

## **CHAPTER 60**

### **SUBDIVISION AND BOUNDARY ADJUSTMENT REGULATION**

60.01 Purpose and Intent. The purpose of this regulation is to provide standards and procedures for the review and approval of subdivision, boundary adjustment and change of condition applications. The intent of this regulation is to (1) protect and preserve the rural character, landscape features and ambiance of the community pursuant to the provisions of the Governing Documents, Association policies and procedures and (2) ensure the development of appropriately sized, separated and located lots and Building Sites (defined below) that meet the standard of "high artistic result," are compatible with community standards and character, and give due consideration to neighborhood and site characteristics.

60.02 Authority. This regulation is established pursuant to the authority established in the Governing Documents including: the Preamble, Article I, Section 13 [Paragraph 14]; Article II, Section 2 [Paragraph 20], and Section 4 [Paragraphs 36 and 37]; and Article III, Section 1 [Paragraph 46] of the Protective Covenant.

60.03 Applicability. This regulation applies to any property for which a subdivision application, boundary adjustment application, or application to change a condition of approval for an approved tentative or final subdivision or boundary adjustment map is under consideration or reconsideration by the Association. Such actions are found by the Board of Directors ("the Board") to constitute the subdivision of property as that term is used in the Governing Documents, pursuant to the authority of the Board to make such determinations in Article V, Section 10 [Paragraph 180] of the Protective Covenant. Each of such actions is hereinafter referred to as a "Subdivision" for the purposes of this chapter. Approval of a subdivision by the County of San Diego does not constitute approval of a Subdivision by the Association.

#### 60.04 Definitions.

60.0401 "Building Pad" shall mean the area in which future buildings, structures, graded areas and accessory uses (other than perimeter fencing) are to be constructed on a proposed parcel.

60.0402 "Building Site" shall mean land defined as a "building site" in Article IV, Section 1(c) (Paragraphs 73-76) of the Protective Covenant.

60.0403 "Restricted Slopes" are slopes in excess of 25 percent which are generally prohibited from development pursuant to Chapters 41 and 64 of the Code.

60.0404 "Revised Map" shall mean a revised version of the originally submitted Subdivision map which may illustrate parcel configurations, Building Pads, driveway locations, etc. which

vary from the original map, but overall, in the opinion of the Manager, substantially illustrate the same proposed Subdivision in terms of total acreage and location of subject property.

60.0405 “Stacking” shall mean the placement of buildings and/or structures on a sloping terrain such that they appear at a distance to be set one on top of another with little vertical or horizontal separation in between (though the actual distance between said buildings and structures may be quite large).

60.0406 “Submittal Date” shall mean the date the Manager deems the applicant’s submittal to be complete; the Manager shall only make such determination after the Manager is satisfied that the applicant has submitted to the Association all materials required by §60.05 below.

60.0407 “Expiration Date” shall be nine months after the Submittal Date.

60.05 Application Submittal Requirements. Subdivision applications shall be submitted with such documentation as is necessary for the Manager, the Art Jury and the Board to process and understand the proposal. Such submittals shall include:

60.0501 Application Form. A properly and fully completed application form, signed by all property owner(s) of record and the applicants’ representative, if applicable.

60.0502 Proof of Ownership. A current copy of a recorded vesting deed, title policy, or other proof of ownership of the subject property in a form acceptable to the Manager to verify that all owners of record have signed the application.

60.0503 Processing Fee. A fee as stated on the current “Rancho Santa Fe Planning Department Schedule of Fees for Land Use Applications”. This fee is non-refundable.

60.0504 Subdivision or Plat Map. A map showing the Subdivision at a readable scale and in a form acceptable to the Manager. Three copies of this map shall accompany the application. All map features required below shall extend at least 50 feet beyond the proposed Subdivision boundaries. The map shall depict the following:

- a. The external boundary of the Subdivision.
- b. The complete boundaries and size (net and gross acreage) of proposed parcels and existing parcels under the jurisdiction of the Protective Covenant.
- c. The location of all existing and proposed roads, driveways, and easements, drawn to scale with dimensions clearly shown. (Note that applicants will be required to submit copies of recorded easement documents if any easements are located on the subject property.)
- d. The boundaries, location and size (in square feet) of all existing buildings, accessory structures and other improvements.

- e. The boundaries, location and size (in square feet) of all proposed Building Pads and any adjoining areas that will require grading to create the proposed Building Pads. Building Pads must conceptually illustrate that a viable area (pursuant to §60.01 and §60.0707 et. seq.) exists to develop a residence (or other applicable improvements) including accessory uses and structures that are typically associated with Rancho Santa Fe Covenant residential site development (or commercial site development as applicable), and indicate the amount of grading which will be required to create a future residence (or other applicable improvements) and associated amenities.
- f. North arrow, written scale, graphic scale, vicinity map, legal description, tax assessor parcel number(s), county zoning, community plan designations, gross acreage, net acreage (based on the criteria in §60.0705 below), information regarding proposed grading, including cut and fill volumes, number of lots, minimum acreage required per parcel, signature, address and telephone number of map preparer, pursuant to §60.0510, and signature(s), address(es) and telephone number(s) of property owner(s).

60.0505 Topographic Map. A current topographic map depicting all items listed in § 60.0504 (a) through (f), and:

- a. Existing and proposed contours mapped at two foot intervals;
- b. Slopes of 15-25 percent, colored in a solid yellow; and
- c. Restricted Slopes colored in a solid red.

60.0505.01 Exception. Topographical maps shall not be required for boundary adjustment applications that do not exceed an adjustment of one-half acre and do not result in the creation of an additional Building Site. This exception shall not apply where, in the opinion of the Manager, Art Jury or the Board, (1) such information is deemed necessary to the understanding and review of the application or (2) there will be a substantial reconfiguration of the parcel(s).

60.0506 Notice Map. A map delineating a distance of 300 feet outward from all external boundaries of the Subdivision shall be provided for the purpose of noticing. This notice map must depict all parcels (including parcel portions) and the names of all property owners whose properties are encumbered by the Protective Covenant (herein referred to as “Covenant Property” or “Covenant Ownerships”) within the distance of 300 feet.

60.0506.01 Exception: Minimum Number of Notices. The 300 foot distance from the subject property must include no fewer than 20 separate Covenant Ownerships. Multiple ownerships of the same parcel or parcels shall be considered as a single ownership. In cases where a distance of 300 feet would include fewer than 20 separate Covenant Ownerships, the distance shall be extended further outward from the subject property until it encompasses no fewer than 20 separate Covenant Ownerships. In no case, however, shall a

distance of greater than 500 feet be required, the number of separate ownerships notwithstanding. In cases where the distance must be extended beyond 300 feet, a line delineating a distance of 500 feet from all external boundaries of the subject property shall be clearly depicted on the notice map.

60.0506.02 Exception: Boundary Adjustments. For boundary adjustments applications of not more than one-half gross acre, the notice map need only show the parcels and Covenant property owner names of parcels abutting the properties subject to such application. For purposes of determining whether this exception applies, the gross acreage calculation shall include the cumulative amount of acreage proposed for transfer on each parcel.

60.0507 Site Preparation. The proposed Subdivision site, as illustrated on the Subdivision map, shall be marked with labels and color-coded stakes delineating existing and proposed lot lines, Building Pads, and easements, where applicable. The site shall be staked prior to submission of the application. staking poles up to 20 feet high may be required on sites with vegetation or terrain which make viewing of low-lying staking difficult. All staking shall remain until the Board has made its final decision. The foregoing notwithstanding, the owner or owner's designated representative may request of the Manager a total or partial waiver of this requirement where the required marking would not further the understanding of the application. In any event, the Art Jury and the Board retain the future right to require whatever marking they deem necessary to assist in their complete understanding of the application.

60.0507.01 Story Poles. Story poles shall be required if, in the opinion of the Manager, Art Jury or Board, they will help determine if the future development of the proposed parcel(s) will result in adequately sized and physically suitable Building Pads. The story poles shall be constructed in a manner acceptable to the Manager.

60.0508 Staking Map. One copy of the proposed Subdivision map (in addition to those required in §60.0504) shall be submitted at the time of application indicating all color-coded staking as required in §60.0507 et. seq.

60.0509 Additional Information. Where it is found by the Manager, the Art Jury or the Board that site specific conditions exist on the subject property (such as topographic constraints, unique natural features or prominent or sensitive site location), applicants may be required to provide one or more of the following before the Manager will accept the application as complete:

- a. Conceptual plans indicating building footprints;
- b. Conceptual section and/or elevations indicating grading, Building Pads and the height of structures;
- c. Conceptual plans indicating space allotment for a main residence, garage required turnarounds/parking areas, and accessory building/uses;

- d. Preliminary grading identifying extent of cut/fill required for the conceptually proposed development; and,
- e. Other information as may be requested by the Association to assist in understanding the proposal.

60.0510 Preparer of Maps. All maps must be prepared, stamped and signed by a California registered civil engineer or California licensed land surveyor.

60.0511 Reduced Maps. One reduced copy of each map required to be submitted in §60.0504, §60.0506 and §60.0507 (Subdivision, topographic and notice maps) shall be submitted at the time of application. The reduced size maps shall be scaled to fit on an 8.5 x 11 inch sheet of paper and be legible and reproducible in black and white.

60.0512 Digital Files. Digital computer files of each map required to be submitted in §60.0504, §60.0506 and §60.0507 (Subdivision, topographic and notice maps) shall be submitted at the time of application. Digital map files shall be submitted in a form acceptable to the Manager and shall be consistent in every detail with submitted paper plans. In the case of inconsistencies between digital and paper plans, the duly stamped and ink-signed paper plans shall prevail.

60.0513 Change of Condition Exception. Applications for change of condition to an approved plat, tentative or final map shall not be required to comply with §60.0504, §60.0505, §60.0507, §60.0508, §60.0510, §60.0511, or §60.0512 unless in the opinion of the Manager, Art Jury or the Board, such information is deemed necessary to understand and review the condition change being sought.

#### 60.06 Application Review Process.

60.0601 Notification. After the Manager determines the applicant's Subdivision application package is complete, the Manager shall establish the Submittal Date and notify the applicant in writing of the Submittal Date. The Association will then post a notice of the proposed Subdivision on the Association bulletin board and mail such notice to all Covenant property owners indicated within the required distance on the notice map prepared pursuant to §60.0506 above. The bulletin board posting and the postmark of the notice shall be at least 15 days prior to the Art Jury's initial consideration of the application. Additional noticing may be required at the discretion of the Manager.

#### 60.0602 Art Jury Review and Board Approval.

60.0602.01 Art Jury Review. The Art Jury will schedule the member's application for review at an Art Jury meeting pursuant to the applicable application submittal deadline set forth in the Art Jury's then current submittal schedule. A copy of the submittal schedule is available at the Association office. As prescribed by the Protective Covenant and the Association Bylaws, the Art Jury shall review and provide written recommendation on the

proposed application to the Board. The applicant should be advised that the Art Jury may request other Association committees (e.g. Trails) to review and provide input on the application prior to providing a recommendation to the Board.

60.0602.02 Public Hearing and Board Approval. The Board shall consider the Art Jury recommendation and hold a public hearing on said application prior to taking action on the proposal pursuant to Article IV Section 6 (b) the Association Bylaws.

60.0602.03 Approval or Denial. Pursuant to Article IV Section 6(b) of the Association Bylaws, approval of a Subdivision requires an affirmative vote of at least four members of the Board if the Art Jury has recommended approval of the application. Approval of a Subdivision requires an affirmative vote of at least five members of the Board if the Art Jury has recommended denial of the application.

60.0602.04 Effect of Art Jury's Conditional Approval. If upon Board consideration and review, any or all of the recommended conditions of approval of the Art Jury are not to be adopted or if they are in any way made less stringent, then the Art Jury's recommendation is considered to be one of denial and the Subdivision can only be approved by the affirmative vote of at least five members of the Board as described in §60.0602.03 above. Should the Board determine to make the Art Jury's recommended conditions more stringent or add additional conditions to an approval, such action would only require an affirmative vote of four members of the Board.

#### 60.0603 Processing Time Limitations.

60.0603.01 Applicant Consent for Deferred or Continued Applications. The Art Jury or the Board, during their respective reviews, may determine to defer or continue the consideration of an application at the request of, or with the consent of, the applicant (but not beyond the Expiration Date, as it may be extended pursuant to §60.0603.02). The applicant shall have no more than seven days from the meeting date at which the deferral or continuance is offered to accept such offer. If the applicant does not accept the deferral or continuance within the allotted seven day timeframe, the Art Jury or the Board shall make a determination on the application at their next regularly scheduled meeting.

60.0603.02 Extension of Processing Time Limitations. Prior to the Expiration Date the property owner may request the Board to extend the original Expiration Date by an additional nine months. A request for a time extension must be submitted to the Board in writing at least two weeks prior to the date of the Board meeting at which the applicant desires their request to be heard and in no case later than two weeks prior to a regularly scheduled Board meeting that is immediately prior to the original Expiration Date. A processing time extension may be granted once by the Board.

60.0603.03 File Closed on Expiration Date. If the Board fails to approve or conditionally approve the Subdivision application by the Expiration Date, or the extended Expiration

Date, as applicable, the application shall be deemed expired and the Association shall close its file, with no refund or credit of fees to the applicant.

60.0603.04 Notification of Processing Time Limitations. The Manager will endeavor to notify the applicant no less than 60 days prior to the original Expiration Date (and the extended Expiration Date, as applicable). This paragraph notwithstanding, it is the applicant's responsibility to keep track of the Expiration Date of the application and to make timely submissions and revisions in order to ensure that the Association can adequately review and consider the application prior to its expiration. Prudent time management is the responsibility of the applicant.

60.0604 Submission of Revised Map. An applicant may submit a Revised Map under the following circumstances and subject to the following procedures:

60.0604.01 Deferred or Continued Applications. If the Art Jury or the Board determines to defer or continue the consideration of the application at the request or with the consent of the applicant.

60.0604.02 Denial or Conditional Approval. If the Art Jury recommends denial or conditional approval of the Subdivision, for a period of 60 days from such date and prior to the Board's consideration of the application, the applicant shall have the right to submit a Revised Map to the Art Jury. If the Board denies or conditionally approves the application, for a period of 30 days from such date the applicant shall have the right to submit a Revised Map to the Art Jury, which shall then make a new written recommendation to the Board before the Board acts on the Subdivision application. After the 30 day period subsequent to the Board's action (denial or conditional approval), the applicant's submittal of any new map, modified map or Revised Map will be considered a new application, subject to a new application fee and processing procedures and timeline.

60.0604.03 All Revised Maps must be reviewed by the Art Jury prior to Board review, pursuant to §60.0602.01.

60.0604.04 The applicant's submittal of a Revised Map shall not affect or extend the Expiration Date. Therefore, notwithstanding anything in this §60.0604 to the contrary, the Art Jury's and Board of Director's consideration of any Revised Map remains subject to the time limitations outlined in §60.0603 et. seq.

60.0604.05 Fees. The Board finds the following fees reasonably reflect the Association's costs to process Revised Maps for Subdivision applications:

- a. Revised Map Submitted Following Art Jury Review. Submission of a Revised Map following Art Jury review shall be subject to the payment of a fee equaling 25 percent of the normal initial application fee.

- b. Revised Map Submitted Following Board Review. Submission of a Revised Map following Board review shall be subject to the payment of a fee equaling 50 percent of the normal initial application fee.

60.0604.06 Subject to the determination of the Manager, submission of a Revised Map with minor revisions at the request of the Art Jury or the Board shall not be subject to the fee requirement described in §60.0604.05 and noticing requirements described in §60.0605.

60.0605 Renotification. Where applications are continued, deferred or resubmitted, the Manager may require the Notice Map and mailing list to be updated and new notices to be issued in accordance with §60.0506, §60.0506.01 and §60.0601.

60.0606 Updated Information. Where applications are continued, deferred or resubmitted, the Manager may require new or additional staking and flagging of the proposed Subdivision site and submission of a new or revised staking map pursuant to §60.0507 and 60.0508. The Manager may determine that new story poles or other information may be required pursuant to §60.0507.01 and §60.0509.

#### 60.07 Subdivision Approval.

60.0701 Board Action. The Board may approve, deny or approve with reasonable conditions any application for a Subdivision. The determination of the Board to approve or approve with conditions shall be in the form of a resolution which shall contain the findings relied upon and the conditions imposed. All approvals and conditional approvals shall be subject to the conditions subsequent in §60.08, titled "Final Subdivision." The applicant shall be notified in writing of the Board's decision and shall receive a copy of the Board resolution of approval.

60.0702 Conditional Approval. In approving a Subdivision, the Board may require reasonable conditions to ensure that the Subdivision conforms to the Board's criteria, findings and the statement of the purpose and intent contained in this chapter at §60.01.

60.0703 Standard Conditions. Unless otherwise determined by the Board, the following standard conditions are applicable to each Subdivision application:

60.0703.01 Where Subdivisions include internal streets or roads, the applicant shall:

- a. Provide an indemnification of the Association from liability arising out of any use of this street including, but not limited to, road repairs and maintenance or landscape maintenance, recorded as a Civil Code section 1468 covenant, in a form acceptable to the Manager;
- b. Give the Association the right to reasonably approve or deny any name that may be chosen for the internal street;



- c. Be responsible for petitioning the County Board of Supervisors for a waiver of the street light requirement, in the event street lights are required by the County; and,
- d. Be responsible for obtaining a County waiver to any road widening requirement.

60.0703.02 Where Subdivisions create a new Building Site or sites, the applicant shall:

- a. Record, in a form acceptable to the Manager, a Civil Code section 1468 Restrictive Covenant with the County Recorder of the County of San Diego to prohibit development on Restricted Slopes and grading for any purpose (other than driveways, roadways and approved minor incursions) within such slopes pursuant to §64.04 of Chapter 64 of the Code; and,
- b. Record, in a form acceptable to the Manager, a Civil Code section 1468 Restrictive Covenant with the County Recorder of the County of San Diego requiring that all utilities proposed to serve future residences be placed underground at owner's expense.

60.0703.03 Where Subdivisions alter the size or configuration of existing parcels which have been granted permits for animal keeping, existing animal keeping permits shall become null and void upon separate sale or transfer of any of the parcels and the property owner must reapply for a new animal keeping permit pursuant to Chapter 40 of the Code.

60.0703.04 Unless specifically required as a condition of approval, the approved Subdivision map is in no way to be interpreted as approval of the depicted Building Pads or driveway locations on the proposed parcels.

60.0703.05 Unless specifically required as a conditions of approval, the approved Subdivision map does not constitute approval of any grading, buildings or landscaping, all of which require separate Art Jury approval pursuant to the Governing Documents.

60.0703.06 Should the County of San Diego or another agency require the property owner to remove existing mature trees, the property owner shall be responsible for obtaining a waiver to such requirements to the satisfaction of the Manager.

60.0703.07 Should the County of San Diego require the property owner to dedicate open space easements on the subject property, easements in a form and content acceptable to the Association shall also be dedicated to the Rancho Santa Fe Association. Such easement dedications will ensure that the unique natural areas of the property will be preserved.

60.0703.08 If the Board conditionally approves a Subdivision, the Board resolution containing the conditions of acceptance shall be a part of a restrictive covenant which shall be recorded as a covenant running with the land for the benefit of the Association.

60.0704 Criteria. In addition to the general findings and criteria contained in the Governing Documents, the following specific criteria must be met by the Subdivision prior to the Board's approval or conditional approval:

60.0704.01 Compliance with all relevant Covenant Acceptance Agreements (defined in Code Chapter 61) and specific Protective Covenant provisions as to minimum parcel sizes and/or number of Building Sites.

60.0704.02 Conformity of Covenant Acceptance Agreement boundaries with Subdivision boundaries. Chapter 61, "Regulation for the Realignment of Covenant Acceptance Agreement Area Boundaries Concurrent with Subdivision and Boundary Adjustment," shall apply to Subdivision proposals where existing Covenant Acceptance Agreement boundaries internal to the subject property do not coincide with the proposed lot lines; and,

60.0704.03 Compliance with the minimum net lot or parcel size requirements in the standards established in §60.0706 et. seq. Further, pursuant to Protective Covenant Article I, Section 7 [Paragraph 7], in no case shall a Building Site of less than 5,000 square feet be created by Subdivision.

- a. Exception to Minimum Lot Size. For boundary adjustment applications, compliance with the minimum lot or parcel size requirements as established in §60.0706, need not be met for existing Association approved lots which are smaller than current minimum standards, except that existing substandard-sized lots may not be made smaller as a result of a boundary adjustment.

60.0705 Net Lot Size. The net size of a lot or parcel, expressed in acres or in square feet, shall consist of the gross area from which is subtracted the following areas:

- a. Street rights-of-way;
- b. Road and driveway easements encumbering the parcel; and
- c. Property appendages (e.g. "panhandles") which are less than 35 feet wide.

60.0706 Minimum Lot Size Areas Established. Where otherwise not specified in applicable Covenant Acceptance Agreements or the Protective Covenant, the lot size areas stated in subsequent §§60.0706.01, 60.0706.02, 60.0706.03, 60.0706.04, 60.0706.05, 60.0706.06 and 60.0706.07 have been established and shall be used to determine the minimum net lot or parcel size criteria applied in §60.0704.03 for properties located within the Residence Districts of Class "A," "B," "C," and the Public Use Districts of Class "L". As a practical matter, applications shall conform with the more stringent of the requirements of the County of San Diego, the Protective Covenant, the applicable Covenant Acceptance Agreement or the requirements of this chapter of the Code.

60.0706.01 Residence Area 1: a minimum lot size of 2.86 net acres.

60.0706.02 Residence Area 2: a minimum lot size of 2.0 net acres.

60.0706.03 Residence Area 3A: a minimum lot size of 1.0 net acres.

60.0706.04 Residence Area 3B: a minimum lot size of .5 net acres.

60.0706.05 Residence Area 3C: a minimum lot size of .3333 net acres.

60.0706.06 Residence Area 3D: a minimum lot size of .25 net acres.

60.0706.07 Residence Area 4: a minimum lot size of .20 net acres.

60.0706.08 Minimum Lot Size Maps. The boundaries of Residence Areas 1 and 2 as set out herein, are delineated upon the Rancho Santa Fe Covenant Area Minimum Lot Size Map which is incorporated herein by this reference. A copy of the map is included herein as Appendix A to Chapter 60. The boundaries of Residence Areas 3A through 3D and residence area 4 set out herein, are delineated upon the Rancho Santa Fe Covenant Village Area Minimum Lot Size Map which is incorporated herein by this reference. A copy of the village area map is included herein as Appendix B to Chapter 60.

60.0707 Findings. In addition to the criteria listed in §60.0704 et. seq., the following findings shall be considered by the Art Jury and made by the Board in the approval or conditioned approval of any Subdivision:

60.0707.01 The proposed Subdivision complies with the applicable requirements set forth in §60.0706 et. seq.;

60.0707.02 The proposed Subdivision ensures a uniform and reasonably high standard of artistic result in attractiveness in the exterior and physical appearance of said property as referred to in Article III, Section 1 [Paragraph 46] of the Protective Covenant;

60.0707.03 The proposed Subdivision preserves, continues and maintains the character of the community and rare and unique landscape features and upholds the quality of all future architecture and improvements as referred to in the Protective Covenant Preamble;

60.0707.04 The proposed Subdivision results in a physically suitable and adequately sized and separated Building Pad (for both residences and accessory uses and structures) on each legally created lot or parcel, as lot and parcel are defined in Article IV, Section 1 [Paragraphs 73 through 76] of the Protective Covenant;

60.0707.05 The proposed Subdivision maintains the comfort, convenience and general welfare of existing and future Rancho Santa Fe residents as referred to in Article I, Section 13 [Paragraph 14] of the Protective Covenant;

60.0707.06 The proposed Subdivision does not create non-conforming lots, make adjacent lots non-conforming or result in contrived or irregularly shaped parcels;

60.0707.07 The proposed Subdivision preserves natural landforms and features to the extent that development remains subordinated to the natural character of the site and the neighborhood;

60.0707.08 The proposed Subdivision is compatible with, and complementary to, the established rural character of the neighborhood and the community and avoids visually invasive suburban development patterns, including, but not limited to, Stacking on hillsides; and,

60.0707.09 The conditions applied to the approval are reasonable and necessary in the aggregate to respond to the specific Subdivision and to the general incremental effect of the Subdivision on the community.

#### 60.08 Final Subdivision.

60.0801 Subdivision Considered Final. No Subdivision approved or conditionally approved by the Board shall be considered final until:

60.0801.01 A Subdivision is recorded as final, pursuant to the Subdivision Map Act or other applicable law, by the County of San Diego and such Subdivision is found by the Manager to be in substantial conformance with the approval or conditioned approval granted by the Board;

60.0801.02 The applicant either provides to the Rancho Santa Fe Association a Health Department certificate for the lots or documentation that the lots will be serviced by sewer;

60.0801.03 Where a condition of approval is to be performed prior to the Association accepting the Subdivision as final, such condition has been fulfilled; and,

60.0801.04 Where trail easements are to be dedicated pursuant to Chapter 16, "Trail Easement Regulation," of this Code, such trails are dedicated and recorded in a manner acceptable to the Manager.

60.0802 Recordation Requirements. The recording of any form of restrictive covenant, pursuant to the approval or conditioned approval of a Subdivision, shall include the following paragraph:

"The following portions of the Rancho Santa Fe Protective Covenant are inapplicable to this instrument: Paragraph 165 (Article V, Section 3 of Declaration No. 1), Paragraph 230 (Article I, Section 11 of Declaration No. 2), and Paragraph 258 (Article I, Section 11 of Declaration No. 3)."

60.0802.01 The applicant shall be responsible for recording and the recording costs of required documents. Drafts of documents to be recorded shall be submitted to the Association prior to recordation to ensure their acceptability. The applicant shall deliver to the Association copies of required recorded documents in a form acceptable to the Manager prior to expiration of the tentative approval.

60.0803 Time Requirements for Finalization. The property owner will have four years from the date that the Board grants conditional approval to satisfy all of the Board's conditions of approval of the Subdivision.

60.0804 Extension and Expiration. Prior to the four year expiration date described in §60.0803 above, the property owner may request a two year time extension from the Board. A request for a time extension must be submitted to the Board in writing at least two weeks prior to the date of the Board meeting at which the applicant desires their request to be heard and in no case later than four weeks prior to a regularly scheduled Board meeting that is immediately prior to the expiration of the deadline in §60.0803. The applicant shall submit a time extension processing fee as stated on the a current "Rancho Santa Fe Planning Department Schedule of Fees for Land Use Applications" with the letter of request. The Board may only grant such a time extension once (subject to the provisions in §60.0804.01 below). If the applicant has not satisfied all of the Board's conditions of approval within the four year period or within the two year extension period, if applicable, the Subdivision application will automatically expire.

60.0804.01 Extension and Expiration Exception. The Board may approve an extension of the deadline in §60.0803 to coincide with the County of San Diego expiration date for the Subdivision, if the applicant can demonstrate that (a) the County of San Diego has approved an extended expiration period for the map pursuant to Government Code §66452.6 which is in excess of six years from the initial Association approval date, or (b) the County of San Diego has approved an extended expiration period for the map pursuant to extensions granted through State law which is in excess of six years from the initial Association approval date. Such an extension may be granted once.

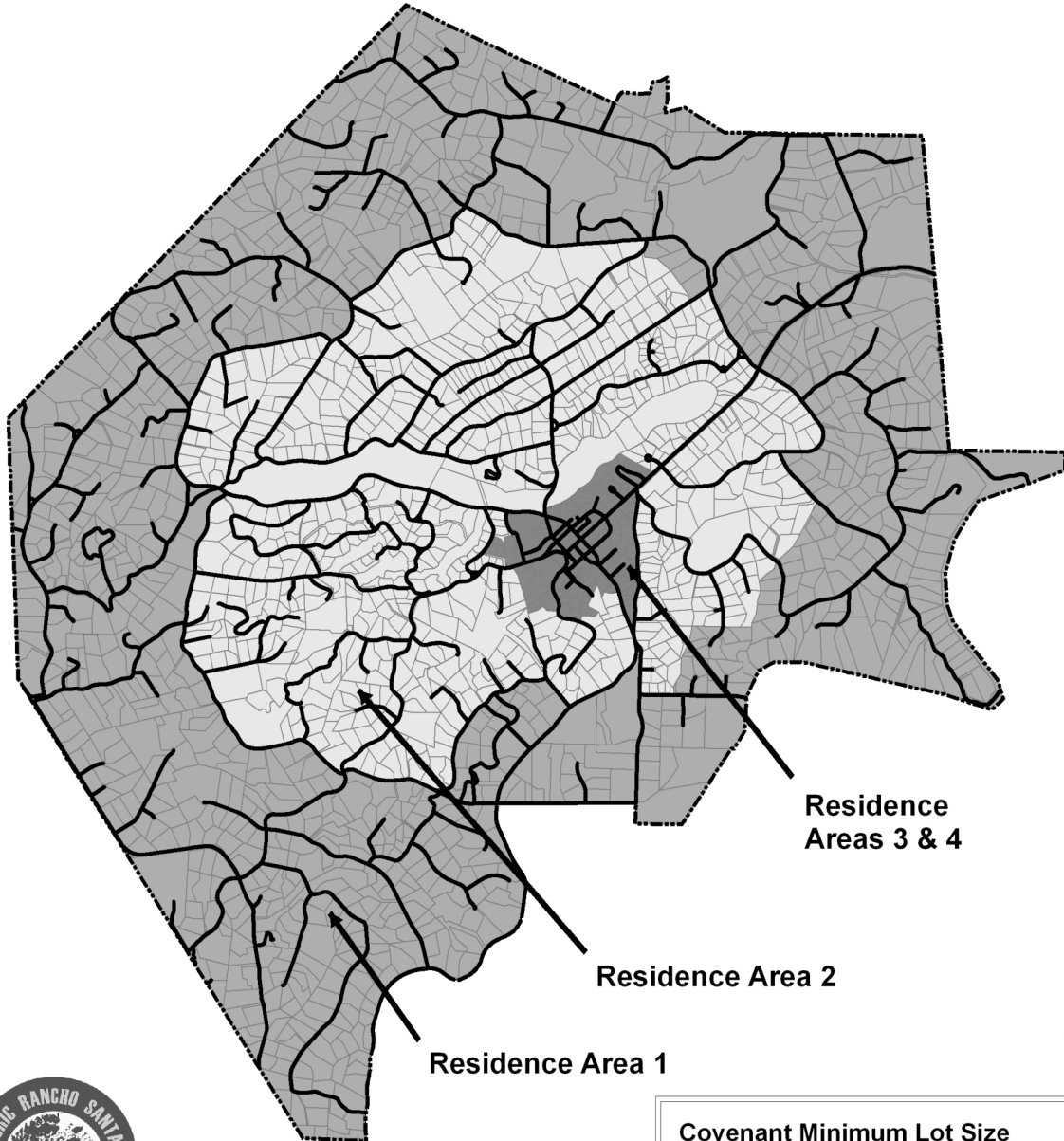
60.0805 Notification of Expiration. The Manager will endeavor to notify the applicant no less than 60 days prior to the deadlines described in §§60.0803 and 60.0804 above. This paragraph notwithstanding, it is the applicant's responsibility to keep track of the expiration date of their conditional approval and to ensure that adequate time is allotted for the applicant to meet all conditions required to finalize the Subdivision and for the Association to confirm

that all the conditions have been completed in an acceptable manner prior to the deadline in §60.0803.

60.09 Effective Date. The effective date of this chapter is April 20, 1995.

60.10 Amended Date. This chapter was amended on April 17, 1997 and on January 15, 1998. This chapter was amended and restated on November 1, 2007.

# Rancho Santa Fe Covenant Area Minimum Lot Size Map for Subdivisions and Boundary Adjustments

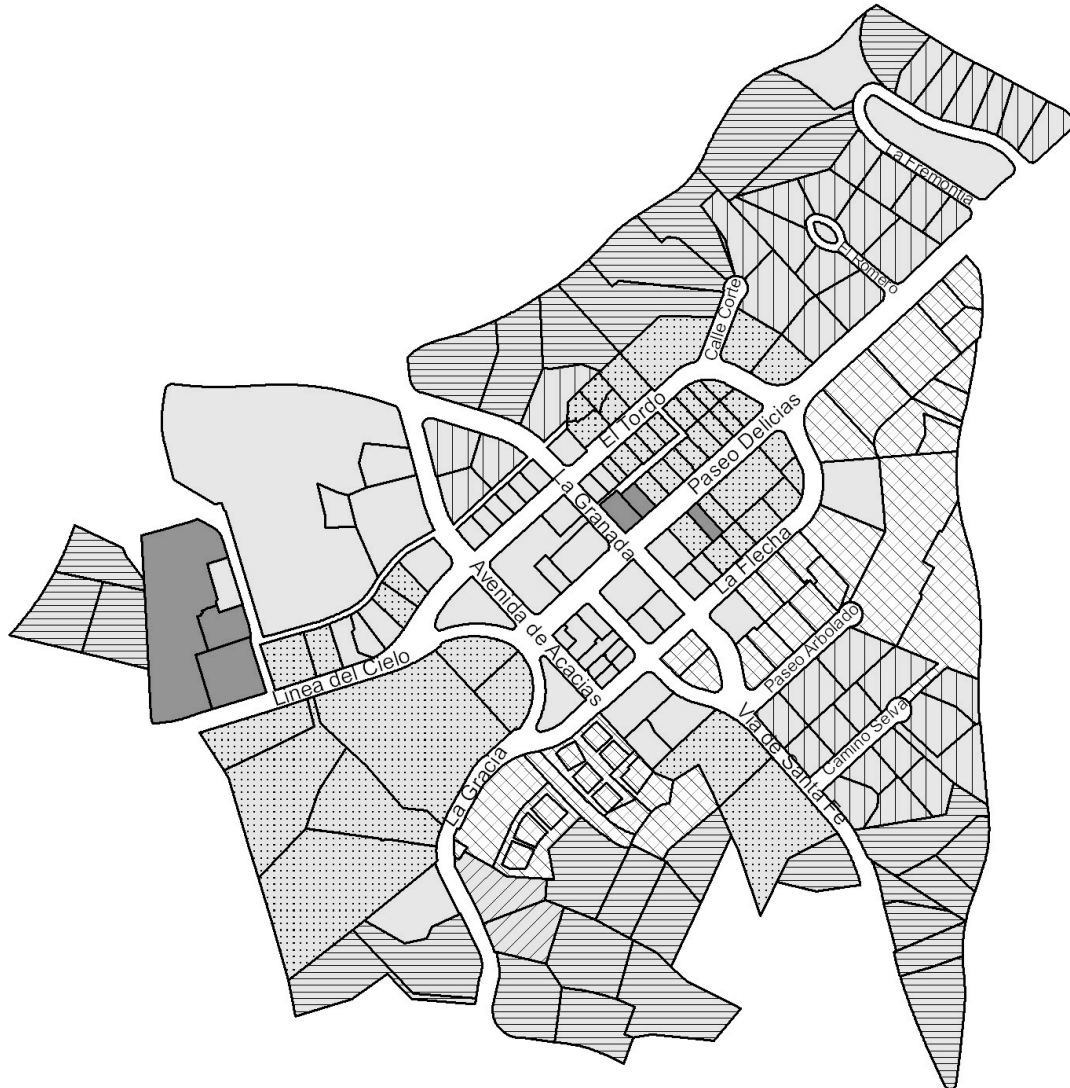


November 1, 2007

## Covenant Minimum Lot Size

- Residence Area 1 (2.86 net acres)
- Residence Area 2 (2.00 net acres)
- Residence Areas 3 & 4 (variable)

# Rancho Santa Fe Covenant Village Minimum Lot Size Map for Subdivisions and Boundary Adjustments



November 1, 2007

## Village Minimum Lot Size

Residence Area 3A (1.0 net acres)	Residence Area 4 (.20 net acres)
Residence Area 3B (.50 net acres)	Non-Residential
Residence Area 3C (.33 net acres)	Non-Covenant
Residence Area 3D (.25 net acres)	