Valley, Mountain and Desert Regions - [Subsection 83.09.030, Table 83-9; Subsection 83.09.040, Table 83-10; and Subsection 83.09.050 Table 83-11]

- **Chapter 83.15 Conditional Compliance for Water Quality Management Plans** - *Quality Control Engineer's Role and Responsibilities* - [Subsection 83.15.030(b)(3)] -
 - *Developer's Deposit* - [Subsection 83.15.040(a)]

- **Chapter 84.16 Multi-Family Residential Development Standards** - *Development Standards Applicable to All Multi-Family Projects* - [Subsection 84.16.040(i)(2)]

- **Chapter 84.21 Single-Family Residential Dwellings** - *Minimum Residential Construction Standards* - [Subsection 84.21.030(j)(2)]

- **Chapter 84.22 Small Parcel Residential Development** - *Development Requirements* - [Subsection 84.22.030(b)] -

- **Chapter 85.03 Application Procedures** - *Automatic Conditions* - [Subsection 85.03.100(c)]

- **Chapter 85.07 Flood Hazard Development Review** - *Flood Hazard Development Review Procedures* - [Subsection 85.07.020(c)].

- **Chapter 85.11 Pre-construction Flood Hazard And Soil Erosion Pollution Prevention Inspection** - *Flood Hazard Inspection Required* - [Subsections 85.11.020(c)(2) and 85.11.020(d)] -
 - *Soil Erosion Pollution Prevention Plan and Inspection Required* - [Subsection 85.11.030(d)]

- **Chapter 85.17 Variances** - *Minor Variances* [Subsection 85.17.040(a) Table 85-5]

- **Chapter 87.05 Dedications and Exactions** - *Dedications* - [Subsection 87.05.030(b)]

- **Chapter 87.06 Subdivision Design and Improvement Requirements** - *Applicability of Design and Improvement Standards* - [Subsection 87.06.020(c)]
 - *Subdivision Design Standards* - [Subsection 87.06.030(c)(1)]
 - *Subdivision Improvement Requirements* - [Subsections 87.06.050(k)(1), 87.06.050(k)(2), 87.06.050(k)(3) and 87.06.050(k)(4)]

- **Chapter 87.07 Improvement Plans, Installation, and Security** - *Improvement Plans* - [Subsections 87.07.020(a)(1), 87.07.020(b) and 87.07.020(b)(1)]
 - *Improvement Agreements, Lien Agreements and Securities* - [Subsections 87.07.040(d)(2), 87.07.040(d)(4)(A), 87.07.040(d)(4)(D), 87.07.040(d)(4)(G) and 87.07.040(d)(6)]

Garage Sales and Private Yard Sales Clarification

Staff's recommendations to correct these references, and are summarized as follows:

Chapter 84.10 Garage Sales - *Garage Sales Applicability* - [Subsection 84.10.020] – Provides clarity that garage sales are to be conducted at private residences and are not permitted in commercial uses.

Chapter 85.15 Temporary Use Permits - *Exempt Short-Term Activities for Temporary Use Permits* - [Subsection 85.15.070(e)] – Additional clarity is provided in Temporary Use Permits that garage sales are to occur on residential property only and remain exempt short-term activities.

FINDINGS:

The following findings and evidence to support such findings must be made by the Commission in making its recommendation to the Board of Supervisors to approve the proposed Development Code Amendment:

1. The proposed amendment is consistent with the General Plan and any applicable community plan or specific plan because the Development Code implements the General Plan and these changes either clarify existing language and/or implement policies that were previously not addressed.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.
3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
4. The proposed amendment is exempt from the requirements of CEQA pursuant to state CEQA Guidelines §15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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

- A. ADOPT the proposed Development Code Amendment to correct minor errors and/or add clarification as a clean up to various sections of Development Code relative to Land Development Division references, Garage and Private Yard Sales.
- B. ADOPT the findings as contained in the staff report.
- C. FILE the Notice of Exemption.

ATTACHMENTS:

Exhibit A: [Proposed County Code Section Changes \(Red-lined Version\)](#)

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- (A) Effective temporary planting (e.g., rye grass, fast germinating native seed, etc.) and/or mulching with straw, pine needles, chippings, or other slope stabilization material.
 - (B) Permanent planting of compatible drought resistant species of ground cover, shrubs, trees, or other vegetation.
 - (C) Mulching, fertilizing, watering, or other methods necessary to establish new vegetation.
- (4) **Installation and maintenance of protection.** The protection required by this Section shall be installed before calling for final approval of the project. The protection shall be maintained for at least one year or until permanent protection is established. Temporary measures to control erosion shall be removed when permanent stabilization has been established.
- (5) **Vegetation removal between October 15 and April 15.** Vegetation removal between October 15 and April 15 shall not precede subsequent grading or construction activities by more than 15 days. Erosion and sediment control measures shall be in place at all times during the land disturbing activity until post-construction measures are in place and established.
- (6) Authorization of land disturbing activity. The Building Official shall authorize land disturbing activities only if the Building Official determines that the activities comply with the provisions of, and are consistent with the purposes of, this Section:
- (A) Contiguous land clearing operations involving a disturbance greater than one acre shall be reviewed by the **Land Use Services Department, Building and Safety ~~Public Works Department Land Development Division~~** and the Land Use Services Department **Current/Advance** Planning Division when necessary for compliance with all applicable water quality regulations.
 - (B) Disturbed surfaces not involved in the immediate operation shall be protected by mulching or other effective means of soil protection.
 - (C) Roads and driveways shall have drainage facilities sufficient to prevent erosion on or adjacent to the roadway or on downhill properties. Erosion-resistant surfacing may include, but is not limited to, slag, crushed rock or natural soil when compacted to 90 percent of maximum density.
 - (D) Runoff from a site shall be detained or filtered by berms, vegetated filter strips, or catch basins to prevent the escape of sediment from the site. These drainage controls shall be maintained by the permittee or property owner as necessary to achieve their purpose throughout the life of the project.

- (1) **Elevation of first floor.** New construction and substantial improvement of any structure shall be so constructed that the first floor (including basement) shall be one foot above the highest adjacent grade.
 - (2) **Review procedures.** A project proposed in this area shall be subject to a Floodplain Development Standards Review conducted by the Building and Safety Division and may be subject a Flood Hazard Development Review based upon the determination by the Drainage Section of Land Development of the Department of **Land Use Services**. ~~Public Works~~.—This review shall ensure that the proposed project complies with this Development Code regarding flood protection measures and will require the submittal of an Elevation Certificate completed by a licensed land surveyor, registered civil engineer, or architect who is authorized by State or local law to certify elevation information.
- (c) **Floodplain Safety Review Area 3 (FP3).** FP3 includes areas of undetermined, but possible, shallow flooding as determined by the County, the Flood Control District, or other governmental agency. The following standards shall apply to property within the FP3 area:
- (1) **Field investigation required.** Before a building permit can be issued on any affected lot, a field investigation shall be made of the lot to determine if the proposed construction will have any substantial detrimental effect on the drainage way. An applicant for the building permit on an affected lot shall first apply for the required field investigation and shall pay the appropriate fee. The following shall be included in the application for field investigation:
 - (A) A corner record, record of survey, parcel map, final map, or a past survey that is approved by the County Surveyor as being in conformance with the Land Surveyors Act shall be submitted.
 - (B) A plot plan showing the proposed structures and grading by size, location and orientation.
 - (2) **Building site identification.** Before the inspection of the site by the Building Inspector, the applicant shall locate the proposed construction on the site by the use of stakes, strings, line marks or similar methods.
 - (3) **On-site meeting.** The applicant shall then meet with the inspector, on the site if necessary, to discuss the final building location and any mitigating measures required by the Building Official to maintain the natural drainage way in its existing condition.
 - (4) **Final building plan content.** The final building plans that are submitted for approval shall show the approved location and mitigating measures.

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 Waiver or Modification of Dedication and/or Street Improvement Requirements
- 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 4067 (2009); 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 4067 (2009); Amended Ordinance 4181 (2012)

83.05.030 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 **both** the **Directors of the Land Use Services and Director of Public Works Departments**, 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 **both the Directors of Land Use Services and the Director of Public Works Departments** 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 **both the Director of Land Use Services and the Director of Public Works.**

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009)

83.05.040 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.

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- (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 Land Use Services Department, ~~Public Works~~ Land Development Division requirements.** A waiver of the ~~Land Use Services Public Works~~ Department, ~~Land Development Division~~ requirements may be allowed in compliance with Section 83.05.070 (Waiver ~~or Modification of Dedication and/or of Street Improvement Public Works~~ Requirements).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009): **Amended Ordinance XXXX (2015)**

83.05.050 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 **both** the Directors of Public Works **and the Land Use Services Departments**, 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); Amended Ordinance 4067 (2009); Amended Ordinance XXXX (2015)

83.05.060 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 ~~Land Use Services Department~~ ~~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 ~~Land Use Services Department~~ ~~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 4067 (2009); Amended Ordinance 4180 (2012) ; Amended Ordinance XXXX (2015)

83.05.070 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 of the ~~Land Use Services Department~~ 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 on the form made available by the Land Use Services Department or 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 of **Land Use Services** and the Director of the Department of Public Works.

83.05.080 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 **Land Use Services** Department ~~of Public Works~~ to ensure the installation of the street improvements.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); **Amended Ordinance XXXX (2015)**

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		
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 ~~Land Use Services Department~~ ~~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~~ ~~Land Use Services 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.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4242 (2014); Amended Ordinance XXXX (2015)

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			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 Land Use Services Department ~~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 Land Use Services Department ~~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.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4242 (2014) ; Amended Ordinance XXXX (2015)

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 or	Y or	N	Y or	Y or
Septic systems ⁽¹⁴⁾	Y	Y	Y	Y	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 Land Use Services Department 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 Land Use Services Department if needed for pedestrian safety

CHAPTER 83.15 CONDITIONAL COMPLIANCE FOR WATER QUALITY MANAGEMENT PLANS

Sections:

- 83.15.010 Purpose
- 83.15.020 Applicability
- 83.15.030 Quality Control Engineer's Role and Responsibilities
- 83.15.040 Developer's Deposit
- 83.15.050 Land Development Engineering Authority
- 83.15.060 Authority to Contract
- 83.15.070 Expenditure of Funds

83.15.010 Purpose

The purpose of this Chapter is to ensure compliance with conditions of approval on projects involving Water Quality Management Plan features.

Adopted Ordinance 4043 (2008); Amended Ordinance 4067 (2009)

83.15.020 Applicability

The provisions of this Chapter apply to projects when a Water Quality Management Plan is required.

Adopted Ordinance 4043 (2008); Amended Ordinance 4067 (2009)

83.15.030 Quality Control Engineer's Role and Responsibilities

(a) **Independent.** The quality control engineer shall not be employed by, have any relationship to, or interest in the developer, or any contracting, engineering, or geotechnical companies performing work on or providing services to the project being inspected.

(b) **Duties and responsibilities.** The quality control engineer shall

- (1) Inspect the work in progress to ensure compliance with the conditions of approval for Water Quality Management Plan's site design, source control and treatment control features.
- (2) Set provisions regarding Water Quality Management Plan compliance.
- (3) Report to and file reports with the Department of Public Works, **Land Development Engineering National Pollutant Discharge Elimination System (NPDES)** Division Chief relative to Water Quality Management Plan compliance.

Adopted Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance XXXX (2015)

83.15.040 Developer’s Deposit

- (a) **Deposit required for services of quality control engineer.** Before the issuance of building permits and where a Water Quality Management Plan is required, the developer shall post a deposit with ~~Land Use Services Department~~~~Department of Public Works~~, Land Development Engineering Division in the amount and in the form specified by that Division. The deposit funds held in trust shall be dispersed to the quality control engineer by the Land Development Division under the terms of the agreement between the County and the quality control engineer to pay for the services of the quality control engineer.
- (b) **Additional deposits required.** The Land Development Engineering Division shall notify the developer if and when it becomes apparent that the deposit will be exhausted and the developer shall make the additional deposit as is required by the Land Development Division.
- (c) **Suspension or revocation of grading permit.** If the developer fails to submit the additional deposit by the date specified by the Land Development Engineering Division, the Land Development Division shall suspend or revoke the development permit, in compliance with the provisions of this code and order that work on the project be ceased.
- (d) **Refunds.** Upon completion of the work, unused funds shall be returned to the developer within 60 days following the quality control inspection approvals.

Adopted Ordinance 4043 (2008); Amended Ordinance 4067 (2009)

83.15.050 Land Development Engineering Division Authority

The Land Development Engineering Division shall have authority to adopt reasonable rules and regulations to clarify, interpret, and enforce the provisions of this Chapter. The Land Development Engineering Division may approve variations when the variations are not detrimental to the life, health, safety or welfare of the public and are necessary because of particular or peculiar circumstances, and will achieve the same level of protection as the original condition.

Adopted Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance XXXX (2015)

83.15.060 Authority to Contract

For the purpose of the Chapter, the Land Development Engineering Division may retain, on behalf of the County, independent engineers to serve as the quality control engineer on projects regulated by this Chapter using a standard form contract approved by the Board of Supervisors.

- (e) **Fencing.** A solid six-foot high fence of wood and/or masonry shall be installed along the property lines but shall not encroach into the front or street side setbacks. Additional fencing in compliance with Chapter 83.06 (Fences, Hedges, and Walls) may be installed.
- (f) **Landscaping.** Landscaping shall comply with the provisions of Chapter 83.10 (Landscaping Standards). In addition, the property owner shall maintain all landscaping in a sustained healthy condition.
- (g) **Lighting.** Lighting shall comply with the provisions of Chapter 83.07 (Glare and Outdoor Lighting).
- (h) **Parking.** Parking areas, parking stalls, and driveways shall comply with the provisions of Chapter 83.11 (Parking and Loading Standards). Storage of boats, campers, trailers and other recreational vehicles shall be prohibited on-site unless oversize parking areas are provided and designated. These areas shall be screened from adjacent streets and residences. Recreational vehicle parking may not be used to meet the standard parking requirements.
- (i) **Infrastructure requirements.** A Building Permit shall not be issued for the construction of multi-family residential dwelling(s) unless all of the following infrastructure requirements are satisfied for an existing lot of record:
 - (1) Proof of legal and physical access.
 - (2) Infrastructure as determined by the Land Development Engineering Section of the ~~Land Use Services Department~~ ~~Public Works Department~~ depending on the location of the parcel to be developed. This may include, but not limited to, any of the following: paved access, curbs and gutters, sidewalk, streetlights, and/or appropriate drainage improvements.
 - (3) Water.
 - (A) Water purveyor. Required when in the service area of a water purveyor and the purveyor can supply the water.
 - (B) Substantiated well water. If the subject parcel is not within the service area of a water purveyor, well water may be allowed if all required setbacks are met.
 - (4) Sanitation:
 - (A) Sewer. Required when in the service area of a sewer provider and the subject parcel is within 200 feet of the sewer line.
 - (B) Septic systems/holding tanks. Allowed in compliance with the local Regional Water Quality Control Board regulations.

- (II) A dedication to the County of San Bernardino and to the public in general, an easement for public road, County highway and public utility purposes of a width as established by the Circulation Element of the General Plan. The easement or road constructed on the dedicated land shall not become a County highway until and unless the Board of Supervisors, by appropriate resolution, has caused the road to be accepted into the County maintained road system.
 - (III) An existing traveled way that is substantially in compliance with County road standards, where a prescriptive right by the user has been established for the public use by court decree.
 - (IV) Private road easement
- (C) When all feasible efforts to establish legal access in accordance with 84.21.030 (j) (1) (B) have been exhausted, the lot is an existing legally created parcel, and the property owner has physical access, the Director, in his/ her discretion, may waive the requirement for legal access on the condition that the property owner enters into an agreement in the form required by the County which includes the property owner's: (1) representation that the owner has a right to physical access; (2) acknowledgement that proof of legal access has not been provided to the County's satisfaction; and, (3) agreement to disclose to any subsequent owners that legal access has not been established to the satisfaction of the County. Notation of said agreement and conditions of waiver shall also be included on the building permit.
- (2) Infrastructure as determined by the Land Development Division of the **Land Use Services Department** ~~Public Works Department~~ depending on the location of the parcel to be developed. This may include, but not limited to, any of the following: paved access, curbs and gutters, sidewalk, and/or appropriate drainage improvements.
 - (3) Water.
 - (A) Water purveyor. Required when in the service area of a water purveyor and the purveyor can supply the water.
 - (B) Substantiated well water. If the subject parcel is not within the service area of a water purveyor, well water may be allowed if all required setbacks are met.
 - (C) Hauled water. No hauled water will be allowed without approval from the Division of Environmental Health Services.
 - (4) Sanitation.

- (A) Sewer. Required when in the service area of a sewer provider and the subject parcel is within 200 feet of the sewer line.

- (b) **Dedication requirement.** An offer of dedication or grant of road easement shall be required before the issuance of a development permit. The offer of dedication or grant of road easement shall provide a minimum 40-foot right-of-way width on all roads or streets or other width as deemed necessary by the **Land Development Division of the Land Use Service Department. Director of the Department of Public Works.**
- (c) **Setback requirements.**
- (1) The front setback of a small lot may be reduced to no less than 15 feet.
 - (2) Each interior side setback of each small lot may be reduced to no less than five feet provided there is at least 10 feet between structures.
- (d) **Water requirement.**
- (1) A form provided by the Environmental Health Services Division and signed by the water-serving entity, or a letter from the water-serving entity, shall be submitted to the Building Official. The form or letter shall certify that adequate line and storage capacity exists or will exist to serve the proposed dwelling and that arrangements have been made to serve each dwelling with a potable water system at the time of occupancy or final building inspection. This requires that the water main will be in place to serve the property or that financial arrangements have been made with the water-serving entity for installation of the water main.
 - (2) In the absence of a water serving entity, an approved domestic water system under pressure shall be installed to serve each proposed dwelling. The Environmental Health Services Division shall certify the domestic water system, and a copy of the certification shall be submitted to the Building Official.
- (e) **Sewer requirement.**
- (1) A form provided by the Environmental Health Services Division and signed by the sewer-serving entity, or a letter from the sewer-serving entity, shall be submitted to the Building Official. The form or letter shall certify that an adequate collection system and treatment plant capacity exists or will exist to serve the proposed dwelling, and that sewage hookup arrangements have been made to serve each dwelling at the time of occupancy or final building inspection.
 - (2) In the absence of a sewer-serving entity, a letter from the Environmental Health Services Division, indicating that an individual sewage system with subsurface disposal is allowed, shall be submitted to the Building Official.

85.03.090 Conditions of Approval

In approving an application for a land use decision, the review authority may establish reasonable conditions to its approval that are found to be necessary to protect the public health, safety, and general welfare that are consistent with the General Plan and this Development Code. Conditions of approval may be changed through the Chapter 85.12 (Revisions to an Approved Action).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.03.100 Automatic Conditions

Any development project defined in Government Code Sections 65927 and 65928, which is automatically approved in compliance with Government Code Section 65956, shall be approved subject to all of the following standard conditions:

- (a) **Allowed uses.** The development project shall be an allowed use in the applicable land use zoning district.
- (b) **Compliance with plans and Development Code required.** The development project shall be consistent with the General Plan, any applicable specific plan, and this Development Code.
- (c) **Compliance with public health, safety, and welfare requirements.** The development project shall comply with the public health, safety, and welfare requirements of other public agencies. These agencies include the County Department of Public Works, Fire Department, Special Districts Department and Divisions of Environmental Health Services, ~~and the Land Development and Building and Safety Divisions the Land Use Services Department.~~
- (d) **Failure to comply.** Any automatic approval of a development project shall become null and void unless all conditions imposed by this Section have been fully complied with, and the occupancy, use of the land, and use of the proposed or existing structure(s) authorized by the automatic approval, has taken place within 36 months after the date of the automatic approval.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); **Amended Ordinance XXXX (2016)**

85.03.110 Post-Decision Notice

- (a) **Provision of notice.** Within 10 days of a final decision on an application for a permit or other approval required by this Development Code, the County shall provide notice of its final action to the applicant and to any person(s) who specifically requested notice of the County’s final action and has provided a self addressed stamped envelope.
- (b) **Contents of notice.** The notice shall contain the final decision by the review authority.

CHAPTER 85.07 FLOOD HAZARD DEVELOPMENT REVIEWS

Sections:

- 85.07.010 Purpose
- 85.07.020 Flood Hazard Development Review Procedures
- 85.07.030 Floodplain Development Standards Review Procedures

85.07.010 Purpose

The purpose of this Chapter is to provide processes for the Flood Hazard Development Review and the Floodplain Development Standards Review in compliance with this Development Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4163 (2012)

85.07.020 Flood Hazard Development Review Procedures

- (a) **Procedure.** Staff Review without Notice.
- (b) **Review Authority.** Floodplain Management Administrator.
- (c) **Applicability.** A Flood Hazard Development Review shall be completed before the approval of a land use application or issuance of a development permit in specified areas or where required by the ~~Land Use Services Department, Land Development Division Director, the Division Chief of Environmental Health Services,~~ or the Floodplain Management Administrator.
- (d) **Recommendation by Drainage Section.** The Department of Public Works Land Development Review Division, Drainage Section, shall review and act upon requests for Flood Hazard Development Reviews. The Drainage Section’s recommendations from these reviews shall be incorporated into the requirements of the development permit and/or the land use application review.
- (e) **Application requirements.** An application for a Flood Hazard Development Review shall be filed and processed in compliance with Chapter 85.03 (Application Procedures). The application shall include the information and materials specified in the Department handout for Flood Hazard Development Reviews.
- (f) **Notation of the elevation of the first floor.** Where a Flood Hazard Development Review has been completed, the review authority shall note the elevation of the first floor (including basement) of a proposed structure on the development permit and confirm that it is either:
 - (1) One foot above the base flood elevation when the FEMA map base flood elevations are shown, or two feet or more above the highest adjacent grade when the base flood elevations are not shown in any area designated as an FP1 Overlay; or

- (2) One foot above the highest adjacent grade in any area designated as an FP2 Overlay.

- (c) **Determination by the Building Official.** The Building Official shall determine, upon visual inspection of the site and review of any pertinent available resources, whether there is evidence of a discernible watercourse that could affect or could be affected by the proposed improvements or land disturbing activity.
 - (1) If the Building Official determines no evidence exists, it shall be indicated in writing that the site has passed the pre-construction Flood Hazard Inspection and review.
 - (2) If evidence of a discernible watercourse exists, the Building Official may require a Floodplain Development Standards Review conducted by the **Land Use Services Department**, Building and Safety Division and a Flood Hazard Development Review conducted by the **Land Use Services Department, Public Works Department, Land Development Division, that Division that** will provide further review of the site and proposed improvements. A review fee shall be required.
- (d) **Flood Hazard Development Review required.** All pre-construction Flood Hazard Inspections referred to the **Public Works Department, Land Use Services Department, Land Development Division**, shall be subject to the provisions of the Flood Hazard Development Review before issuance of any development permit or approval of a land disturbing activity.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4163 (2012)

85.11.030 Soil Erosion Pollution Prevention Plan and Inspection Required

- (a) **No land disturbance or construction activity without prior approval.** No person except as provided in this chapter, shall commence with a disturbance of land (e.g. grading or land clearing) or construction activity that has that potential to cause erosion without first obtaining approval of erosion control measures to ensure that erosion would not reasonably be expected to occur. Best Management Practices (BMP's) shall be implemented at all land disturbance sites, regardless of the area of disturbance.
- (b) **Inspections required.** Site inspections shall be conducted as needed to verify compliance with this Chapter. Project proponents must also recognize that their project is subject to inspection by the Public Works Department, Environmental Management Division and Regional Water Quality Control Board staff as part of their General Construction Permit obligations.
- (c) **Soil Erosion Pollution Prevention Plan.** A Soil Erosion Pollution Prevention Plan shall be approved by the Building Official prior to issuance of any development permit or authorization of any land disturbing activity of more than one acre. Projects disturbing more than one acre are also required to have coverage under the State General Construction Permit issued by the State Water Resources Control Board and develop a Stormwater Pollution Prevention Plan (SWPPP). The property owner is required to abide by all provisions of the State General Construction Permit and obtain a Waste Discharge Identification (WDID) number prior to the issuance of building or grading permits when the disturbance is more than one acre.

- (d) **Review requirements of plan.** The Building Official, with the concurrence of the ~~Land Use Services Department, Current/Advance Planning Division and the Public Works Department,~~ Land Development Divisions, when appropriate, shall review the plan and determine that the proposed erosion control measures will be adequate to meet the requirements of Subsection 82.13.080(c), (e) and (f) whether or not an erosion control permit is specifically required.
- (e) **Maintenance of features.** The required features of the approved Soil Erosion Pollution Prevention Plan shall be implemented during the land disturbing activity and maintained thereafter in accordance with the approved plan.

Adopted Ordinance 4085 (2009); ~~Amended Ordinance XXXX (2015)~~

Notes.

(*) Administrative criteria for Minor Variations for these structures shall be established by the Building Official. Those proposals that do not meet the criteria shall be submitted to the **Land Use Services Department, Land Development Division**~~Department of Public Works~~, with the appropriate fee, for road safety evaluation. Architectural design and construction materials shall be compatible with the visual setting of the surrounding area. Variations to the requirements of Section 83.02.030 regarding “clear sight triangles” shall not be evaluated with a Minor Variations.

(b) **Major Variations.** Any request for a Variance, other than a Minor Variance, shall be termed a Major Variance.

(c) **Referral to the Commission.** The Director may choose to refer any Variance application to the Commission for hearing and final action.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); **Amended Ordinance XXXX (2015)**

85.17.050 Application Requirements

An application for a Variance (Major or Minor) shall be prepared, filed, and processed in compliance with Chapter 85.03 (Application Procedures). The application shall include the information and materials specified in the Department handout for Variations. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 85.17.060 (Findings and Decision), below.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

85.17.060 Findings and Decision

(a) **General findings.** The review authority may approve a Variance (Major or Minor) only after first finding all of the following:

- (1) The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems;
- (2) There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district;
- (3) The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district; and
- (4) The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan.

land as may be necessary and feasible to provide bicycle paths for the use and safety of residents of the subdivision.

- (b) **Drainage Easement**~~rights-of-way~~. When the ~~Director of Public Works~~Land Use Services Department, Land Development Division determines that drainage ~~rights-of-way~~easements are necessary, the subdivider shall offer to dedicate upon the Final Map of the subdivision the necessary ~~rights-of-way~~easement for drainage facilities.
- (c) **Flood control dedication**. Where dedication is offered for Flood Control District rights-of-way, the rights-of-way shall be shown as parcels lettered alphabetically on the Final Map. The offer of dedication shall be made by an appropriate certificate on the title sheet of the Final Map, and, in addition, an executed deed conveying fee title to the right-of-way to the Flood Control District shall be delivered to the District.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

87.05.040 Acceptance of Dedications

- (a) **Certification of Board action**. At the time the Board approves a Final Map, it shall also accept, subject to improvement, or reject any offer of dedication. The Clerk of the Board shall certify on the map the action of the Board.
- (b) **Resolution of acceptance**. The Clerk of the Board shall cause a resolution of acceptance of dedications by the Board to be filed with the County Recorder.
- (c) **Deferred acceptance**. If at the time the Final Map is approved, any streets, alleys, paths, public utility easements, rights-of-way for local transit facilities including bus turnouts, benches, shelters, landing pads, and similar items that directly benefit the residents of a subdivision, or storm drainage easements are rejected subject to Code of Civil Procedure Section 771.010, the offer of dedication shall remain open and the Board may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, alleys, paths, rights-of-way for local transit facilities including bus turnouts, benches, shelters, landing pads, and similar items that directly benefit the residents of a subdivision, or storm drainage easements for public use. The acceptance shall be recorded in the office of the County Recorder.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); **Amended Ordinance XXXX (2015)**

CHAPTER 87.06 SUBDIVISION DESIGN AND IMPROVEMENT REQUIREMENTS

Sections:

- 87.06.010 Purpose
- 87.06.020 Applicability of Design and Improvement Standards
- 87.06.030 Subdivision Design Standards
- 87.06.040 Site Preparation and Grading for Subdivision Construction
- 87.06.050 Subdivision Improvement Requirements

87.06.010 Purpose

This Chapter establishes standards for the design and layout of subdivisions, and the design, construction, or installation of public improvements within subdivisions. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan, any applicable community plan, and any applicable specific plan.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

87.06.020 Applicability of Design and Improvement Standards

The requirements of this Chapter apply as follows:

- (a) **Extent of required improvements.** Each subdivision of four or fewer parcels, and each subdivision of five or more parcels, shall provide the improvements required by this Chapter, and any additional improvements required by conditions of approval.
- (b) **Applicable design standards, timing of installation.** The subdivider shall construct all on- and off-site improvements according to standards approved by the County Surveyor. No Parcel or Final Map shall be presented to the Board for approval and no Parcel Map shall be presented to the County Surveyor for approval until the subdivider either completes the required improvements, or enters into a subdivision improvement agreement with the County for the work in compliance with Section 87.06.050 (Subdivision Improvement Requirements).
- (c) **Subdivision improvement standards Conditions of approval.** The applicable subdivision improvement and dedication requirements of this Chapter and any other improvements and dedications required by the review authority in compliance with Section 87.02.060 (Tentative Map Approval or Disapproval), shall be described in conditions of approval adopted for each approved Tentative Map (Section 87.02.070). The design, construction, or installation of all subdivision improvements shall comply with the requirements of the ~~Director of Public Works, Land Use Services Department,~~ **Land Development Division.**

plan. These requirements may be waived by ~~both~~ the Directors of the Land Use Services and the Department of Public Works Departments upon recommendation of the Department of Public Works, if the proposed highway is located upon a section line or its precise alignment can be otherwise determined.

(2) **Circulation standards.**

- (A) **General Plan consistency.** The circulation design of all subdivisions shall be compatible and coordinate with the General Plan (and any applicable community or specific plan) and the existing street and land use pattern in the surrounding area.
- (B) **Part-width highways and alignments.** Any part-width highway lying along and adjacent to any boundary of a subdivision shall have a part-width and alignment as will conform to the route lines shown on the Master Plan of Highways covering the same portion of the subdivision.
- (C) **Cul-de-sacs.** Cul-de-sac streets shall not exceed 600 feet in length, except as provided below, and shall terminate with a turn-around as specified in the adopted County Road Standards. The Director may approve a cul-de-sac that exceeds 600 feet if the Director first finds that the cul-de-sac will not be injurious to the public health, safety, and general welfare.
- (D) **Road grades.** Road grades shall not exceed 12 percent unless it can be demonstrated that a road grade in excess of 12 percent is necessary to accomplish the objectives of the General Plan (and any applicable community or specific plan). In these circumstances, the Director may approve a road grade not to exceed 14 percent grade for a distance not to exceed 500 feet if a finding is first made, based upon the recommendations of the County Director of Public Works and the County Fire Marshall, that the roadway will not create an unacceptable hazardous risk to the public health, safety, or general welfare.
- (E) **Subdivision access.** The subdivision and each of its phases shall have two points of vehicular ingress and egress from existing and surrounding streets, one of which may be for emergency use only. Where providing this access is physically impossible or a cul-de-sac is proposed, this requirement may be waived or modified.
- (d) **Public access to public resources.** Each proposed subdivision shall be designed and constructed to provide public access to waterways, lakes, and reservoirs in compliance with Map Act Chapter 4, Article 3.5 (Public Access to Public Resources).
- (e) **Parcel design.** The size, shape, and arrangement of proposed parcels shall comply with this Section and with any General Plan (and any applicable community or

- (2) Upon termination of the proceedings before the Public Utilities Commission, an accounting of the deposit will be made and an additional charge or refund will be made to the subdivider.
- (h) **Sewage disposal.** Each parcel within an approved subdivision shall be provided an approved on-site sewage disposal system before final building inspection, or connection to an approved community sewage collection, treatment, and disposal system, in compliance with the County's infrastructure standards and specifications. The subdivider shall also pay any required connection fee(s).
 - (1) Subsurface sewage disposal systems shall be located as far as practical from a perennial or intermittent stream in compliance with County Code Division 3, Article 5, Sections 33.055 and 33.056, and the requirements of the Division of Environmental Health Services and the Regional Water Quality Control Board.
 - (2) When a soils or a geologic hazards report for a subdivision is prepared (either at the developer's volition or as a requirement of any governmental agency), it shall include findings and recommendations concerning probable adverse effects of the hazards to the integrity of water supply and sewage disposal facilities and structures.
- (i) **Street lighting.** Each proposed subdivision shall provide street lighting facilities designed and constructed in compliance with the County's infrastructure standards and specifications.
- (j). Street signs and street names.
 - (1) **Street names.** All public and private streets within a proposed subdivision shall be named by the Board or the Director of Public Works. The duplication of an existing street name within the same area shall not be allowed in a new subdivision unless the street is an obvious extension of an existing street.
 - (2) **Street signs.** The subdivider shall provide a minimum of two street name signs at each street intersection; with the signs located on the diagonally opposite sides of the intersection. The subdivider shall provide one street name sign at each "T" intersection. All street signs shall be made in compliance with the San Bernardino County Public Works Standards and Specification Manual per specifications 303, 303a, and 303b.
- (k) **Storm drainage.** Storm water runoff from the subdivision shall be collected and conveyed by an approved storm drain system.
 - (1) A subdivision that lies in the path of existing watercourses or overflows from existing watercourses, or natural drainage from upstream properties, shall not be approved unless adequate dedicated ~~rights-of-way~~ **wayeasement** or improvements are provided as deemed satisfactory by the **Land Development Division, Land Use Services Department**~~Director of Public Works~~.

- (2) When the ~~Director of Public Works~~ Land Development Division, Land Use Services Department determines that a subdivision may cause an unnatural increase or concentration of surface waters onto downstream property, the subdivision shall not be approved unless drainage outlets are provided that will be adequate to render the County and the County Flood Control District harmless from any damages caused by the increase or concentration of water.
 - (3) The location, type, and size of watercourses or drainage works, and all drainage of streets and other drainage works between streets, shall comply with the San Bernardino County Public Works Standards and Specifications Manual or as required by the Land Development Division, Land Use Services Department ~~Director of Public Works~~.
 - (4) When the Land Development Division, Land Use Services Department ~~Director of Public Works~~ determines that drainage rights-of-way are necessary, the subdivider shall offer to dedicate upon the Tentative, Parcel, or Final Map of the subdivision the necessary ~~rights-of-way~~ easement for the drainage facilities.
 - (5) Where dedication is offered or granted for Flood Control District rights-of-way, the rights-of-way shall be shown as parcels lettered alphabetically on the Tentative, Parcel, or Final Map. The offer of dedication or grant shall be made by an appropriate statement on the title sheet of the Final Map.
- (I) **Water supply.** Each approved parcel shall be served by an approved well or community water system, and shall be designed and constructed to accommodate both domestic and fire flows, together with necessary fire hydrants to serve each parcel proposed to be created.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance XXXX (2015)

CHAPTER 87.07 IMPROVEMENT PLANS, INSTALLATION, AND SECURITY

Sections:

- 87.07.010 Purpose
- 87.07.020 Improvement Plans
- 87.07.030 Installation of Improvements
- 87.07.040 Improvement Agreements, Lien Agreements and Securitates

87.07.010 Purpose

This Chapter provides standards for the preparation and review of improvement plans, the installation of improvements, and for security to guarantee improvement installation.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); Amended Ordinance 4116 (2010)

87.07.020 Improvement Plans

After the approval of a Tentative Map and before the construction of any improvements, the subdivider shall submit plans to the County as follows:

(a) **Preparation and content.** Improvement plans shall be prepared by a California registered professional engineer. Improvement plan submittals shall include all of the following information:

- (1) Any drawings, specifications, calculations, design reports, and other information required by the **Land Development Division, Land Use Services Department**~~Director of Public Works~~;
- (2) Grading, drainage, Water Quality Management Plan, erosion and sediment control, and a storm water pollution prevention plan (SWPPP) for the entire subdivision; and
- (3) The improvement plan/specification checking and construction inspection fees required by the County Fee Ordinance.

(b) **Submittal of plans.** Improvement plans shall be submitted to the **Land Development Division, Land Use Services Department** ~~Director of Public Works~~ and other appropriate reviewing agencies for review and approval. Upon the approval of improvement plans in compliance with Subsection (c) (Review and approval), below, the subdivider shall also submit to the **Land Development Division, Land Use Services Department** ~~Director of Public Works~~ a detailed cost estimate of all improvements, based on guidelines provided by the County.

- (1) **Street and drainage plans and profiles.** Plans, profiles, and specifications of proposed street and drainage improvements shall be submitted to the County **Land Development Division, Land Use Services Department**~~Department of Public Works~~,

checked and approved before presentation of the Final Map to the Board for acceptance.

(C) A letter or other instrument of credit from one or more financial institutions subject to regulation by the State or Federal government, and pledging that the funds necessary to carry out the act or Improvement Agreement are on deposit and guaranteed for payment as prescribed in Government Code section 66499(a)(3); or

(D) Lien Agreement as described in Subsection 87.07.040 (d) below.

(2) Bonds to secure faithful performance and for the benefit of laborers and material of any agreement, shall be in substantially the forms as shown in the California Subdivision Map Act (Government Code sections 66499.1 and 66499.2). The money, negotiable bond, or instrument of credit shall be a trust fund to guarantee performance and shall not be subject to enforcement of a money judgment by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the County.

(d) Lien Agreement as Security.

(1) As authorized herein, the owner of a “subdivision” (defined for purposes of this Subsection (d) as a residential subdivision with more than five lots up to a maximum lot size of two acres or a commercial or industrial subdivision) may, in lieu of posting the security described in Subsection (c) of this Section, enter into an agreement with the County to construct the required improvements in the future, securing such performance by granting the County a lien on the property to be subdivided. Such an agreement shall be known as a “Lien Agreement.”

(2) Where the Directors of the Department of Public Works and Land Use Services Department finds that it would not be in the public interest to require the installation of the required improvements sooner than two years after recordation of the map, the owner of the subdivision may execute a Lien Agreement with the County at the time the owner of the subdivision enters into an Improvement Agreement with the County to construct required improvements pursuant to this Section. A Lien Agreement may also be used to substitute existing security which was furnished under Subsection (c) of this Section; provided, however, that use of a Lien Agreement as substitution for existing security shall be at the County’s sole option. Notwithstanding any provisions of the foregoing to the contrary, however, the County will not accept a Lien Agreement from any owner of a subdivision, either at the time of execution of the Improvement Agreement, or as a substitute for existing security, if any lots have been sold, if construction permits (including but not limited to building or grading permits), have been issued on any of the property, or if construction of any of the required improvements has begun.

(2) Notwithstanding the above, the County may accept a Lien Agreement from any owner of a subdivision as a substitute for existing security if grading has

commenced on the land to be divided so long as the grading is in strict accordance with a valid grading permit and all the following are met:

- (A) There is no need for the County to construct the required improvements if the subdivision is abandoned or delayed for any period of time or for any other reason;
- (B) The grading has no effect on the use, operation and maintenance of existing streets or highways, public or private;
- (C) The grading has not caused the modification or closure of any public access points, existing streets or highways, public or private;
- (D) Additional drainage improvement and/or erosion controls are not necessary and/or installed in the road right-of-way due to the grading;
- (E) Delay of the construction of the required improvements for the subdivision does not affect or delay the improvements of an adjacent subdivision project upon which work on its required improvements has already commenced.

(4) Lien Agreements shall:

- (A) Be used only when in the absence of this Subsection, the owner of the subdivision would be required to construct or agree to construct road and drainage improvements required by the County. ~~Director of the Department of Public Works.~~
- (B) Be used to secure future improvements in easements, rights-of-way, rejected offers of dedication or irrevocable offers of dedication.
- (C) Be in an approved form acceptable to County Counsel.
- (D) Contain an itemization of the required improvements and an estimate of costs approved by the Land Development Division, Land Use Services Department ~~Director of the Department of Public Works~~, and shall specify that the obligation of the owner of the subdivision or any subsequent owner extends to the actual cost of construction if such costs exceed the estimate.
- (E) Be recorded with the County Recorder and have the priority of a judgment lien as prescribed by Government Code Section 66499(b) or its successor. The recorded Lien Agreement shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the County. From the time of the recordation of the Lien Agreement, a lien shall attach to the property in an amount necessary to complete the required improvements. Under no circumstance shall the County agree to subordinate the lien.

- (F) Be approved concurrently with the approval of the map with a note of the Lien Agreement's existence placed on the map, except where the Lien Agreement is being substituted after map approval for other security already deposited, in which case the Lien Agreement shall be signed and acknowledged by all parties having any record title interest in the real property, as prescribed by Government Code Section 66436 or its successor, consenting to the subordination of their interests to the Lien Agreement.
- (G) Be allowed only where the owner of the subdivision provides a title insurance policy and current title report from a title company approved by the County that documents that the owner of the subdivision is the record owner of the real property to be divided, and the real property to be divided is not subject to any mortgages, deeds of trust, or judgment liens. The title insurance policy and title report shall be submitted to the ~~Land Use Services Department~~~~Department of Public Works~~ within 90 days prior to the execution of the Lien Agreement. In addition, an updated title insurance policy and title report shall be submitted to the ~~Land Use Services Department~~ ~~Department of Public Works~~ on the day of the recordation of the Lien Agreement.
- (5) The Lien Agreement shall provide that the owner of the subdivision shall substitute acceptable security for the Lien Agreement and commence to construct the required improvements within two years following recordation of the map, or, in the case of a Lien Agreement which has been substituted for existing security, within two years following recordation of the Lien Agreement.
- (6) For Lien Agreements executed at the time of recordation of the map, the time for substitution of acceptable security and commencement of construction of the required improvements may be extended up to two times, each extension for a period not to exceed one year, by the Director of the ~~Land Use Services Department~~~~Department of Public Works~~. The Director of the ~~Land Use Services Department~~~~Department of Public Works~~ may not grant such extensions if the owner of the subdivision has substituted a Lien Agreement for security originally furnished. The Board of Supervisors, however, on its own motion or at the request of the owner of the subdivision, may grant additional time extensions, on a case-by-case basis, as it deems appropriate, for substitution of acceptable security and commencement of construction of the required improvements pursuant to agreements secured either by Lien Agreements executed at the time of recordation of the map, or Lien Agreements substituted for existing security.

CHAPTER 84.10 GARAGE SALES

Sections:

- 84.10.010 Purpose
- 84.10.020 Applicability
- 84.10.030 Standards

84.10.010 Purpose

The purpose of this Section is to provide locational and operational standards for the conduct of garage and private yard sales. These standards are intended to allow residents the opportunity to sell unwanted household goods and items while preserving the residential nature of the surrounding neighborhood.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.10.020 Applicability

The standards in this Chapter shall apply to the conduct of garage and private yard sales **at private residences. Garage sales are not permitted in commercial uses.**

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); **Amended Ordinance XXXX (2015)**

84.10.030 Standards

- (a) **Activity prohibited in public right-of-way.** Garage sale activity may not be conducted in the public right-of-way, including streets, sidewalks, parkways, or alleys.
- (b) **Items for sale.** Items sold at garage sales shall be used goods, wares, or merchandise of a household nature, and shall not have been acquired elsewhere for resale.
- (c) **Maximum number of sales per year.**
 - (1) Single-family dwellings shall be allowed a maximum of four garage sales per calendar year at the same address.
 - (2) Multi-family dwellings shall be allowed a maximum of two garage sales per calendar year per legal dwelling unit.
- (d) **Maximum number of consecutive days.** A garage sale may not last longer than three consecutive days.
- (e) **Residents only.** Only the residents of a property may conduct a garage sale.
- (f) **Sale hours.** Garage sale activity shall be limited to the hours of 8:00 a.m. to 5:00 p.m.

85.15.070 Exempt Short-Term Activities

The following short-term activities are allowed without the requirement of obtaining a Temporary Use Permit. Short-term activities that do not fall within the following categories shall comply with Section 85.15.080 (Allowed Short-Term Activities), below.

- (a) **Construction yards - On-site.** On-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.
- (b) **Emergency facilities.** Emergency public health and safety needs/land use activities, as determined by the Board.
- (c) **Events on sites approved for public assembly.** An event on the site of, or within, a golf course, meeting hall, religious facility, school, theater, or other similar facility designed, and approved by the County for public assembly.
- (d) **Fund-raising car washes.**
 - (1) Car washes on property within a commercial, industrial, or institutional zone, limited to a maximum of two days per month for each sponsoring organization.
 - (2) Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
 - (3) Even though fundraising car washes are exempt from obtaining a Temporary Use Permit, they shall still be conducted in compliance with applicable stormwater regulations to minimize potential water quality impacts.
- (e) **Garage sales.** Garage sales, not to exceed four per year, each of which may not exceed three consecutive days **on residential properties only**.
- (f) **Location filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, etc., for the time specified by the Director. Even though this use is exempt from a Temporary Use Permit, it does require a permit through the Inland Empire Film Commission.
- (g) **Public property or public right-of-way.** Construction and maintenance activities conducted on public properties that are authorized by an Encroachment Permit.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009); **Amended Ordinance XXXX (2015)**