



County of Santa Clara

Policy Name: Bond Preemption Policy - Also known as request to allow construction of subdivision lakes and lot grading before recordation of final map - Board Policy 7.7

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Policy Type: Board

Category: Land Use

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7.7 BOND PREEMPTION POLICY - Also known as request to allow construction of subdivision lakes and lot grading before recordation of final map (Adopted 6-23-80)

Neither state or County regulations preclude developers from constructing subdivision improvements prior to recordation of final subdivision maps and posting performance bonds. However, developers still run the risk of not receiving final County approval on their projects. In order to address this issue of advance, construction work, on June 2, 1980 the Board of Supervisors approved the following policy guidelines:

1. If the project is a major subdivision, the developer should make his/her request for advance construction directly to the Board of Supervisors. If the project is a minor land division, the request is made to the County Surveyor without a report to the Board.
2. If the request is approved, the plans for advance construction work must be fully completed and signed by the County Surveyor. Concurrently, a modified land development agreement approved by the County Counsel covering the work and ancillary items is to be signed by the developer and the County Surveyor.



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3. All subdivision conditions of approval, except those which are obviously inappropriate at the time, shall be met prior to approval of the plans for advance construction work. The conditions of approval typically include (but are not to be limited to) payment of fees, posting of an appropriate bond (not less than 10% of the estimated cost of the advance work), signing a land development agreement, and providing clearance letters from all affected County departments and outside agencies.
4. If improvements to an existing county road are proposed to be included in the advance construction work, the performance bond shall include the full cost of such work. Any exceptions to this requirement are to be approved by the Board of Supervisors.
5. The developer shall provide written acknowledgment that any advance construction work will not be considered with respect to future proceedings or final approval of the subdivision map.

Related Policies

None.

Related Forms and Information

None.

History

Date	Changes Made
2/10/2014	Policy Uploaded. (Kyle Larson)



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6/23/1980	Policy Adopted.
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