

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Right-Of-Way Dedication and Public Improvement Requirements In
Connection With Major and Minor Use Permits

**Policy
Number**

I-18

Page

1 of 4

Purpose

To establish a policy that when a use permit is granted pursuant to The Zoning Ordinance, the permittee shall be required to provide those public improvements and facilities, and the lands, easements and rights-of-way therefore, necessary to assure that the special use will not be materially detrimental to the public health, safety or welfare or the property or improvements in the vicinity and zone in which the subject property is located.

To supplement and modify the existing policy as stated in Part IV of the San Diego County Road Policy adopted by the Board of Supervisors on March 20, 1962, and extend the principles stated therein to include all public improvements.

Background

Certain types of land use are permitted only pursuant to a Major Use Permit approved by the Planning Commission, or the Board of Supervisors or a Minor Use Permit approved by the Director, or Planning Commission. Issuance of such permits may have the effect of authorizing a more intensive or special use of the property which creates a need for public improvements such as roads and drainage, sewage and fire protection facilities. In such a case, it is necessary that provision be made for such facilities to make the property suitable for the proposed more intensive or special use.

Policy

It is the policy of the Board of Supervisors that:

Where application is made pursuant to The Zoning Ordinance for a Major or Minor Use Permit and it is found that road improvements, drainage, sewage, fire protection or other public facilities and improvements (including the land, easements and rights-of-way therefore) are necessary to insure that the establishment or maintenance of the requested use will not be materially detrimental to the public health, safety or welfare or to the property or improvements in the vicinity and zone in which the subject property is located such use permit shall be issued only upon conditions that provision be made for such improvements and facilities including the land, easements and rights-of-way therefore).

When, after the hearing on an application for a Major or Minor use Permit pursuant to The Zoning Ordinance, it is determined that the establishment or maintenance of the

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Right-Of-Way Dedication and Public Improvement Requirements In
Connection With Major and Minor Use Permits

**Policy
Number**

I-18

Page

2 of 4

requested use would be detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located because necessary public rights-of-way, improvements or facilities either do not exist or are below San Diego County standards, the Director, the Planning Commission, or Board of Supervisors shall not grant the permit without requiring that the necessary improvements and facilities (including land, easements and rights-of-way).

At the discretion of the Director of Public Works, the recommendation for the needed public improvements submitted to the appropriate approval body could allow for the construction of all or a portion of the improvements to be deferred to a later time. The construction of such improvements would have to be secured by the execution of a lien contract agreement or other appropriate security. An Irrevocable Offer of Dedication of the necessary rights-or-way shall be made concurrent with the execution of security for deferred improvements. Improvements and facilities shall be provided by one of the following procedures:

1. Construction of Improvements Prior to Use and Occupancy or Other Appropriate Date or Event

The Major or Minor Use Permit shall be granted upon condition that the required land, easements and rights-of-way be dedicated to the County and construction of the required improvements and facilities prior to the date of use and occupancy of the premises pursuant to such use permit or prior to such other appropriate date or event as may be designated by Zoning Administrator, the Planning Commission, or Board of Supervisors.

2. Entering Into a Secure Agreement with the County

The Major or Minor Use Permit shall be granted upon condition that prior to a specific date or event (such as a calendar date, the date of issuance of a building permit or other permit pursuant to the use permit, or the date of final inspection and approval of improvements constructed pursuant to such building permit or other permit) the owner shall:

- a. Dedicate or irrevocably offer the dedication of the required land, easements, and rights-of-way; and
- b. Enter into an agreement to provide the required improvements and facilities which agreement shall be secured by a form of security approved by the County Counsel.

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Right-Of-Way Dedication and Public Improvement Requirements In
Connection With Major and Minor Use Permits

**Policy
Number**

I-18

Page

3 of 4

3. Executing a Lien Agreement

The Major or Minor Use Permit shall be granted upon condition that prior to a specific date or event (such as a calendar date, the date of issuance of a building permit or other permit pursuant to the use permit, or the date of final inspection and approval of improvements constructed pursuant to such building permit or other permit) the owner shall:

- a. Dedicate or irrevocably offer the dedication of the required land, easements, and rights-of-way; and
- b. Execute a lien agreement by which an owner agrees for himself/herself, his/her successors and assigns, that in lieu of making the ultimate improvements required by the permit, that he/she will install, construct or cause to be installed or constructed the required ultimate improvements at a time satisfactory to the County.

4. Executing a Covenant

The Major or Minor Use Permit shall be granted upon condition that prior to a specific date or event (such as a calendar date, the date of issuance of a building permit or other permit pursuant to the use permit, or the date of final inspection and approval of improvements constructed pursuant to such building permit or other permit) the owner shall:

- a. Dedicate or irrevocably offer the dedication of the required land, easements, and rights-of-way; and
- b. Execute a covenant by which an owner covenants himself/herself, his/her successors and assigns, not to oppose the initiation by the County of special assessment (improvement act) proceedings for the construction of the necessary improvements and facilities.

Sunset Date

This policy will be reviewed for continuance by 12-31-2022.

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Right-Of-Way Dedication and Public Improvement Requirements In
Connection With Major and Minor Use Permits

**Policy
Number**

Page

I-18

4 of 4

Board Action

10-14-69 (80)

3-25-80 (7)

12-15-82 (37) operative 3-1-83

12-11-84 (7)

3-27-90 (47)

5-15-96 (5)

8-7-2002 (5)

12-09-08 (33)

9-25-12 (11)

12-16-15 (8)

CAO Reference

1. Department of Planning and Development Services

2. Department of Public Works