

ORDINANCE NO. 9553 (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE, THE COUNTY CODE, AND THE RESOURCE PROTECTION ORDINANCE TO ELIMINATE THE NEED FOR COUNTY PARKS TO OBTAIN A MAJOR USE PERMIT

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Purpose. By this amendment the Board of Supervisors intends to eliminate the requirement of a Major Use Permit for County Parks. In order to achieve this goal, the County will amend The Zoning Ordinance, the County Code and the Resource Protection Ordinance to ensure that County Parks remain subject to the environmental protections set forth in those ordinances.

Section 2. Section 1006 of the Zoning Ordinance is hereby amended to read as follows:

1006 APPLICABILITY OF THE ZONING ORDINANCE.

- a. The Zoning Ordinance shall be applicable to all of the unincorporated areas of San Diego County. The use and employment of all land and any buildings or structures located upon the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure or premises shall be used for any purpose or in any manner other than is permitted in the zone in which such land, building, structure or premise is located.
- b. The Zoning Ordinance shall not apply to the development or improvement of new or existing County Parks.
- c. The Zoning Ordinance shall not apply to Indian Reservation lands within the County of San Diego. Such lands are defined as those parcels which are identified as Indian Reservation lands by an Act of the United States Congress.
- d. The Zoning Ordinance shall not apply to federally-owned public lands within the County of San Diego. Such lands are defined as those parcels which are identified as federally-owned public lands by the San Diego County Assessor.

Section 3. Section 67.711 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.711. APPLICATION.

Prior to approval of any of the following discretionary land development applications, or other discretionary decisions, for a project which proposes the use of groundwater (hereinafter referred to as "Projects"), the applicant shall comply with the provisions of Article 3 below:

General Plan and Specific Plan Adoptions and Amendments

Tentative Parcel Maps

Tentative Maps

Revised Tentative Parcel Maps and Revised Tentative Maps (Review shall exclude areas unaffected by the revisions proposed by the Revised Map)

Expired Tentative Parcel Maps and Expired Tentative Maps

Zoning Reclassifications Amending Use Regulations Applicable to Particular Property

Major Use Permits

Major Use Permit Modifications (Review shall exclude areas unaffected by the proposed modifications)

Certificates Of Compliance filed pursuant to San Diego County Code Section 81.616.1 or 81.616.2 (Excluding Condominium Conversions)

Construction of any new County park or improvement to an existing County park

Section 4. Section 1 of Article III of the Resource Protection Ordinance is hereby amended to read as follows:

1. Application of Regulations. Prior to approval of any of the following types of discretionary applications, or a decision to authorize or fund the construction thereof, a Resource Protection Study must be completed and the approving authority shall make a finding that the use or development permitted by the application is consistent with the provisions of this Ordinance:

Tentative Parcel Maps

Tentative Maps

Revised Tentative Parcel Maps and Revised Tentative Maps
(Review shall exclude areas unaffected by the proposed revisions)

Expired Tentative Parcel Maps and Expired Tentative Maps

Rezoning (Excluding those applying the Sensitive Resource Area designator and those which have been initiated by the County)

Major Use Permits

Major Use Permit Modifications
(Review shall exclude areas unaffected by the proposed modifications)

Certificates Of Compliance filed pursuant to San Diego County Code Sections 81.616.1 or 81.616.2 (Excluding Condominium Conversions)

Site Plans (Excluding those statutorily or categorically exempt from

review under CEQA and those required by a Sensitive Resource Area Designator)
Administrative Permits (Excluding those statutorily or categorically
exempt from review under CEQA and those for Clearing)
Vacations of Open Space Easements
Construction of any new County park or improvement to an existing County park

This Ordinance shall not apply to existing single-family parcels except when an application for one of the above discretionary applications is required, nor to time extensions for any of the above permits.

This Ordinance shall apply to any applications filed on or after August 10, 1988, for Tentative Map, Tentative Parcel Map, Revised Tentative Map and Revised Tentative Parcel Map, Rezone, Major Use Permit, Major Use Permit Modification, and Site Plan. In addition, this Ordinance shall apply to any application for Vacation of Open Space Easement filed on or after March 24, 1989; and to any application for an Expired Map, Certificate of Compliance, or Administrative Permit filed on or after June 30, 1989.

Where any portion of a parcel contains environmentally sensitive lands, this Ordinance shall be applicable to the portions of the parcel containing the sensitive lands, and to the remainder of the parcel only to the extent necessary to achieve the purpose and intent of this Ordinance.

Section 5. Effective Date. This ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.

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APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY *Paul Holman*
SENIOR DEPUTY 4/10/03

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PASSED, APPROVED and ADOPTED this 21st day of May, 2003.

GREG COX, CHAIRMAN
Board of Supervisors, County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 21st day of May, 2003.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By *Kellie C. Kellogg*

Kellie C. Kellogg, Deputy

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