

ORDINANCE NO. NS-1203.131

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SANTA CLARA AMENDING
SECTIONS C12-130 AND C12-175 OF THE ORDINANCE
CODE OF THE COUNTY OF SANTA CLARA RELATING
TO SUBDIVISION DEDICATIONS AND IMPROVEMENTS**

Summary

This Ordinance amends Section C12-130 and Section C12-175 of the County Ordinance Code relating to dedication and improvement requirements for subdivisions.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:**

SECTION 1. Section C12-130 of Part II of Article 4 of Chapter I of Division C12 of the Ordinance Code of the County of Santa Clara relating to General is hereby amended to read as follows:

Sec. C12-130. General.

A tentative map condition of approval may require a subdivider to dedicate or irrevocably offer to dedicate real property within the subdivision for streets, alleys, including access rights and abutter's rights, flood control and drainage, public utility easements and other public easements.

- (a) All land shown on a final or parcel map intended for any public use shall be offered for dedication for public use, except such land which is intended and approved by County for the exclusive use of property owners in the subdivision. Dedications shall be in the form of easement, unless otherwise agreed to by the subdivider and the County. For land uses with a density of or equivalent to A, R1E, R1 and R2 and A1 residential use zoning districts, the street dedication shall be one-half of the planned right-of-way width not to exceed the amount needed for a curvilinear 30-foot half-street on the frontage of each lot or parcel. For all other land uses, the street dedication shall be one-half of the planned right-of-way width not to exceed the amount needed for a curvilinear 67-foot half street on the frontage of each lot or parcel. If the planned right-of-way width on any parcel exceeds the amount to be dedicated, appropriate additional setback may be required. Exceptions to the above requirements may be made in the following situations:
- (1) Where a proposed new half-street is to be maintained by the County, the minimum right-of-way dedication shall be 40 feet.
 - (2) Where the street is developable on one side only (such as, but not limited to, a

road adjacent to a stream, limited access highway or railroad) the dedication shall be in accordance with the right-of-way widths specified in the adopted standards referred to herein not to exceed 60 feet for density through R2 and 70 feet for all other land uses.

- (b) Local streets shall have a right-of-way width of 60 feet, except as otherwise provided in this chapter, or as allowed pursuant to the Standards and Policies Manual adopted by the Board. A cul-de-sac in residential districts may be approved with right-of-way widths of 56 feet. In subdivisions where each lot or parcel created is more than one acre, the right-of-way width may be altered depending upon terrain. Lesser widths may also be approved when sufficient evidence is presented to show that the above requirements are not practical.
- (c) The street design and right-of-way widths within and adjacent to every subdivision shall conform to the Circulation Element of the General Plan, adopted official plan lines, proposed plan lines of the County, adopted expressway and freeway routes, city plan lines when not in conflict with the County, and to the provisions of this chapter.
- (d) When the subdivision is traversed by or abuts flood-control facilities, as defined in Resolution No. 74-71 and Ordinance 74-1 of the Santa Clara Valley Water District, the subdivider may be required to dedicate in fee or in easement the required land for the flood-control facility to the Santa Clara Valley Water District as provided in document entitled "Policy and Guidelines for Dedication and Reservation of Lands Needed for Flood-Control Purposes," adopted by the district board of directors and the Santa Clara County Board of Supervisors in 1973. When dedications are made in the form of easements, the easement deed shall specify that the land so dedicated shall be used solely for flood-control purposes and shall indicate the general nature of any improvements proposed to be installed. Such indication shall not be a limitation upon the district or to any improvement actually needed for flood-control purposes. Such irrevocable offers may be terminated as provided in this chapter.

SECTION 2. Section C12-175 of Part I of Article 5 of Chapter I of Division C12 of the Ordinance Code of the County of Santa Clara relating to Criteria is hereby amended to read as follows:

Sec. C12-175. Criteria.

The subdivider shall improve all public and private streets and easements which serve the subdivision and local neighborhood traffic. The criteria for the design of the improvements shall be in accordance with adopted County standards as set forth in the booklets entitled "Standards and Policies Manual" and "Standard Details Manual, 1997," which are on file with the Clerk of the Board, and subject to amendment from time to time. Said booklets are incorporated herein by

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this reference as though fully set forth. Stage development of streets and easements may be approved where appropriate.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on **OCT 08 2024** by the following vote:

AYES: **ARENAS, CHAVEZ, ELLENBERG**
LEE, SIMITIAN

NOES: **NONE**

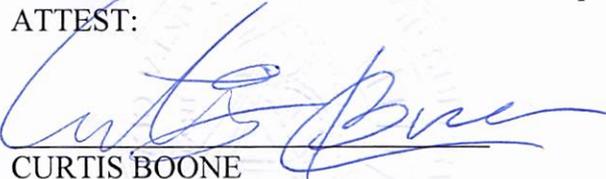
ABSENT: **NONE**

ABSTAIN: **NONE**



SUSAN ELLENBERG, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:


CURTIS BOONE
Acting Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



NICOLE COLLINS
Deputy County Counsel