

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS - LAND USE  
WEDNESDAY, OCTOBER 09, 2024**

**MINUTE ORDER NO. 2**

**SUBJECT: EXTENSION OF PERFORMANCE COMPLETION DATE ON SECURED AGREEMENT TO COMPLETE SUBDIVISION IMPROVEMENTS AND RELATED CEQA FINDINGS (DISTRICT: 5)**

**OVERVIEW**

Private property owners may use the County of San Diego's (County) land development process to further subdivide their land within the existing legal boundaries of their property, creating new internal legal lots and boundaries which are recorded on subdivision maps. Subdivision developers, as conditions of their permits, are often required to construct specific improvements that benefit the public, such as roads and storm drainage systems. In many cases, these improvements are accepted by the County into the County-maintained system at the completion of the project to be owned, operated, and maintained by the Department of Public Works (DPW) in perpetuity. Subdivision improvement agreements and the requirement for developers to provide security (i.e., a bond or other financial instrument) ensure that any required improvements are constructed for approved subdivisions with a recorded map. The security amount is 100% of the total estimate of the improvements, conditioned on the developer's completion of the improvements listed in the agreement, and an additional amount of 50% securing payment for labor and materials in the event the developer does not complete the improvements as required. If a developer defaults without completing the improvements included in the subdivision improvement agreement, this security can potentially be used by its provider (e.g., surety), a new owner, or the County to finance the completion of the required improvements.

The San Diego County (County) Code of Regulatory Ordinances allows for and establishes the requirements for time extensions for the completion of these required improvements on private development subdivisions in order to grant the developer additional time to complete construction, while simultaneously preserving the County's rights to have the improvements constructed by the developer. It is not uncommon for development projects to require extended time to complete the improvements. Construction schedules can be affected by local economic conditions, the developer's circumstances, permitting, site conditions, and other related factors.

DPW staff monitors the status of subdivision improvement agreements and the associated work. If developers need additional time and wish to extend the agreement, they can submit an extension request and provide a current cost estimate of the remaining work. DPW staff reviews the estimate to confirm the total security is adequate based on construction progress and estimated costs for remaining work based on current pricing. If staff determine a time extension is appropriate, staff will then bring the request forward for Board of Supervisors (Board) consideration. Extending the agreement ensures the County's legal rights regarding the improvements are continued.

On July 15, 1998 (6), the Board approved the Final Subdivision Map and Joint Improvement Agreement (Agreement) between the County, the Valley Center Municipal Water District, and the subdivision owner. This is known as Tract No. 4744-1, Rimrock, in District 5, located in the North County Metro Area., which includes street and drainage improvements, and water and sewer facilities. Construction of the housing units and the improvements supporting the development are both 60% complete. The project will include bioretention basins on individual lots and tree wells to address

stormwater quality. The Agreement has been extended six times previously; the Board last approved an extension to the Joint Improvement Agreement on November 17, 2021 (03). As stated in the Agreement, the Board may extend the completion dates for all work and improvements or the performance of acts or contractual obligations, except the improvement of sewer and/or water facilities, which must be approved by the Valley Center Municipal Water District. The developer will seek an extension on the remaining improvements from the Water District separately. This is a request for the Board to approve a two-year extension of performance completion date for the subdivision. This project has 70 single-family residential lots and the overall area is 196.6 acres.

DPW staff have determined an extension is appropriate to preserve the County’s legal rights under the agreement, and because of the County’s continued interest in receiving the improvements. DPW staff also confirmed the absence of negative impacts associated with later delivery of the remaining improvements. Staff has also determined that there is adequate security for all improvements (i.e., capacity through a bond or other financial instrument) to guarantee completion of the remaining work for the agreement, should that become necessary to leverage in the future to ensure improvements are constructed. For these reasons, staff believes there are no adverse consequences to granting the developers additional time to complete the improvements.

Today’s request is for the Board to approve the extension of the performance completion date in the subdivision Agreement for the development referenced by Tract No. 4744-1 to October 9, 2026.

**RECOMMENDATION(S)  
CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that extension of the performance completion date in the subdivision agreement to complete subdivision improvements is not a “project” as defined in Section 15378 of the state CEQA Guidelines.
2. Extend the performance completion date in the subdivision agreement to October 9, 2026, for the developments referenced by Tract No. 4744-1.

**EQUITY IMPACT STATEMENT**

It is anticipated that the extension will allow time for infrastructure to be completed by the developer for the benefit of the unincorporated community where the project is located. This infrastructure includes roads and drainage systems that will support housing development.

**SUSTAINABILITY IMPACT STATEMENT**

The extension will allow time for stormwater infrastructure to be completed by the developer, which will have environmental sustainability benefits. Biofiltration basins and tree wells will be installed, which will improve stormwater quality.

**FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Montgomery Steppe, seconded by Supervisor Vargas, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

State of California)  
County of San Diego)

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER  
Clerk of the Board of Supervisors



Signed  
by Andrew Potter