

Attachment G – Amended Board of Supervisors
Policies – Strikeout/Underline

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Procuring Architectural, Engineering, and Related Professional Services

**Policy
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I. Purpose

To establish the policy for Qualifications-Based Selection and contracting for architectural, landscape architectural, engineering, environmental, land surveying, construction project management, and related professional services.

II. Background

Sections 4525 through 4529.5 of the Government Code (Mini-Brooks Act) govern contracts between public entities and private architectural, landscape architectural, engineering, environmental, land surveying, and construction project management firms. These statutes establish a Qualifications-Based Selection (QBS) method that public agencies in California must use to contract for professional services. This method requires that such services be engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at a fair and reasonable price. Accordingly, public agencies may not utilize competitive bidding for such services, except in the limited instances where the State or local agency head determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest. (Gov. Code §4529.)

III. Definitions

A. Administering Department: Any County department listed under CAO Reference at the end of this policy, and any other County department that the Board of Supervisors may authorize from time-to-time to contract with consultants to obtain Professional Services to fulfill its designated functions.

B. Professional Services: Those professional services set forth in Government Code §4525, subdivisions (d), (e), and (f), including architectural, landscape architectural, engineering, environmental, land surveying and construction project management services, and services incidental thereto that members of these professions and those in their employ may logically or justifiably perform.

IV. Policy

It is the policy of the Board of Supervisors that:

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When the Director of an Administering Department determines that the department needs Professional Services, the County of San Diego shall contract for such services in accordance with this policy and with the guidelines promulgated by the Department of Purchasing and Contracting.

The County's Professional Services contracting procedures shall comply with all mandatory provisions of the Mini-Brooks Act and those discretionary provisions set forth in the Department of Purchasing and Contracting guidelines implementing this policy.

In addition to this policy, the procurement of Professional Services shall be in accordance with Section 401 of the San Diego County Code of Administrative Ordinances. This policy, the guidelines promulgated by the Department of Purchasing and Contracting, and the procedures adopted by Administering Departments hereunder, shall further assure that the goals of Board Policy B-39a, "Veteran Owned Business (VOB) and Disabled Veterans Business Enterprise (DVBE) Program", and Board Policy B-53, "Small Business Policy (SBP)", are considered in selection processes described in this policy.

The County may enter into cooperative agreements with the City of San Diego (City) and other agencies with established procedures, whereby the County, City, and other signatory agencies to the cooperative agreement may jointly formulate and use lists of qualified consultants to provide Professional Services.

If any discretionary provision of this policy conflicts with any federal or State grant requirements, the provisions of the federal or State grant shall prevail

V. Responsibility

The Department of Purchasing and Contracting shall promulgate and maintain guidelines implementing this policy.

The Chief Administrative Officer with the support of the Department of Purchasing and Contracting shall ensure compliance with this policy.

Sunset Date

This policy will be reviewed for continuance by 12-31-202532.

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Board Action

02-24-81 (17)	10-23-90 (45)	10-7-97 (27)
07-28-81 (6)	04-23-91 (32)	08-7-02 (5)
05-17-83 (58)	11-13-94 (14)	02-27-07 (9)
10-08-85 (11)	11-14-95 (18)	12-09-08 (33)
07-26-88 (43)	03-12-96 (25)	09-25-12 (11)
12-12-89 (49)	09-17-96 (28)	12-04-12 (13)
06-05-90 (43)	09-30-97 (16)	10-30-18 (12)

CAO Reference

1. Department of Purchasing and Contracting
2. Department of Environmental Health and Quality
3. Department of General Services
4. Department of Parks and Recreation
5. Department of Planning & Development Services
6. Department of Public Works

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Review of Fire District Ordinances which contain Requirements that Exceed those of the State Fire Marshal

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Purpose

To establish the Board of Supervisors' Policy concerning review of fire district ordinances when these ordinances contain requirements that exceed the building standards set by the State Fire Marshal.

Background

State law (Health & Safety Code Section 13869.7) requires that when a fire protection district adopts an ordinance related to building standards for fire and fire codes related to fire safety ~~panic safety~~ which are more stringent than those adopted by the State Fire Marshal, that this ordinance shall not be effective until ratified by the city or county where the ordinance applies.

State law further states that any fire protection district that proposes to adopt an ordinance which includes building standards relating to fire and fire codes related to fire safety ~~panic safety~~ that are more stringent than those adopted by the State Fire Marshal shall make an express finding that the ordinance is reasonably necessary because of local climatic, geological, or topographical conditions. The proposed ordinance, along with these findings, shall be forwarded to the city or county where the ordinance applies not less than 30 days prior to noticing a proposed ordinance for public hearing. The city or county may then provide the district with written comments, which shall become part of the fire protection districts public hearing record.

Once adopted, the fire protection district is required to forward the adopted ordinance to the city or county where the ordinance applies. The legislative body of that city or county may then ratify, modify, or deny an adopted ordinance, and transmit its determination to the district within 15 days of the determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial.

Upon ratification of an adopted ordinance, the city or county shall file a copy of the adopted ordinance along with the findings of the district, and any findings of the city or county, with the Department of Housing and Community Development.

Policy

It is the policy of the Board of Supervisors that:

1. The Director of the San Diego County Fire Protection District ~~San Diego County Fire Authority~~ shall have the administrative authority and responsibility for developing and implementing all processes

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and procedures necessary to assure timely and efficient review of fire district ordinances by the Board of Supervisors as required by law.

2. The Director of the San Diego County Fire Protection District ~~San Diego County Fire Authority~~ shall, in developing these processes and procedures, provide affected fire districts with reasonable opportunity for review and comment.

3. The Director of the San Diego County Fire Protection District ~~San Diego County Fire Authority~~ shall, in developing these processes and procedures, consider the most efficient and cost effective manner in which to present these ordinances to the Board of Supervisors for review. Such consideration may include provisions for presenting to the Board of Supervisors a single agenda item which includes all district ordinances submitted for ratification in a specified time interval.

4. The Director of the San Diego County Fire Protection District ~~San Diego County Fire Authority~~ shall, in developing these processes and procedures, establish criteria against which all fire district ordinances shall be reviewed. These criteria shall include, but are not limited to:

- a. Was the Public Hearing for the Ordinance properly noticed as required by law?
- b. Was the Ordinance reviewed by the district's Counsel?
- c. Are there district findings regarding local conditions which necessitate more stringent requirements, and are these findings reasonable and valid?
- d. Does the district have the legal authority to require all proposed building standards more stringent than those adopted by the State Fire Marshal?

5. Based on the above criteria, the Director of the San Diego County Fire Protection District ~~San Diego County Fire Authority~~ shall be responsible for drafting a Board Letter which:

- a. Makes a recommendation to the Board regarding ratification, modification, or denial,
- b. Provides documentation as needed to support the recommendation, and
- c. Evaluates whether the more stringent requirements in the district ordinance should be considered for inclusion in the County Consolidated Fire Code, and /or other fire district ordinances.

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Sunset Date

12-31-~~2025~~2032

Board Action

11-7-95 (56)

10-20-2001 (1)

08-07-02 (5)

09-14-2011 (9)

12-11-2018 (06)

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Naming of County Parks and Recreation Amenities

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Purpose

The intent of this policy is to set forth criteria and parameters to guide naming rights opportunities for amenities within County of San Diego Department of Parks and Recreation (DPR) facilities. This policy provides DPR the authority to consider and approve the naming of park amenities after an organization, business or individual that has provided a financial contribution to support parks and recreation capital or major maintenance projects.

Definitions

In the context of this policy, the following definitions apply:

- a) "Amenity" means a smaller support structure or park feature located within a larger County park facility such as, but not limited to, sports fields, conference rooms, playgrounds, pools, decorative or water play fountains, gardens, gazebos, pavilions, tennis courts, basketball courts, volleyball courts, or trails.
- b) "Naming or Naming Rights" refers to the opportunity to name a DPR park amenity.

Policy

- 1. DPR shall pursue alternative funding to achieve appropriate levels of cost recovery in accordance with County of San Diego Board of Supervisors Policy B-55 and DPR's cost recovery business plan.
- 2. The naming of DPR facilities will continue to be covered by Board of Supervisors Policy F-46, which states the naming of County buildings and structures shall be done only by the Board of Supervisors, by resolution adopted with a majority vote.
- 3. This policy shall supersede F-46 and authorize the DPR Director to consider and approve park amenity naming rights that are for a term of 5 years or less or that will result in \$15,000 or less in total revenue for the duration of the naming term.

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Guidelines and Criteria

In all cases, DPR will ensure that naming rights will not be in conflict with or run counter to DPR's mission and goals that are adopted annually by the Board of Supervisors including, but not limited to:

- Promote healthy lifestyles or civic responsibility
- Recreational programs and services that increased physical, intellectual, social and/or emotional abilities
- Promote environmental awareness and responsibility
- Acquire, preserve, or enhance significant natural resources
- Promote resource sustainability
- Increase environmental stewardship
- Educate the public about resources, conservation or sustainability
- Support the multiple species conservation program
- Improve energy and water efficiency
- Protect the tree population
- Promote acquisition, development or maintenance of facilities that support community needs, provided safe and accessible opportunities to gather, promoted park stewardship or celebrated diversity while connecting communities.
- Support healthy families, sustainable environments or safe communities
- Foster community ownership in the maintenance and security of the County's trail systems
- Support accessible places for recreation
- Promote government agency partnerships and community involvement
- Promote volunteerism
- Enhance park safety
- Strengthen connection between people and the outdoors
- Support ~~providing~~ affordable recreation options
- Enhance quality of life

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Naming rights proposals that shall **not** be considered are those which:

- a. Promote practices that, if they took place, would violate U.S. or state law (i.e. - dumping of hazardous waste, exploitation of child labor, etc.), or promote drugs, alcohol, tobacco, gambling or adult entertainment.
- b. Discriminate on the basis of gender, ethnicity, religion, economic status, national origin, disability, medical condition, sexual orientation, or age.
- c. Include religious references or political statements.
- d. Endorse products or services that do not comply with DPR policies and procedures, County, State or federal regulations, ordinances, codes, or statutes.
- e. Appear to be in direct competition with DPR services or products.
- f. Endorse products or services that conflict with DPR's mission or Board of Supervisors approved objectives or goals.

All park amenities eligible for naming rights shall be determined by the DPR Director or designee. If a naming right opportunity includes signage, a detailed proposal of the signage, including design, layout, verbiage and cost will need to be provided, in writing, for review and approval by the DPR Director or designee. DPR can specify sign size, ~~sign~~ type, and font of any naming rights signage or displays. DPR reserves the right to terminate any naming right agreements not in accordance with this Board Policy.

Sunset Date

This policy will be reviewed for continuance by 12-31-~~25~~32.

Board Action

01/29/14 (2)

11/14/18 (9)

CAO Reference

1. Department of Parks and Recreation

COUNTY OF SAN DIEGO, CALIFORNIA
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Subdivision of Land-Substitution of One Form of Improvement
Security for Another - Reduction of Security

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Purpose

To establish a procedure whereby a subdivider who has furnished improvement security in accordance with the County Subdivision Ordinance and Sections 66462 and 66499 of the Government Code to secure the completion of improvements required as a condition of approval of a subdivision map may substitute any other form of security as prescribed in the County Subdivision Ordinance for said security, and to establish a procedure whereby a subdivider may obtain a partial release of the security for completed work.

Policy

It is the policy of the Board of Supervisors that:

1. Replacement Security

A subdivider who has furnished improvement security in the form prescribed in the County Subdivision Ordinance, pursuant to Sections 66462 and 66499 of the Government Code (Subdivision Map Act), may substitute in place of said security any other form of security as prescribed in the above ordinance. On request of a subdivider to make such substitution, the Director of Public Works (DPW Director) or Director of Planning & Development Services (PDS Director), with the assistance of County Counsel where necessary, shall cooperate with the subdivider in the preparation of an appropriate form of substitute security to replace the present security. Substitute security for faithful performance shall be in an amount equal to 100% of the estimated cost, as determined by the DPW Director or PDS Director, of required improvements at the time of the substitution request. Substitute payment security to guarantee payment to contractors, subcontractors and the persons furnishing labor materials or equipment for the completion of required improvements shall be in the amount of 50% of the unreduced faithful performance security.

Upon approval, the DPW Director or PDS Director will forward the substitute security to the Clerk of the Board of Supervisors (Clerk) for filing. The Clerk will release the original security to the appropriate surety/owner in writing.

2. Reduction in Security

Subdividers are required by the County Subdivision Ordinance and Subdivision Map Act to provide payment and performance security to guarantee the completion of required subdivision improvements and the payment of workers and suppliers engaged in the construction of the improvements. Payment securities are not subject to partial reduction. As work progresses, the Director is hereby authorized and delegated the authority to partially release performance securities pursuant to the following rules and procedures:

- A. Performance security may be released only upon written request by the subdivider who posted such security.

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B. The Director is authorized to consider requests by a subdivider for the partial release of security ~~u~~Upon receipt of a written request, together with detailed estimates of the value of the work remaining to be completed. If satisfied that the performance security may be reduced, the Director shall inspect the improvements and verify the percentage and the value of the work remaining to be completed. The Director may then authorize a reduction in the amount of security as follows:

- 1) No reduction of performance security is authorized where the Director determines that more than 50% of the value of work remains to be completed.
- 2) Whenever 50% or more of the value of work has been completed, the security may be reduced pursuant to an engineer's estimate supplied by the engineer of work in accordance with the following schedule:

<u>Percent of Construction Completion</u>	<u>Percent of Original Security Retained</u>
<u>0%</u>	<u>100%</u>
<u>50%*</u>	<u>50%*</u>
<u>60%*</u>	<u>40%*</u>
<u>70%*</u>	<u>30%*</u>
<u>75 - 87%</u>	<u>25%</u>
<u>88%</u>	<u>24%</u>
<u>89%</u>	<u>22%</u>
<u>90%</u>	<u>20%</u>
<u>91%</u>	<u>18%</u>
<u>92%</u>	<u>16%</u>
<u>93%</u>	<u>14%</u>
<u>94%</u>	<u>12%</u>
<u>95%</u>	<u>10%</u>
<u>96%</u>	<u>8%</u>
<u>97%</u>	<u>6%</u>
<u>98-100%</u>	<u>5%</u>
<u>Warranty Period</u>	<u>5%</u>

* For situations where 50% to 75% of the construction is complete, the percent of the original security that will be retained is 100% - X% Construction completed.

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- 3) Upon the completion of the improvements to the satisfaction of the Director, the performance security may be reduced to an amount up to 95% of the total required performance security. The remaining 5% shall remain in place for a period of one year following the completion of the improvements as a warranty against defective materials and workmanship.
- 4) Upon a determination that the performance security may be partially released, the Director shall notify the holder of the security, the Clerk of the Board of Supervisors and the subdivider in writing of the amount of the reduction. The partial reduction does not apply to the warranty period.

Sunset Date

This policy will be reviewed for continuance by 12-31-32-25.

Board Action

11-10-69 (63)
01-13-76 (15)
12-11-84 (8)
08-08-89 (33)
12-15-93 (5)
05-15-96 (11)
08-07-02 (5)
12-09-08 (33)
10-12-11 (12)
09-25-12 (11)
11-14-18 (9)

CAO Reference

1. Department of Public Works
2. ~~Department of~~ Planning & Development Services
3. County Counsel

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Subject

Minor Modifications and Time Extensions on Subdivision Agreements

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Purpose

To establish a more efficient method of processing minor modifications of subdivision improvement agreements and change of ownership.

Background

State law and the County Subdivision Ordinance authorize the use of subdivision improvement agreements to allow for the construction of improvements after a final map or parcel map is approved. From time to time, minor modifications of the agreements and associated improvement plans are necessary to, among other things, reflect changes in the ownership of subdivisions and to ensure constructability of improvements. This policy delegates authority to the Director of ~~Department of Planning & Development Services~~ (Director), to approve minor modifications to subdivision improvement agreements and associated improvement plans for the agreements.

Policy

It is the policy of the Board of Supervisors that:

The Board of Supervisors hereby authorizes and delegates to the Director, ~~Department of Planning & Development Services~~ (Director), the authority to approve all minor modifications to subdivision improvement agreements and associated improvement plans for the agreements as follows:

1) Change of Ownership

Where ownership of a subdivision subject to an improvement agreement has changed, the Director may amend the improvement agreement and modify or authorize the acceptance of replacement security to reflect the new ownership. The Director may in conjunction with the modification of existing security to reflect a change of ownership require adjustment of the security.

2) Plan Changes

The Director may allow minor changes to improvement plans attached to improvement agreements where such changes are needed to ensure the constructability of improvements in a manner consistent with the conditions of approval which the improvement plans were designed to satisfy.

In those instances where security is modified by the Director, as a result of a plan change, the Director will transmit the necessary documents directly to the Clerk of the Board (Clerk) to effectuate the change. The Clerk is delegated the authority and directed to release security, accept modifications or riders to existing security, accept substitute security, and to take such other action as is reasonably necessary to implement the Director's authority to make minor modifications to subdivision improvement agreements, required security and improvement plans.

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Sunset Date

This policy will be reviewed for continuance by 12-31-~~25~~32.

Board Action

11-17-69 (64)
03-10-70 (23)
12-11-84 (9)
08-08-89 (33)
12-15-93 (5)
05-15-96 (11)
08-07-02 (5)
10-12-11 (12)
09-25-12 (11)
11-14-18 (9)

CAO Reference

1. ~~Department of~~ Planning & Development Services
2. Department of Public Works
3. County Counsel

**COUNTY OF SAN DIEGO, CALIFORNIA
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Enforcement of Permitted and Non-Permitted Grading on Private Property

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Background

The Grading Ordinance and Conditional Grading conditions are adopted to ensure public safety by preventing slope failure, foundation failure, expansive soil damage and drainage problems. Regulations also provide for environmental, aesthetic, erosion control, and other requirements.

Most permitted grading in San Diego County has been performed with few practical or enforcement problems. However, there have been several examples of grading which have shown the need for strong enforcement procedures.

There has been non-permitted grading which created safety, drainage, and environmental damage.

Purpose

To state Board policy on enforcement of County grading regulations for any grading done in the unincorporated area of San Diego County. The Board of Supervisors establishes grading regulations through ordinance and conditional approval of development or building plans to provide for:

1. Safety and stability of grading.
2. ~~Drainage control and protection (on-site and off-site [including Municipal Separate Storm Sewer System]).~~ On-site and off-site drainage control and stormwater pollution prevention, as required by the Municipal Separate Storm Sewer System (MS4) permit.
3. ~~Erosion control and stormwater pollution prevention (on-site and off-site [including Municipal Separate Storm Sewer System]).~~ On-site and off-site erosion and sediment control, as required by the California Construction General Permit (CGP), when applicable
4. Aesthetics of the interim and finished product.
5. To protect environmentally sensitive areas, open space, watercourses, etc.
6. To provide a construction process that is acceptable (timing, method).
7. To protect adjacent property owners.
8. To ensure that existing or previously approved onsite wastewater treatment systems are not adversely impacted.
9. For other reasons directed by the Board.

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Intent

It is the intent of the Board of Supervisors to assure that the County Grading Ordinance and Conditional Grading conditions of development and building plans be complied with in the unincorporated areas of San Diego County. It is the hope of the Board that the private sector will police itself. However, in order to assure compliance, further action may be needed. In this effort, the Board will:

1. Require that proper procedures are followed in the administrative chain of development to assure that grading will be done properly or that improper grading will be corrected.
2. Give notice to the public and to County staff of the Board's desire to have grading performed properly and in accordance with conditions, and that enforcement of grading conditions is consistent with the policy of the Board.
3. Require grading be performed expeditiously and uninterrupted insofar as practical so as to control erosion and lessen impact on others.
4. Require those grading to provide right of entry to the County and post securities to guarantee the work so that the County can occupy the graded property and rectify unsatisfactory grading operation where necessary at the expense of the grader.
5. Establish an environment under which the private developer will do the work properly and expeditiously, but in the event the grader fails to do the work properly or expeditiously, the County can rectify the situation at the developer's expense.

Policy

It is the policy of the Board of Supervisors that the following shall apply:

A. Grading Performed Without Permit:

Non-permitted grading shall be stopped and corrected by requiring compliance with the provisions of the Grading Ordinance.

In order to assure correction, Planning & Development Services is responsible for grading enforcement and is directed to expeditiously cite, post or otherwise provide notice to owner of record and grader as well as the Department of Environmental Health and Quality and Department of Public Works whenever illegal grading is discovered or brought to the attention of County staff.

Planning & Development Services, ~~and the departments of Environmental Health and Public Works~~ shall keep records of property so posted. In enforcing this policy, administrative procedures including withholding issuance of building permits shall be used to secure compliance.

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B. Problem Grading Performed Under Permit:

Permits issued for grading shall include and provide the County with:

1. Permits to enter property for correction if necessary;
2. Timing control over work done by permittee;
3. Security sufficient to complete work guaranteed by instrument of credit or cash;
4. Proof of ownership or owner's permission to grade; and
5. Administrative tools used for control of non-permitted grading shall be used to secure compliance with grading permits. This shall include withholding of building permits if necessary.

C. Responsibility:

It shall be the responsibility of Planning & Development Services, Department of Environmental Health and Quality, Department of Public Works, County Counsel and District Attorney to carry out this policy relative to issuance of permits.

Sunset Date

This policy will be reviewed for continuance by 12-31-~~25~~32.

Board Action

7-24-79 (81)
11-6-79 (83)
12-11-84 (17)
7-26-88 (43)
12-12-89 (49)
6-5-90 (43)
9-25-90 (41)
5-15-96 (11)
8-7-2002 (5)
12-09-08 (33)
5-09-12 (4)
11-14-18 (9)

CAO Reference

1. Planning & Development Services
2. Department of Public Works
3. Department of Environmental Health and Quality

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Project Facility Availability and Commitment for Public Sewer,
Water, School and Fire Services

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Purpose

To establish consistent procedures for using Project Facility Availability (PFA) forms and, in certain cases, Project Facility Commitment (PFC) forms, in the processing of land divisions and certain other projects requiring discretionary approval by the County.

Background

The County General Plan requires that the County ensure that adequate facilities will be provided concurrent with growth and development. Since 1980, the County has been using standardized letters for the following reasons:

1. To obtain information from special districts and other facility providers concerning facility availability.
2. To ensure that this information is provided to the appropriate decision-making body; and
3. To provide data to the facility provider so that it can determine what capital improvements are required to serve the project.

In order to use standard forms effectively, it is necessary to specify what these form letters should contain and to clarify how they will be used.

Policy

It is the policy of the Board of Supervisors that:

- A. Uniform Project Facility Availability forms for sewer, water, schools, and fire districts will be used in the processing of projects requiring discretionary approval. These application types include major and minor subdivisions; General Plan Amendments and Rezones that would result in an increase in density or intensity of use; Use Permits; Boundary Adjustments, Time Extensions; and Certificates of Compliance in lieu of a Tentative Map, a Tentative Parcel Map, or to correct a subdivision violation.
- B. Where such public facilities are necessary, affirmative water and sewer Project Facility Commitment forms will be required prior to approval of Final Maps, Parcel Maps, and Certificates of Compliance in lieu of a Tentative Map or Tentative Parcel Map.
- C. No building permit, nor permit for the grading of a site in preparation for construction, will be issued until evidence of permanent water and sewer facility commitment (where such facilities are required by the project) is submitted to the County.

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Project Facility Availability and Commitment for Public Sewer,
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The Project Facility Availability forms request standard information on the ability of special districts and other facility providers to potentially provide facilities to serve a project. They also allow facility providers to recommend specific requirements that may be made conditions of project approval.

The forms will be submitted by the applicant at project intake. The facility provider will indicate the status of facility availability and/or capacity, and the type of commitments or arrangements that have been or will be made to provide the facilities. The processing of projects requires specific data on availability and commitment. Any additional information provided by the facility provider would be useful to the decision-making authority; however, the standard statement selected by the facility provider from those included in the form is the primary basis for decision-making. The Project Facility Availability form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless the facility provider has indicated that it is valid for a shorter specified time period.

The Director of Planning & Development Services will have the right to waive the requirement of a Project Facility Availability form at project intake if it is determined that an unreasonable delay has occurred since the district did not complete a Project Facility Availability form in a timely fashion or when it can be seen with certainty that public facilities and/or services is not needed due to the type of proposal.

D. For Sewer and Water Facility Only

1. Project Facility Availability (PFA Form)

- a. PFA Form will be required at project intake. In order to be considered affirmative, a completed PFA Form shall contain a statement from the facility provider that it is reasonably expected that the facility provider will be able to give a commitment for facilities to serve the project at the time of need. When a sewer or water district cannot provide reasonable assurances that facilities to serve the project will be available at time of need or if a PFA Form was not submitted at project intake due to an unreasonable delay by the district, projects will be accepted for processing; however, Planning & Development Services staff will recommend denial of the project if a PFA Form indicating availability or reasonable expectation of availability of sewer or water facilities to serve the project at time of need is not received prior to discretionary approval.

PFA Forms can be waived if the project proposes the use of onsite wastewater treatment individual subsurface sewage disposal systems and/or private groundwater wells, and in those cases where it is demonstrated that said public sewer and water facilities and/or services are not needed. In the case of projects that will not be connected to a public sewer system or

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water facilities, approval from the Department of Environmental Health and Quality will be required.

2. Project Facilities Commitment (PFC Form)

Commitment to provide sewer or water capacity to serve a project may be given either prior to application for a development project to the County or later in the process. If a PFC Form is submitted at the time of original project submittal, only confirmation of the commitment will be required prior to final action by the approving authority (e.g., approval of the Final Map). Otherwise, a completed PFC Form will be required prior to final action by the approving authority.

In either case, the sewer or water provider must commit for a period of at least two years to reserve facility capacity for the parcels located within the project, except as may be limited in cases where the provider also serves a city that does not require a similar commitment. This commitment or confirmation of commitment must have been obtained within the three months prior to final action by the approving authority and may be based on existing facilities or on approved facilities under construction. If such commitment is based on facilities currently under construction, it may begin on a date established by the provider that is subsequent to final action by the approving authority, provided that all permits and approvals necessary for the construction of the facilities have been obtained by the provider.

Approval of proposed ~~individual subsurface sewage disposal~~ onsite wastewater treatment systems will be required from the Department of Environmental Health and Quality for projects that will not be connected to a public sewer system.

If a subdivision project has been conditionally approved but a commitment cannot be made by the water or sewer agency before a Final Map, Parcel Map, or a Certificate of Compliance in lieu of a Tentative Map or Tentative Parcel Map can be recorded, or where a sewer allocation matrix has been imposed and a complete sewer capacity allocation cannot be granted, then a moratorium within the meaning of Government Code Section 66452.6 or Section 66463.5 may be deemed to have been imposed on the particular subdivision project. In those cases, time for recordation will be extended as provided in those Sections.

E. For Fire Protection and Emergency Services Facilities Only

For approval for all discretionary applications, sufficient fire protection and emergency service facilities must be available concurrent with need and response times must be adequate, as detailed in the Safety Element of the General Plan. This information will be requested from the fire protection agency.

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If the required emergency travel time cannot be met for a proposed project, then the discretionary application will be denied unless sufficient mitigation measures are included in the conditions of approval of the application. Sufficient mitigation measures will be recommended by the affected fire protection agency subject to the concurrence by the Director of Planning & Development Services.

If a proposed project is not located within any fire protection district, and annexation is proposed, the affected district shall fill out the Project Facility Availability form. If the project is not located within a district (i.e., is unserved or within a county service area) and no district annexation is proposed, then the County Fire Warden, or their appointed designee, will fill out the PFA Form.

Sunset Date

This policy will be reviewed for continuance by 12-31-~~25~~32.

Board Action

12/16/80 (200)
12/15/82 (47), operative 03/01/83
12/03/86 (16)
02/11/87 (28)
07/26/88 (43)
12/12/89 (44)
05/22/90 (80)
03/13/91 (2)
06/10/92 (5)
04/14/99 (11)
06/23/04 (12)
12/09/08 (33)
05/09/12 (4)
09/25/12 (11)
11/14/18 (9)

CAO Reference

1. Planning & Development Services
2. Department of Public Works
3. Department of Environmental Health and Quality
4. San Diego County Fire Protection District ~~San Diego County Fire Authority~~