

ORDINANCE NO. 9227 (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE, RELATING TO
PROCEDURES FOR MISCELLANEOUS SUBDIVISION MAP APPLICATIONS

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

Section 1. The Board of Supervisors finds and determines that the following amendments will update several sections of the Subdivision Ordinance to reflect recent changes in the Subdivision Map Act, remove obsolete language, and extend the filing period for subdivision time extensions to provide more time for environmental studies to be completed. The Board of Supervisors further finds and determines that the amendments are reasonable and necessary for the public health, safety, convenience, and welfare, and, pursuant to Government Code Sections 65103, 66418 and 66419, are consistent with or will implement the General Plan.

Section 2. Section 81.108.1 of The Subdivision Ordinance is hereby repealed.

Section 3. Section 81.109 of The Subdivision Ordinance is hereby amended to read as follows:

Section 81.109. **SECURITY FOR THE PAYMENT OF TAXES AND SPECIAL
ASSESSMENTS.**

(a) Whenever security is filed with the Board of Supervisors pursuant to Section 66493 of the Government Code to secure the payment of taxes or special assessments collected as taxes which are a lien on the property to be subdivided but not yet payable, the Clerk of the Board of Supervisors, upon notification by the Treasurer-Tax Collector that the total amount of said taxes or special assessments have been paid in full, may release said security.

(b) If the property owner or subdivider deposits cash to secure the payment, as required by the Subdivision Map Act, of the estimated taxes or special assessments, the Treasurer-Tax Collector shall draw upon the cash deposit, at the request of the property owner, to pay the taxes or special assessments when they are payable.

Section 4. Section 81.308 of The Subdivision Ordinance is hereby amended to read as follows:

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

(a) Within 36 months after the approval or conditional approval of the tentative map, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be filed in accordance with the tentative map as approved or conditionally approved and in accordance with the Subdivision Map Act and this division. However, if the subdivider is subject to a requirement of one hundred twenty-five thousand dollars (\$125,000) or more to construct or improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map, each filing of a final map on a portion of an approved tentative map, as authorized by Section 66456.1 of the Subdivision Map Act, shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 of the Government Code of the State of California may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps which may be filed shall be determined by the Advisory Agency at the time of the approval or conditional approval of the tentative map.

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

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

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

Section 5. Section 81.313 of The Subdivision Ordinance is hereby amended to read as follows:

Section 81.313. ACTION BY DIRECTOR ON APPLICATIONS FOR REVISED OR EXPIRED TENTATIVE MAPS OR TENTATIVE MAP TIME EXTENSIONS OR MODIFICATIONS.

Applications for revised or expired tentative maps, or extensions of time and resolution amendments or modifications of tentative maps shall be acted on by the Director in the following manner:

- (a) Within two (2) working days after an application has been filed, the Director shall transmit copies together with accompanying information to the public agencies and public or private utilities specified in Section 81.312 and such others as the Director determines may be concerned. Each of the public agencies and utilities shall, within 20 calendar days after the application has been sent to such agency, forward to the Director a written report of its findings and recommendations thereon.
- (b) The Director shall make a preliminary decision to approve, conditionally approve or disapprove the application within 30 days from the date that environmental review has been completed. Notice of such decision, together with the reasons therefor in the event of a disapproval, shall be provided to the subdivider and to any person who made request therefor pursuant to Section 81.312(a). Notice shall be deemed to have been given upon deposit of the notice in the United States mail with postage thereon paid.
- (c) The Director shall also file a copy of the preliminary decision with the applicable Advisory Agency pursuant to Section 81.304(d)(1) through (5) for consideration as an informational agenda item at the next regularly scheduled meeting following the review period specified in Section 81.312.
- (d) In the event no request for a public hearing is received by the Advisory Agency on such application and the Advisory Agency takes no action to initiate a hearing, the preliminary decision shall become final as the Advisory Agency decision effective immediately and notice of such final decision shall be provided to the subdivider and to any person who made a request therefor pursuant to Section 81.312(a).
- (e) In the event of a request for a public hearing is received by the Director or Advisory Agency on such application or the Advisory Agency takes action to initiate a hearing, the Advisory Agency shall schedule a hearing in accordance with Section 81.304 within 50 days from the date that environmental review has been completed. Said 50-day period may be extended upon consent of the subdivider and, if the request for hearing was made by the subdivider and the hearing cannot be scheduled within

such time, such request shall be deemed to constitute consent of the subdivider to extend said period for a reasonable time. Notice of the Advisory Agency decision shall be provided to the subdivider and any person who made the request therefor pursuant to Section 81.312(a). The decision of the Advisory Agency may be appealed to the Planning Commission and/or the Board of Supervisors in accordance with the procedure set forth at Section 81.307.

- (f) Any request for a public hearing shall state reasons why the preliminary decision should not become final and indicate where the Director erred in making said preliminary decision.

Section 6. Section 81.608 of The Subdivision Ordinance is hereby amended to read as follows:

Section 81.608. REVISED TENTATIVE PARCEL MAP.

Where a subdivider desires to revise an approved tentative parcel map, he may file with the Director, prior to the expiration of the approved tentative parcel map, a revised tentative parcel map on payment of the fee. The amount of said fee shall be determined by resolution no less than annually by the Board of Supervisors.

Section 7. Section 81.608.5 of The Subdivision Ordinance is hereby amended to read as follows:

Section 81.608.5. EXPIRED TENTATIVE PARCEL MAP -- CONDITIONS FOR REFILING.

Where a person desires to refile a tentative parcel map after proceedings thereon have terminated by reason of the expiration of time allowed for filing the parcel map, such tentative parcel map may be refiled upon payment of the fee prescribed in Chapter 2 of this division, provided, the Director determines that all of the following conditions are present:

- (a) No part of the land shown on the approved tentative parcel map has been sold or transferred.
- (b) Establishment of the street pattern or lot design shown on the approved tentative parcel map has not been made impractical or impossible by the installation of utilities, establishments of easements or rights-of-way, or the construction or establishment of buildings or structures on land within the map or adjacent thereto.

- (c) No final map or parcel map conflicting with the design or location of streets shown on the approved tentative parcel map has been recorded or filed for record.
- (d) Establishment of the street pattern or lot design shown on the approved tentative parcel map has been made impractical or impossible by the approval of any other tentative map or tentative parcel map.
- (e) No plan or ordinance has been adopted, no regulation established and no annexation to a city or incorporation of a city has taken place since the approval or conditional approval of the approved tentative parcel map which would require any change in the size, shape or design of the lots or the location, alignment, width or improvement of streets within the map or adjacent to the boundaries thereof.
- (f) No inspection of the property by any County officer or Department will be required other than to determine that the above enumerated conditions are present.
- (g) No extension of time shall have been granted for such tentative parcel map pursuant to Section 81.617.
- (h) Not more than one (1) year shall have elapsed since the expiration date of the first tentative parcel map.

The Director may require an affidavit of the owner that the conditions specified above in subparagraphs (a) and (b) are true.

The tentative parcel map refiled pursuant to this section shall expire 36 months from the date on which the first tentative parcel map expired.

Section 8. Section 81.612 of The Subdivision Ordinance is hereby amended to read as follows:

Section 81.612. **CONSIDERATION OF TENTATIVE PARCEL MAPS -- NOTICE OF DECISION.**

- (a) Preliminary Decision - Request for Review. The Director shall make a preliminary decision to approve, conditionally approve or disapprove the tentative parcel map within 35 days after said tentative parcel map is filed (as defined in Section 66452.1 (c) of the Subdivision Map Act). Notice of such decision, together with the reasons therefor in the event of a disapproval, shall be provided pursuant to subdivision (c) below. Any person to whom such notice is required to be sent may request in writing

that such preliminary decision be reviewed. Such request must be received by the Director within 7 calendar days after the date of the preliminary decision.

- (b) Final Decision. In the event no written request for review is received within the time prescribed above, the preliminary decision shall become final. Upon receipt within the time prescribed of said written request for review of a preliminary decision, the Director shall arrange a time and place for such review and shall notify the subdivider, the requester and appropriate County departments and agencies thereof. After completion of the review, the Director shall within 50 days after the filing of the tentative parcel map render his final approval, conditional approval or disapproval of the tentative parcel map; however, said period may be extended upon consent of the subdivider and, if the request for review was made by the subdivider and review cannot be completed within such time, such request shall be deemed to constitute consent of the subdivider to extend said period for a reasonable time. Notice of such final decision shall be provided pursuant to subdivision (c) below.
- (c) Notice. Any notice required by this section shall be in writing and mailed to the subdivider and to any person who made request therefor pursuant to Section 81.609(a)(4). Notice shall be deemed to have been given upon deposit of the notice in the United States mail with postage thereon prepaid.

Section 9. Section 81.615.5 of The Subdivision Ordinance is hereby added to read as follows:

Section 81.615.5. INFORMATION TO BE SUPPLIED BY APPLICANT.

An appeal filed pursuant to Section 81.617 shall be accompanied by a written statement disclosing the following information:

- (a) The names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved.
- (b) If any person identified pursuant to paragraph (a) above is a corporation or partnership, the names of all persons owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

- (c) If any person identified pursuant to paragraph (a) above is a non-profit organization or a trust, the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

Section 10. Section 81.617 of The Subdivision Ordinance is hereby amended to read as follows:

Section 81.617. TIME TO FILE PARCEL MAP -- EXTENSION TIME.

Within 36 months after the approval or conditional approval of the tentative parcel map, the subdivider may file with the Director of Public Works a parcel map in substantial conformance with the tentative parcel map, as approved or conditionally approved, and in conformance with the Subdivision Map Act and this division provided, however, that if the subdivider files with the Director a written request for an extension, the Director may at any time prior to or not later than 60 days following the expiration of said 36 months, grant an extension not exceeding 60 months subject to specified conditions. The application shall be filed no more than 180 days prior to such expiration. In the event the Director denies a subdivider's request for extension of time, the subdivider may within 15 days appeal to the Board of Supervisors in accordance with Section 66452.6.(e) of the Subdivision Map Act. Any person filing a request for extension of time pursuant to this section shall pay the fee as provided in this ordinance. The amount of said fee shall be determined no less than annually by the Board of Supervisors. Following the hearing on an appeal, the Board of Supervisors shall grant or deny the extension or grant the extension subject to specified conditions.

Section 11. Section 81.710 of The Subdivision Ordinance is hereby added to read as follows:

Section 81.710. WAIVER OF SECURITY FOR ESTIMATED TAXES

The County waives the requirement to secure the payment of estimated taxes or special assessments, as required by Government Code Section 66493 (a) or (b), for parcel maps of four or fewer parcels.

Section 12. Section 81.801 of The Subdivision Ordinance is hereby amended to read as follows:

Section 81.801. MAPS TO CONFORM TO REQUIREMENTS OF DIRECTOR AND BOARD OF SUPERVISORS.

All parcel maps shall conform to the requirements of the Subdivision Map Act and this chapter and also shall conform to the requirements specified in the report of the Director approving or conditionally approving the tentative parcel map.

Section 13. Section 81.801.5 of The Subdivision Ordinance is hereby repealed.

Section 14. Section 81.906 of The Subdivision Ordinance is hereby added to read as follows:

Section 81.906. WAIVER OF SECURITY FOR ESTIMATED TAXES

The County waives the requirement to secure the payment of estimated taxes or special assessments, as required by Government Code Section 66493 (a) or (b), for adjustment plats.

Section 15. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 21st day of June, 2000.