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Draft Ordinance – Strikeout/Underline
Conservation Subdivision Program

ORDINANCE NO. _____ (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE TO AMEND
TITLE 6, DIVISION 7; TITLE 8, DIVISION 1 AND DIVISION 6; AND AMENDING
THE SAN DIEGO COUNTY ZONING ORDINANCE RELATING TO
CONSERVATION SUBDIVISIONS

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

Section 1. The Board of Supervisors finds and determines that the regulation and control of the design and improvement of subdivisions is vested in the legislative bodies of local agencies. The County desires to allow flexibility in the design of subdivisions in order to minimize development impacts, protect environmental resources and preserve open space. This Ordinance will implement a Conservation Subdivision Program which is intended to accommodate planned growth while ensuring that the essential elements of surrounding communities, such as community character, sensitive environmental resources, farmlands, groundwater supplies, unique topography, historical and cultural resources, scenic resources, recreational resources and park lands are undisturbed. This Ordinance allows for a review of the design of subdivisions in order to achieve a balance between impacts to open space, steep slope areas and effects of development on surrounding communities. This Ordinance provides that where lands proposed to be developed are constrained by environmental resources, reduced minimum lot sizes will be permitted to avoid the resources and locate the development in less sensitive areas while preserving community character through site and building design standards. Avoided areas will be preserved as open space and will not be developed.

Section 2. Section 67.722 of Title 6, Division 7 of the County Code is amended to read as follows:

67.722 All Other Projects.

Any application listed at Section 67.711 for a project not subject to Section 67.720 or Section 67.721, which proposes the use of groundwater not provided by a Water Service Agency, for all or any portion of the project, shall comply with the following regulations:

A. Residential Density Controls.

1. Tentative Maps, Tentative Parcel Maps, and Certificates of Compliance proposing parcels for single-family dwellings must comply with the minimum parcel sizes set forth in the following table; Adjustment Plats on property zoned to permit residential use shall also comply with these minimum parcel sizes, except that an existing parcel smaller than the applicable minimum parcel size need not be made to conform to the minimum, so long as it is not further reduced in size by the Adjustment Plat:

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Mean Annual Precipitation* (inches)	Minimum Parcel Size** (Gross Acres)
Less than 9	20
9 to 12	15
12 to 15	11
15 to 18	8
18 to 21	5
More than 21	4

*Mean annual precipitation is to be determined from the County of San Diego map entitled "Groundwater Limitations Map" on file with the Clerk of the Board of Supervisors as Document No. 195172.

**Compliance with the minimum parcel size does not guarantee project approval; site-specific characteristics may indicate that either larger parcel sizes are required or that the project should not be approved in individual cases.

2. The provisions of paragraph 1 above shall not apply to either (1) a project which includes Lot Area Averaging in accordance with Section 4230 of The Zoning Ordinance, or (2) projects which include reduction of parcel sizes pursuant to the Conservation Subdivision Program and as permitted by the Zoning Ordinance, provided that all of the following are complied with:
 - a. The overall average density of the project does not exceed that which results from applying the applicable minimum parcel size set in paragraph 1 to the gross project area;
 - b. No proposed lot is less than 67 percent of the required minimum lot size as set in paragraph 1; and
 - c. The Director has reviewed and approved the lot density and water resource distribution. Projects shall not be allowed which place smaller lots in dry areas of the subdivision.
- B. Groundwater Investigations. Any application listed in Section 67.711 and not subject to Sections 67.720, 67.721 or Paragraph A above, shall be accompanied by a Groundwater Investigation. The application shall not be approved unless the approving authority finds, based upon the Groundwater Investigation or other

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available information, either: (1) for a water intensive use, that groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan; or (2) for all other projects, that groundwater resources are adequate to meet the groundwater demands of the project.

- C. Well Tests. For any application for a Tentative Map, Specific Plan or Specific Plan Amendment, Tentative Parcel Map, Adjustment Plat or a Certificate of Compliance, well tests shall be performed for the number of lots shown in the following table. Tests shall be on lots which appear to have the least access to a viable groundwater supply as determined in advance of testing by the Director, who shall also specify nearby wells to be monitored while the testing is being conducted. If any well does not pass the requirements for Well Tests stated in Section 67.703 above, the Director may require additional well tests beyond what is required in the following table:

Number of Proposed Lots*	Number of Required Well Tests
1 through 10	1
11 through 20	2
21 through 30	3
31 through 40	4
Greater than 40	5

* Excluding remainder parcels and "not a part" areas

Section 3. Section 81.102 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.102. DEFINITIONS.

Terms used in this division that are defined in the SMA but not defined in this division shall have the same meaning as in the SMA. The following definitions shall apply to this division:

(a) "Access restriction easement" means a permanent easement a property owner dedicates to the County that prohibits any person from obtaining access to a road or right-of-way adjacent to the property.

(b) "Adjustment plat" means a drawing filed with the Director as part of the application process for a lot line adjustment adjusting the boundaries between two to four adjoining parcels, where land taken from one parcel is added to an adjoining parcel, but does not create any additional parcels.

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(c) "Average daily trips, ADT" means the average total number of motor vehicle trips per day to and from a location.

(d) "Basis of bearings" means the source of uniform orientation of all measured bearings shown on a map using the California Coordinate System of 1983, Zone 6, established by Public Resources Code sections 8801 et seq.

(e) "Bicycle route" means a facility where the main form of travel is by bicycle.

(f) "Cable lines" means electronic cable, conduit and their appurtenances which distribute television signals or telephone or internet connections.

(g) "CEQA" means the California Environmental Quality Act, Public Resources Code sections 21000 et seq.

(h) "Certificate of compliance" means a document the County issues pursuant to Government Code section 66499.35 identifying real property and signifying that the division of the real property complies with applicable provisions of the SMA and this division.

(i) "Conservation Subdivision Program" means a residential subdivision design that improves preservation of environmental resources in a balance with planned densities and community character subject to applicable Community Plans, the Zoning Ordinance, Subdivision Ordinance, Resource Protection Ordinance, Groundwater Ordinance and Conservation Subdivision Design Guidelines.

(ij) "County fire official" means a person designated by the Director to implement and enforce the County Fire Code.

(jk) "DEH" means the Department of Environmental Health.

(kl) "Designated remainder parcel" means a unit of land a subdivider designates pursuant to Government Code section 66424.6 which is not divided for the purpose of sale, lease or financing and is designated on a tentative map or tentative parcel map at the time the subdivider files the map.

(lm) "Director" means the Director of Planning and Land Use or a person the Director designates to implement or enforce this division.

(mn) "Director DEH" means the Director of the Department of Environmental Health or a person the Director DEH designates to implement or enforce this division.

(no) "Director DPW" means the Director of Public Works or a person the Director designates to implement or enforce this division.

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(øp) "Director DPR" means the Director of Parks and Recreation or a person the Director DPR designates to implement or enforce this division.

(p̄q) "DPLU" means the Department of Planning and Land Use.

(er̄) "DPR" means the Department of Parks and Recreation.

(rs̄) "DPW" means the Department of Public Works.

(t) "Environmental Resource" means natural habitats, sensitive species, sensitive habitat lands, wetlands, floodplains, significant prehistoric/historic sites, and/or agricultural lands.

(su) "Feasible" has the same meaning as the term "feasible" in Government Code section 66473.1(e).

(tv̄) "Lease" means an agreement for the use of real property that creates a landlord-tenant relationship between the parties to the lease and includes a written or oral agreement. In addition to an agreement that creates a tenancy for a specific term, a lease also includes an agreement that creates a tenancy at will or a month-to-month tenancy.

(uw̄) "Lot" means a unit of land and may also be referred to in this division as a "parcel."

(vx̄) "Lot area" means the same as the term "Lot Area, Net" as defined in the County Zoning Ordinance.

(wȳ) "Major subdivision" means a subdivision creating five or more lots or units not counting a "designated remainder parcel," as defined in this chapter, as one of the five or more lots.

(xz̄) "Major transmission facilities, mains and lines" means electrical transmission lines with 64,000 volts capacity or more, gasoline or oil transmission lines six inches or more in diameter, natural gas mains six inches or larger in diameter, sewer outfall or transmission mains thirteen inches or larger in diameter, water transmission mains fourteen inches or larger or telephone long distance and trunk communication facilities.

(yaa) "Minor subdivision" means a subdivision creating four or fewer lots or units not counting a "designated remainder parcel," as defined in this chapter as one of the four or fewer lots.

(zbb) "Parcel map" means a map required by Government Code sections 66426(f) or 66428 prepared in compliance with Government Code sections 66444 et seq.

(aacc) "Road" has the same meaning as the term "street" as defined in this chapter.

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(~~bbdd~~) "San Diego County Standards" refers to those standards and specifications on file in the Office of the Clerk of the Board of Supervisors (Clerk) as Attachment C with Resolution No. 99-186 (6-30-99 (8)) (San Diego County Standards for Private Roads) and Document Number 767412 (5-18-05 (14)) (Public Road Standards); provided, however, that with respect to development within the "Country Town" area of the Borrego Springs Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Area of the Borrego Springs Planning Area" on file with the Office of the Clerk as Document Number 740149 (4-10-91 (6)), and with respect to development within the San Dieguito Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Sphere of the San Dieguito Planning Area" on file with the Office of the Clerk as Document Number 750029(a) (6-6-92 (9)), and with respect to development within the Fallbrook Community Development Area, the standards and specifications contained in the "Fallbrook Community Right-of-Way Development Standards for Public Roads" on file with the Office of the Clerk as Document Number 761748 (12-14-94 (1)), and with respect to development within the Julian Community Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards: Julian Historic District and Julian Community Planning Area" on file with the Office of the Clerk as Document Number 0768777 (3-6-02 (17)), shall also apply and shall supersede the aforementioned documents to the extent of any conflict between them.

(~~eeee~~) "SMA" means the Subdivision Map Act of the State of California contained in Government Code sections 66410 et seq.

(~~ddff~~) "Street" means a County highway, State highway, other public road or alley, or a private thoroughfare at least ten feet wide that connects with a County highway, State highway, other public road, private road or an alley which affords primary access to an abutting lot.

(~~eegg~~) "Subdivision" means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing or any purpose, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way, but a freeway, as defined in Streets and Highways Code section 23.5 shall not be considered a road or street for the purpose of interpreting this section. "Subdivision" includes a condominium project, as defined Civil Code section 1351(f), a community apartment project, as defined in Civil Code section 1351(d) or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Civil Code section 1351(m).

(~~ffhh~~) "Tentative map" means a map prepared for the purpose of showing the design and improvement of a proposed major subdivision and the existing conditions in and around it.

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(~~ggj~~) "Tentative parcel map" means a map prepared for the purpose of showing the design and improvement of a proposed minor subdivision and the existing conditions in and around it.

(~~hhj~~) "Through lot" means a lot having frontage on two parallel streets or a lot that is not a corner lot that has frontage on two streets, each of which may provide access to the lot.

Section 4. Section 81.308 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.308. WAIVER OR MODIFICATION OF REGULATIONS.

Whenever the Planning Commission or the Board finds with respect to a proposed major subdivision that because: (a) the real property to be subdivided is: (1) of a size or shape, (2) subject to title limitations of record, (3) affected by topographical location or conditions, (4) subject to environmental constraints, ~~or~~ (5) to be devoted to a use that makes it ~~impossible or~~ impracticable for the subdivider to fully conform to the requirements of this division or (6) does not meet the goals of the conservation subdivision program, or (b) imposition of the requirements of this division would constitute an unconstitutional taking of property, the decision making body may waive or modify the requirements of this division as long as approving the subdivision with the waiver or modification does not result in an inconsistency with the County General Plan, any provision in the Zoning Ordinance or any federal, State or local law or regulation in effect at the time the application for the map was deemed complete, and does not increase the County's risk of exposure to tort liability. The decision making body granting the waiver or modification may also impose conditions related to the waiver or modification.

Section 5. Section 81.401 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.401. DESIGN OF MAJOR SUBDIVISIONS.

All major subdivisions shall conform to the following design requirements:

(a) No lot shall include land in more than a single tax rate area.

(b) Every lot shall contain the minimum lot area specified in the Zoning Ordinance for the zone in which the lot is located at the time the final map is submitted to the Board of Supervisors (Board) for approval, but if the Zoning Ordinance does not establish a minimum lot area for a zone, every lot shall contain a lot area of at least 6,000 square feet.

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(c) Every lot shall front on a dedicated road, a road offered for dedication or a private road easement, whichever is required by section 81.402 or the conditions of approval of the tentative map.

(d) A lot shall have at least 50 feet of frontage, exclusive of side yard setbacks required in the zone in which the lot is located, measured at the right-of-way line, but shall also have at least 60 feet of frontage measured at the right-of-way line.

(e) A lot that fronts on a cul-de-sac, whose side lines are approximately radial to the center of the cul-de-sac or a lot that fronts at the intersection of two dead end roads, shall have at least 33 feet of frontage measured at the right-of-way line.

(f) A panhandle-shaped lot shall have a minimum frontage of 24 feet on a dedicated road or private easement road, except where the panhandle portion of two panhandle-shaped lots are adjacent to one another, in which case each shall have a minimum frontage of 20 feet on a dedicated road or private easement road. Panhandles may not serve as access to any lot except the lot of which the panhandle is a part. The panhandle portion of a lot shall not be longer than two-thirds of the distance from the road on which the panhandle fronts to the rear lot line.

(g) A through lot shall not be allowed unless the property owner relinquishes vehicular access rights to one of the abutting roads. To relinquish access rights to a private road, the property owner shall dedicate a one foot access restriction easement to the County that runs the entire width of the lot fronting the private road easement. For a relinquishment of access rights to a public road, the property owner shall provide a "relinquishment of access rights" on the final map.

(h) The side lines of each lot shall be at approximately right angles or radial to the road upon which the lot fronts with a maximum deviation of up to 10 degrees for a minimum distance of 1/3 of the lot depth.

(i) A lot shall be designed so the lot is at least 90 feet deep and the average lot depth, excluding any areas encumbered by any open space, drainage, flood control or right-of-way easement, shall not be greater than three times the average lot width.

(j) Whenever practicable, a major subdivision of property approved for residential use shall be designed so that the front of any lot in the subdivision shall not be facing a railroad right-of-way, a utility transmission line, an open flood control channel or a road shown on the Circulation Element of the County General Plan.

(k) Whenever practicable, the side and rear lot lines of a lot shall be located along the top of a man-made slope rather than at the toe or at an intermediate location on a slope.

(l) Bicycle routes shown on the County General Plan shall be included in the subdivision if the routes are reasonably related to the traffic caused by the subdivision.

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Whenever rights-of-way for roads are required to be dedicated in subdivisions containing 200 or more lots, the subdivider shall include bicycle routes, when necessary and feasible for the use and safety of the residents.

(m) A subdivider shall demonstrate that each lot within the subdivision has unobstructed access to sunlight to an area of not less than 100 square feet, falling in a horizontal plane 10 feet above the grade of the buildable area of the lot. The condition of unobstructed solar access shall be considered to be achieved when a specific area of not less than 100 square feet has an unobstructed sky view of the sun between azimuths of the sun at 45 degrees to the east and 45 degrees to the west of true south, when measured on the winter solstice.

(n) The design of the subdivision shall reflect non-motorized vehicle trails required by section 81.402(v).

(o) If the Board approves a specific plan or the Board or the Planning Commission approve a major use permit for a planned development pursuant to Zoning Ordinance sections 6600 et seq., that provides subdivision design requirements contrary to the requirements in subsections (b), (d), (e), (h) or (i) above, the provisions of the approved specific plan or major use permit shall govern.

(p) A subdivision shall be designed so that no lot shall be bisected by a road.

(q) A subdivision shall be designed so that a street or road easement providing access to a parcel located on a subdivision boundary, shall not terminate in a cul-de-sac when it is feasible for the street or road easement to serve as a through street connecting the subdivision to a street or road easement in an existing or proposed, adjacent subdivision. If there is no street or road easement on the adjacent property, the street or road easement shall be designed to allow a connection to an adjacent property, in case the adjacent property is developed in the future. If there is an irrevocable offer of dedication or rejected offer of dedication for a street on the adjacent property, the subdivision shall be designed so that a street that serves a lot located on a subdivision boundary shall be able to connect to a street on an adjacent property if the County accepts the irrevocable offer of dedication or rejected offer of dedication. As used in this subsection, "feasible" means that construction of a through street is not limited by any of the following:

- (1) Topographical or other physical constraints.
- (2) Conditions that would result in a significant impact on the environment.
- (3) Utility easements or other similar title constraints.
- (4) Existing or planned adjacent uses that are incompatible with a road connection.

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(r) In addition to the foregoing requirements, subdivisions located in SR-10 and Rural lands (RL-20 through 160) shall be designed using the following criteria:

(1) The development footprint shall be located in the areas of the land being subdivided so as to minimize impacts to environmental resources.

(2) Development shall be consolidated to the maximum extent permitted by County regulations and the applicable Community Plans.

(3) The development footprint shall be located and designed to maximize defensibility from wildland fires and to accommodate all necessary fuel modification on-site.

(4) Notwithstanding the requirements of the Slope Encroachment Regulations contained within Section 86.604(e) of the Resource Protection Ordinance, effective October 10, 1991, exceptions to the maximum permitted encroachment into steep slopes shall be allowed in order to avoid impacts to environmental resources that cannot be avoided by other means. The exceptions shall be limited to the minimum necessary to achieve the goals of the conservation subdivision program.

(5) Roads shall be designed to minimize impacts to environmental resources. Such design standards may include siting roads to reduce impacts from grading, consolidating development to reduce the length of roads and associated grading, using alternative permeable paving materials and methods, reduced paved road widths, and smaller curve radii, consistent with applicable public safety considerations.

(6) Areas avoided from development shall be protected with open space or conservation easements and shall follow the design standards set forth below:

- i. The largest blocks of unfragmented and interconnected open space shall be conserved.
- ii. Surface open space area to perimeter ratios shall be maximized by avoiding the creation of slivers or fingers of open space that extend in and around development.
- iii. Open space shall be located in areas with the maximum amount of connectivity with off-site open space.
- iv. Multiple habitat types, varying topography, agriculture, etc. shall be conserved to the maximum extent practicable.
- v. Unique and/or sensitive resources shall be protected in the core of open space areas to the maximum extent practicable or suitable buffers shall be provided to protect these resources.

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- vi. Resources shall be avoided and placed in open space pursuant to the percentage indicated on Table 81.401.1. The avoided lands shall be protected with an easement dedicated to the County of San Diego or a conservancy approved by the Director. Land used for mitigation for project impacts may be used to satisfy the requirements of Table 81.401.1 below. The required open space shall be maintained as open space for as long as the lots created through this provision of the Ordinance remain, except in circumstances where a need to vacate is required for public health, safety or welfare.

Table 81.401.1

Designation	Percent Avoided Resources
SR-10	75
RL-20	80
RL-40	85
RL-80	90
RL-160	95

Section 6: Section 81.614 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.614. MODIFICATION OF REGULATIONS.

(a) Whenever the decision making body finds with respect to a proposed tentative parcel map that (1) the land to be subdivided is: (A) of a size or shape, (B) subject to title limitations of record, (C) affected by topographical conditions, (D) in a location, ~~or~~ (E) to be devoted to a use that make it impossible or impracticable for the subdivider to fully conform fully to the requirements of this division or (F) does not meet the goals of the conservation subdivision program or (2) the imposition of the requirements of this division would constitute an unconstitutional taking of property, the decision making body may waive or modify the requirements as long as approving the subdivision with the waiver or modification does not result in an inconsistency with the County General Plan, any provision of the Zoning Ordinance or any federal, State or local law or regulation in effect at the time the application for the tentative parcel map was deemed complete, and does not increase the County's exposure to tort liability.

(b) A request to waive or modify a regulation pursuant to this section, relative to a tentative parcel map not yet approved, shall be heard concurrently with the tentative parcel map application. A request to waive or modify a condition of an approved tentative parcel map shall be decided pursuant to section 81.617.

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(c) The decision making body granting the waiver or modification may impose conditions related to the waiver or modification.

Section 7. Section 86.604 of Title 8, Division 6 of the County Code is amended to read as follows:

SEC 86.604. Permitted Uses and Development Criteria.

Within the following categories of sensitive lands, only the following uses shall be permitted and the following development standards and criteria shall be met provided, however, that where the extent of environmentally sensitive lands on a particular legal lot is such that no reasonable economic use of such lot would be permitted by these regulations, then an encroachment into such environmentally sensitive lands to the minimum extent necessary to provide for such reasonable use may be allowed:

- (a) Wetlands. The following permitted uses shall be allowed:
 - (1) Aquaculture, provided that it does not harm the natural ecosystem.
 - (2) Scientific research, educational or recreational uses, provided that they do not harm the natural ecosystem
 - (3) Removal of diseased or invasive exotic plant species as identified and quantified in writing by a qualified biologist and approved in writing by the Director of Planning and Land Use, and removal of dead or detached plant material.
 - (4) Wetland creation and habitat restoration, revegetation and management projects where the primary goal is to restore or enhance biological values of the habitat, and the activities are carried out pursuant to a written management/enhancement plan approved by the Director of Planning and Land Use.
 - (5) Crossings of wetlands for roads, driveways or trails/pathways dedicated and improved to the limitations and standards under the County Trails Program, that are necessary to access adjacent lands, when all of the following conditions are met:
 - (aa) There is no feasible alternative that avoids the wetland;
 - (bb) The crossings are limited to the minimum number feasible;
 - (cc) The crossings are located and designed in such a way as to cause the least impact to environmental resources, minimize impacts to sensitive species and prevent barriers to wildlife movement (*e.g.*,

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crossing widths shall be the minimum feasible and wetlands shall be bridged where feasible);

- (dd) The least-damaging construction methods are utilized (*e.g.*, staging areas shall be located outside of sensitive areas, work shall not be performed during the sensitive avian breeding season, noise attenuation measures shall be included and hours of operation shall be limited so as to comply with all applicable ordinances and to avoid impacts to sensitive resources);
 - (ee) The applicant shall prepare an analysis of whether the crossing could feasibly serve adjoining properties and thereby result in minimizing the number of additional crossings required by adjacent development; and
 - (ff) There must be no net loss of wetlands and any impacts to wetlands shall be mitigated at a minimum ratio of 3:1 (this shall include a minimum 1:1 creation component, while restoration/enhancement of existing wetlands may be used to make up the remaining requirements for a total 3:1 ratio).
- (b). Wetland Buffer Areas. In the wetland buffer areas, permitted uses shall be limited to the following uses provided that there is no overall decrease in biological values and functions of the wetland or wetland buffer:
- (1). Improvements necessary to protect adjacent wetlands.
 - (2). All uses permitted in wetland areas.
- (c). Floodways. The development of permanent structures for human habitation or as a place of work shall not be permitted in a floodway. Uses permitted in a floodway shall be limited to agricultural, recreational, and other such low-intensity uses provided, however, that no use shall be permitted which will substantially harm the environmental values of a particular floodway area. Mineral resource extraction shall be permitted subject to an approved Major Use Permit and Reclamation Plan, provided that mitigation measures are required which produce any net gain in the functional wetlands and riparian habitat.

Modifications to the floodway must meet all of the following criteria:

- (1). Concrete or rip-rap flood control channels are allowed only where findings are made that completion of the channel is necessary to protect existing buildings from a current flooding problem. Buildings constructed after the enactment of this Ordinance shall not be the basis for permitting such channels.

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- (2) Modification will not unduly accelerate the velocity of water so as to create a condition which would increase erosion (and related downstream sedimentation) or would be detrimental to the health and safety of persons or property or adversely affect wetlands or riparian habitat.
 - (3). In high velocity streams where it is necessary to protect existing houses and other structures, minimize stream scour, or avoid an increase in the transport of stream sediment to downstream wetlands and other environmentally sensitive habitat areas, grade control structures, and other erosion control techniques, including the use of rip-rap, that are designed to be compatible with the environmental setting of the river, may be permitted. The use of rip-rap shall be allowed only when there is no other less environmentally damaging alternative feasible.
- (d). Floodplain Fringe. All uses permitted by zoning and those that are allowable in the floodway are allowable in the floodplain fringe, when the following criteria are met:
- (1). Fill shall be limited to that necessary to elevate the structure above the elevation of the floodway and to permit minimal functional use of the structure (e.g., fill for access ramps and drainage). If fill is placed in the floodplain fringe, the new bank of the creek shall be landscaped to blend with the natural vegetation of the stream and enhance the natural edge of the stream.
 - (2). Any development below the elevation of the 100 year flood shall be capable of withstanding periodic flooding.
 - (3). The design of the development shall incorporate the findings and recommendation of a site-specific hydrologic study to assure that the development: (aa) will not cause significant adverse water resource impacts related to quality or quantity of flow or increase in peak flow to downstream wetlands, lagoons and other sensitive habitat lands; and (bb) neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands, lagoons or other sensitive habitat lands.
 - (4). Lot configurations shall be designed in such a manner as to minimize encroachment into the floodplain. The proposed development shall be set back from the floodway boundary a distance equal to 15% of the floodway width (but not to exceed 100 feet), in order to leave an appropriate buffer area adjacent to the floodway. The setback may be greater if required by Subparagraph (6) below.

Following review of a site-specific flood analysis, the floodplain setback required by this Paragraph may be reduced by the Director of Planning

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and Land Use or the applicable hearing body, upon making all of the following findings:

- (aa) Practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Chapter would result from application of the setback; and
 - (bb) The reduction in setback will not increase flood flows, siltation and/or erosion, or reduce long-term protection of the floodway, to a greater extent than if the required setback were maintained; and
 - (cc) The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity; and
 - (dd) The reduction in setback will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity in which the property is located; and
 - (ee) The reduction in setback will not be incompatible with the San Diego County General Plan.
- (5). Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain.
- (6). In areas where the Director of Public Works has determined that the potential for erosion or sedimentation in the floodplain is significant, all proposed development shall be set back from the floodway so that it is outside the Erosion/Sedimentation Hazard Area shown on County floodplain maps. Development will only be allowed in the Erosion/Sedimentation Hazard Area when the Director of Public Works approves a special study demonstrating that adequate protection can be achieved in a manner that is compatible with the natural characteristics of the river.
- (7). If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, steep slope lands, sensitive habitat lands or significant prehistoric or historic site lands, the use restrictions herein applicable to such areas shall also apply.
- (e). Steep Slope Lands.
- (1). Density Formula. When a parcel is located within a plan designation which bases lot size on slopes, the number of lots and/or number of dwelling units created shall be constrained by the following formula:

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Acres in slopes less than 15% ÷ minimum lot size permitted by General Plan
 +Acres in slopes of 15%/less than 25% ÷ minimum lot size permitted by General Plan
 +Acres in slopes of 25%/less than 50% ÷ minimum lot size permitted by General Plan
 +Acres in slopes of 50% or greater ÷ minimum lot size permitted by General Plan

= Maximum number of lots and/or dwelling units allowable

A Planned Residential Development, lot area averaging, or cluster development shall be required to use the density allowed a standard subdivision using this density formula.

Projects obtaining a density bonus, pursuant to Section 4120 of the Zoning Ordinance, are subject to the above density formula.

- (2). Project Design and Open Space to Protect Steep Slopes. In designing lot configuration on steep slope lands in all land use designations, parcels shall be created in a manner which minimizes encroachment onto steep slope lands. Where 10% or more of a lot contains steep slope lands, that portion of the lot containing such lands shall be placed in an open space easement unless the lot is equal to or greater than 40 acres or a sensitive resource area designator has been applied to that lot pursuant to the Zoning Ordinance.

The open space easement shall not include any area of encroachment within the limits of the encroachment table (2)(aa). The terms of the open space easement shall provide for sufficient encroachments necessary for access, clearing, and all exceptions to the encroachment limitations identified in (2)(bb) and (2)(cc). New agricultural operations will also be allowed in such open space easements with approved grading or clearing permits, provided any other type of sensitive lands present are protected as required by the applicable sections of this Chapter.

- (aa) For all types of projects, the maximum encroachment that may be permitted into steep slope lands shall be as set forth in the following table. This encroachment may be further reduced due to environmental concerns or other design criteria.

Twenty-Five Percent Slope Encroachment Allowance	
Percentage of Lot in Steep Slope Lands Slope Lands	Maximum Encroachment Allowance as Percentage of Area in Steep
75% or less	10%
80%	12%
85%	14%
90%	16%

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95%
100%

18%
20%

- (bb) Notwithstanding the provisions of Paragraph (aa) above, the following types of development shall be allowed on steep slope lands and shall not be subject to the encroachment limitations set forth above:
- (i) All public roads identified in the Circulation Element of the County General Plan or adopted community or subregional plans, provided that findings are made by the hearing body approving the application that no less environmentally damaging alternative alignment or non-structural alternative measure exists.
 - (ii) Local public streets or private roads and driveways which are necessary for primary or secondary access to the portion of the site to be developed on steep slope lands of less than 25%, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Director of Planning and Land Use based upon an analysis of the project site.
 - (iii) Public and private utility systems, provided that findings are made that the least environmentally damaging alignment has been selected. However, septic systems are not included in this exemption unless Department of Health Services has certified that no grading or benching is required.
 - (iv) Areas with native vegetation, which are cleared or trimmed to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or orders of fire safety officials and that such slopes retain their native root stock or are planted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
 - (v) Trails for passive recreational use according to approved park plans.
 - (vi) On any lot created on or before August 10, 1988, a maximum disturbed area of 20% of the entire lot, or sufficient area to accommodate 3,000 square feet of

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building footprint (whichever is greater) shall be permitted to provide for reasonable use of existing lots.

- (vii) Any on-going existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to four years shall be considered to be an existing agricultural operation. An on-going existing agricultural operation does not include uses located within the agricultural operation that are not in themselves related to agriculture.
 - (cc) Additional encroachment into steep slopes may be permitted for tentative maps and tentative parcel maps within the SR 10 and RL 20 through RL 160 Land Use Designations when design considerations include encroachment into steep slopes in order to avoid impacts to significant environmental resources that cannot be avoided by other means, provided no less environmentally damaging alternative exists. The determination of whether or not a tentative map or tentative parcel map qualifies for additional encroachment shall be made by the Director of Planning and Land Use based upon an analysis of the project site.
- (3). Waiver of Open Space Easement. The steep slope open space easement requirement may be waived when the authority considering an application listed at Section 86.603 (a) above makes the following findings:
- (aa). The slope is an insignificant visual feature and isolated from other landforms, or surrounding properties have been developed on steep slopes such that this project would be considered “infill”; and
 - (bb). The property is zoned for .5 acre lots or smaller at the time the application was made, or a concurrent Rezone has been filed; and
 - (cc). The greater encroachment is consistent with the goals and objectives of the applicable community plan; and
 - (dd). Site Plan review is required to ensure consistency of design with these regulations.
- (f). Sensitive Habitat Lands. Development, grading, grubbing, clearing or any other activity or use damaging to sensitive habitat lands shall be prohibited. The authority considering an application listed at Section 86.603(a) above may allow development when all feasible measures necessary to protect and preserve the sensitive habitat lands are required as a condition of permit approval and where mitigation provides an equal or greater benefit to the affected species.

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- (g). Significant Prehistoric or Historic Sites. Development, trenching, grading, clearing and grubbing, or any other activity or use damaging to significant prehistoric or historic site lands shall be prohibited, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists.

Section 8. Section 4210 of the County Zoning Ordinance is amended to read as follows:

4210 LOT AREA REGULATIONS.

- a. Specification of Lot Area. Minimum lot areas shall be established to regulate the minimum area that lots or building sites must have before they may be developed, and any such minimum lot area may be specified within the development unit. ~~The adopted San Diego County General Plan shall serve to guide the specification of minimum lot area.~~
- b. Lot Area Designator. In no case shall a minimum lot area of less than 3,000 square feet be designated under the provisions of the Lot Area Regulations, except where a lesser lot area may be permitted under the provisions of the Planned Development Standards commencing at Section 6600, the provisions of Section 4230 relating to lot area averaging, or where otherwise excepted by this ordinance.

Section 9. Section 4230 of the County Zoning Ordinance is amended to read as follows:

4230 LOT AREA AVERAGING/CONSERVATION SUBDIVISION.

Lot area averaging is a method associated with land subdivision. Upon approval of an administrative permit, it allows lots in a subdivision to be smaller than would be allowed by the applicable lot area designator, provided the overall density of the subdivision is not increased. The administrative permit is subject to required findings and conditions.

- a. Purpose and Intent

The purpose of lot area averaging is to allow flexibility in lot size, ~~taking topography into account so as to minimize grading and preserve steep natural slopes and encourage site design that avoids~~ environmental resources, preserves open space areas, and responds to unique site and area features. The intent is that the lots shall relate to the ~~topography-natural features,~~ with larger lots or open space to be located in ~~steep areas or in other~~ environmentally constrained areas. Lot area averaging shall not be used to create recreational or compensating open space for the exclusive use of the residents of the subdivision or for the use of the general public on a fee or membership basis, or for any other purpose for which approval of a Major Use Permit (planned development) or a Specific Plan would be the appropriate process.

- b. Required Findings

Before an Administrative Permit for lot area averaging may be granted the following findings shall be made:

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1. That the size, design, grading, and location of the proposed lots will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
 - i. Harmony in lot size and configuration, ~~density, and if applicable, proposed building coverage~~ building setbacks and orientation;
 - ii. The harmful effect, if any, upon desirable neighborhood character, including a finding that all lots in the subdivision which adjoin neighboring properties are compatible in size and shape to the adjoining lots conform to at least the minimum lot size required by the applicable lot area designator, unless such adjoining area is to be preserved for open space for preservation of steep natural slopes or environmental resources or that adequate buffering has been provided to eliminate any harmful effect to neighboring properties;
 - iii. The suitability of the site for the type and intensity of use or development which is proposed;
 - iv. The harmful effect, if any, upon environmental quality and natural resources; and to
 - v. Other relevant impacts of the proposed use.
- ~~2. That the use and development of the property complies with all conditions that may be imposed by such permit.~~
23. That the total number of lots (excluding any lots reserved for open space purposes) shall not exceed the number obtained by dividing the total net area of the subdivision by the minimum lot area required by the applicable lot area designator.
34. That all lots and easements in the subdivision which are designated for open space be for the preservation of steep natural slopes, environmentally sensitive areas, wildlife habitat, agriculture, or archeological or historical resources ~~only~~, and will be permanently reserved for open space in a manner which makes the County or a public agency a party to and entitled to enforce the reservation.
45. That the proposed subdivision and the total number and location of the proposed lots will be consistent with the San Diego County General Plan.

Section 10. Section 5800 of the County Zoning Ordinance is amended to read as follows:

PLANNED DEVELOPMENT AREA REGULATIONS

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5800 TITLE AND PURPOSE.

The provisions of Section 5800 through Section 5849, inclusive, shall be known as the Planned Development Area Regulations. The purpose of these provisions is to insure the following: 1) the preservation of land areas within the unincorporated territory of San Diego County which possess unique characteristics and features of a geographical, geological, topographical, environmental, agricultural, scenic or historical nature; and/or 2) to permit a more creative and imaginative design for development of any area than is generally possible under conventional zoning regulations which will result in more economical and efficient use of land while providing a higher level of amenities associated with development in Village areas and greater preservation of open space in rural areas.

Section 11. Section 6600 of the County Zoning Ordinance is amended to read as follows:

PLANNED DEVELOPMENT STANDARDS

6600 TITLE AND PURPOSE.

The provisions of Section 6600 through 6699, inclusive, shall be known as the Planned Development Standards. The purpose of these provisions is to carry out the intent of Section 5800 of the Planned Development Area Regulations and to set forth development standards that must be met by planned developments before they are granted a major use permit in accordance with the Use Permit Procedures commencing at Section 7350. The intent of Section 5800 shall be applicable to all major use permits for planned developments even where the zoning of the property does not include the "P" Planned Development Area designator. It is intended that planned developments containing mobilehomes shall not be considered mobilehome parks for purposes of the application of Title 25 of the California Administrative Code; provided, however, that those provisions of Title 25 relating to the installation, maintenance, use and occupancy of mobilehomes outside of mobilehome parks shall apply.

6606 CONCEPT OF A PLANNED DEVELOPMENT.

A planned development shall consist of an integrated development located on a single tract of land, or on 2 or more tracts of land which may be separated only by a street or other right-of-way. In such development, the land and structures shall be planned and developed as a whole in a single development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements and the location of structures, the circulation pattern, parking facilities, open space, and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property.

6609 APPLICABILITY OF ANIMAL REGULATIONS.

Except as otherwise provided, a planned development shall conform to all provisions of the Animal Regulations commencing at Section 3000.

6610 APPLICABILITY OF USE REGULATIONS.

Except as provided in Section 5806, only those uses which are permitted by right, or are permitted by a use permit, or an administrative permit, shall be permitted in a planned

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development. When the applicable use regulations allow a use type in such use regulations only if such type is within a planned development, such a use type is permitted only within a planned development or contiguous planned developments having a total gross site area of at least 20 acres.

6612 APPLICABILITY OF DEVELOPMENT REGULATIONS.

Except as otherwise provided hereinafter, a planned development shall conform to all provisions of the Development Regulations commencing at Section 4000.

6615 APPLICABILITY OF SPECIAL AREA REGULATIONS.

A planned development shall conform to all provisions of any applicable special area regulations.

6618 GENERAL DEVELOPMENT CRITERIA.

- a. **Compatibility with Adjacent Land Uses.** A planned development shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development.
- b. **Relation to Natural Features.** A planned development shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, rough terrain and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.

6621 MAXIMUM DENSITY COMPUTATION OF PERMITTED NUMBER OF LOTS.

The Density Regulations commencing at Section 4100 shall apply in a planned development except as otherwise provided in this Section. The maximum density provisions of the General Plan Land Use Element shall be used in the computation of the permitted number of dwelling units. The Director shall compute the residential acreage pursuant to the following:

- a. **Computation of Residential Acreage in an Exclusively Residential Planned Development.** In a planned development devoted exclusively to residential use types, the residential acreage of the proposed development shall equal the total land area within the boundaries of the development. For the purpose of the application of this subsection the "total land area within the boundaries of the development" shall be defined to exclude any land within rights-of-way of public streets or highways existing or to be dedicated or offered for dedication as part of the project.
- b. **Computation of Residential Acreage in a Planned Development Containing Non-Residential Use Types.** For the purpose of computing the maximum and minimum density permitted or required in a planned development containing non-residential use types, the residential acreage of the proposed development shall be determined as follows:

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1. For those portions of the site where the residential development (and its associated open space) are separate and distinct from the non-residential development (and its associated open space), the acreage to be used for residential development (and its associated open space) shall be used as the basis for computing density.
 2. For those portions of the site where the residential and non-residential development area not separate and distinct (e.g., they are in the same building or a closely associated group of buildings), the acreage shall be allocated between the residential and non-residential uses on the basis of the floor area, ground area, and other factors which indicate the relative usage of the site by residential and non-residential uses.
- ~~e. Findings of Residential Acreage. The Director shall compute the residential acreage pursuant to either subsection "a" or "b".~~
- ~~d. Applicable Maximum Density. The maximum density provisions of the applicable density designator shall be used in the computation of the permitted number of dwelling units.~~
- ~~e. Permitted Number of Dwelling Units. The number of dwelling units shall not exceed the product of the maximum density determined in subsection "d" multiplied by the residential acreage determined in either subsection "a" or "b".~~

6624 LOT SIZE.

The Lot Size Regulations commencing at Section 4200 shall not apply in a planned development; provided, however, that all required findings can be made pursuant to Section 7350:

- a. ~~Within the RR, A70 and A72 use regulations the minimum lot size shall be 50 percent of the minimum lot size requirement of the applicable zone (provided that any applicable General Plan Land Use Element lot size standards are satisfied). Within the RS use regulations the minimum lot size shall be 60 percent of the minimum lot size requirement of the applicable zone, except that no lot shall be less than 5,000 square feet; and~~
- b. ~~Each lot containing a mobile home shall have a minimum of 3,000 net square feet.~~

6627 BUILDING TYPE.

The Building Type Regulations commencing at Section 4300 shall not apply in a planned development, ~~except that the single detached residential building type shall be required for residential buildings in the RS, RR, A70 and A72 use regulations.~~

6630 MAXIMUM FLOOR AREA.

The Maximum Floor Area Regulations commencing at Section 4400 shall not apply in a planned development.

6633 FLOOR-AREA RATIO.

The Floor-Area Ratio Regulations commencing at Section 4500 shall not apply in a planned development.

6636 HEIGHT.

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The Height Regulations commencing at Section 4600 shall apply in a planned development; provided, however, that the approving authority may approve buildings and structures of 15 percent greater height, if, in its opinion, such additional height would not have an adverse effect on adjacent properties or on properties or development in the vicinity and would be consistent with the General Plan and the purpose of these development standards. No additional height shall be approved within 100 feet of any external boundary of the planned development adjacent to land in any residential or agricultural zone.

6639 COVERAGE.

The Coverage Regulations commencing at Section 4700 shall not apply to a planned development; provided, however, that no more than 75 percent of the area of a lot containing a mobilehome shall be covered.

6642 SETBACKS-PERIMETER.

The following setbacks shall be maintained on the perimeter of a planned development:

- a. The Setback Regulations commencing at Section 4800 shall apply to the perimeter of a planned development.
- b. A setback of at least 50 feet from centerline shall be maintained by any mobilehome or other building or structure, except a fence or wall, from any street along an exterior boundary of the development, except that when such street has a right-of-way width greater than 60 feet, a setback of 20 feet ~~form~~from the right-of-way of such street shall be maintained.
- c. Except as provided in paragraph "b", a setback of not less than 25 feet from the exterior boundary shall be maintained.

6645 SETBACK-INTERIOR.

The Setback Regulations commencing at Section 4800 shall not apply to the interior of a planned development; provided, however, that mobilehomes and other buildings shall conform to the following setback and spacing requirements:

- a. **Setback From Interior Way or Other Surfaced Public Area.** No mobilehome or other building shall be located closer than 5 feet from any interior vehicular or pedestrian way, court, plaza, open parking lot or any other surfaced area reserved for public use or for use in common by residents of the planned development. Such setback shall generally be measured from the nearest edge of a surfaced area; provided, however, that where no sidewalk exists in conjunction with a public or private street, such setback shall be measured from the nearest edge of the street right-of-way or private road easement.
- b. **Garages and Carports.** No garage or carport having straight-in access from a public or private circulation street shall be located closer than 20 feet from the nearest edge of the sidewalk of such street, or where no sidewalk exists from the nearest edge of the street right-of-way or road easement.
- c. **Mobilehome Side Yard Setback.** Each lot containing a mobilehome shall have a side yard of not less than 3 feet in width along the entire length of the lot.

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- d. Mobilehome Rear Yard Setback. Each lot containing a mobilehome shall have a rear yard of not less than 3 feet extending the entire width of the lot.
- e. Spacing Between Buildings Other Than Mobilehomes. Wall to wall spacing between buildings other than mobilehomes shall be at least 10 feet. Within the RS, RR, A70 and A72 use regulations, spacing between dwellings (including attached garages) shall be equal to at least twice the width of the interior side yard setback of the zone's setback designator.
- f. Open Space Surrounding Buildings Other Than Mobilehomes. Each building other than a mobilehome shall be surrounded by relatively level open space having a slope no greater than 10 percent and extending a minimum distance of 10 feet in all directions measured from the furthest projections of the external walls of the building.

6648 OPEN SPACE.

The Usable Open Space Regulations commencing at Section 4900 shall apply to a planned development; provided, however, that the following requirements shall be met. Plot plans for planned developments ~~having a density of four (4) dwelling units per acre or greater~~ shall include the dimensions of all usable open space areas to ensure compliance with the minimum size, shape and slope requirements of Sections 4915 and 4917. ~~Plot plans for planned developments at a lesser density may be required to provide such information.~~ In the event of conflict between the Usable Open Space Regulations and the provisions of this section, the requirements yielding the most open space shall apply.

- a. Minimum Open Space. ~~Open Space shall comprise at least 40 percent of~~ The total land area in residential use types shall be as computed in per Section 6621.a or b for purposes of determining the open space requirements. Such open space may be located anywhere within a planned development. Land occupied by buildings and structures reserved for common recreational use by the residents may be counted as open space for purposes of this paragraph. Open Space shall be comprised of a combination of private usable open space and conservation/group open space pursuant to b. and c. below.
- b. Minimum Private Usable Open Space. ~~At least 1/2 of the open space required by subsection "a" shall be usable open space conforming to the Usable Open Space Regulations commencing at Section 4900. Private Usable Open Space shall be provided on each lot within the subdivision per the table below:~~

GP Designation	Usable Open Space per Lot
VR-# (all)	400 sf
SR-# (all)	1000 sf
RL-# (all)	4000 sf

Substitution of group usable open space for private open space may be allowed if the lots cannot satisfy the requirements above. The total area that is not satisfied on

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individual lots shall be in addition to the Conservation/Group Open Space requirement.

- c. Remaining Conservation/Group Open Space. The total useable and/or non-useable open space shall be provided on the project site pursuant to the table below.
- i. Conservation Open Space. The remaining 1/2 of the Non-useable conservation open space required by subsection "a" may be improved, or may shall be left in its natural state, particularly if natural features worthy of preservation exist on the site and shall be preserved in an open space easement. No structures or development shall be permitted. Conservation oOpen space left in its natural state shall be kept free of litter and shall at no time constitute a health, safety, fire or flood hazard. Areas devoted to natural or improved flood control channels and those areas encumbered by flowage, floodway or drainage easements, as well as riding and hiking trails designated on a community or subregional plan map, may be applied toward satisfying this portion of the total conservation open space requirement.
- ii. Group Open Space. Useable open space shall comply with the standards of Section 4917. Land occupied by buildings and structures reserved for common recreational use by the residents may be counted as group usable open space for purposes of this subsection provided it meets the requirements of Section 4917.

GP Designation	Percent Conservation/Group Open Space
VR-# (all)	25
SR-# (all)	40
RL-# (all)	80

- d. **Staged Development.** If development is to be accomplished in stages, the development plan shall coordinate improvement of the open space, the construction of buildings, structures and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and environmental quality of the total planned development.
- e. **Reservation for Common Use.** All or any part of the required open space may be reserved for use in common by the residents of the planned development except as restricted by the private usable open space requirements of the Usable Open Space Regulations. Areas permanently reserved for common open space shall be reserved for the use and enjoyment of the residents in a manner which makes the county or a public district or a public agency a party to and entitled to enforce the reservation. The approving authority may require that open space easements over the required open space be conveyed to the county. (Riding and hiking trails designated on a community or subregional plan map shall be open to the general public.)

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- f. Unreserved open space. Any open space in the development not reserved for the use in common of the residents pursuant to subsection "e" hereof, and not subject to the usable open space requirements of Section 4900, may be counted toward computation of the permitted number of dwelling units pursuant to Section 6621.e. However, any project proposing such unreserved open space shall be subject to the following conditions to be contained in the major use permit for the planned development: (1) That a homeowners association be created consisting of all owners of residential property in the planned development, and (2) that the unreserved open space shall be subject to an open space easement ~~to which the homeowners association and the County or other public agency shall be made parties and entitled to enforce any conditions and restrictions of the easement.~~
- g. Additional Requirements for Mobilehomes. In addition to the open space requirements of subsections "a" through "e" and the Usable Open Space Regulations, planned development containing mobilehomes shall meet the following requirements for open space and recreational facilities:
1. At least one substantial area of group usable open space shall be provided. Such area shall:
 - i. Conform to the requirement for group usable open space set forth in the Usable Group Open Space Regulations.
 - ii. Be of such size and shape that each side of a rectangle inscribed within it is at least 100 feet in length.
 - iii. Include outdoor recreational facilities for both active and passive recreation.
 - iv. Include completely enclosed recreational facilities consisting of not less than 10 square feet of floor area for each lot containing a mobilehome.
 2. All or any part of the group usable open space required by the Usable Open Space Regulations may be used to satisfy the requirements of Paragraph "f.1" if such open space meets the standards for minimum dimension, maximum slope and outdoor recreational facilities set forth herein.

6650 ACCESSORY STRUCTURES.

The approved plot plan for any planned residential development shall provide standards (i.e., setbacks, sizes, coverage) for permitted accessory structures and buildings or shall specify that the standard allowances of The Zoning Ordinance shall prevail. Such buildings and structures may include but are not limited to swimming pools/spas, patio covers, guest living quarters, storage buildings, detached garages/carports, and outdoor chimneys or barbecue grills.

6651 SIGNS.

Signs shall be permitted in a planned development in accordance with the Off-Premise Sign Regulations commencing at Section 6200 and the On- Premise Sign Regulations commencing at Section 6250. Interior street, building and other signs shall be uniform in design and reflect good taste in style and size.

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6654 OFF-STREET PARKING.

Off-street parking shall be provided in accordance with the Parking Regulations commencing at Section 6750.

6657 CIRCULATION.

All streets within the planned development that by function fall within the system of classification of streets as specified in Article III, Classification (Types) of Streets of the "San Diego County Standards", Ordinance No. 2809 (New Series), as amended, shall be improved to county road standards for the particular classification of street, and all such streets shall be offered for dedication to the public. When the developer desires to retain any such streets as private streets, the county may reject the offer of dedication. Other forms of access, such as pedestrian ways, courts, plazas, driveways or open parking lots shall not be offered for dedication. Forms of common access other than dedicated public streets shall be permanently reserved and maintained for their intended purpose by means acceptable to the approving authority and County Counsel.

6660 ACCESS.

Any mobilehome, other dwelling unit or other building that is located more than 100 feet from a public or private street or other vehicular way shall have pedestrian access thereto capable of accommodating emergency and service vehicles.

6663 FIRE PROTECTION.

Fire hydrants and connections shall be installed as required by the Planning Commission and shall be of a type approved by the chief of the local fire district, or, if there is no local fire district, by the County Fire Warden.

6666 NIGHT LIGHTING.

Light fixtures for walks, parking areas, driveways and other facilities shall be provided in sufficient number and at proper locations to assure safe and convenient nighttime use. For normal street lighting, applicable county standards and regulations shall apply.

6669 ANTENNAS.

A Master Antenna Television (MATV) System shall be provided with underground cable service to at least all mobilehomes and other buildings containing dwelling units. This MATV System shall be provided at no charge for service and shall be conveyed to the homeowners association at no charge. This requirement may be met by the provision of an underground Cable Television (CATV) System by a county-licensed CATV operator. No other exterior television antennas shall be permitted unless authorized by the Planned Development permit, except that individual parcels having dwellings may have dish antennas that are one meter or less in diameter or diagonal measurement.

6672 UNDERGROUNDING.

All sewer and water facilities, electricity, gas, telephone, and television signal distribution systems shall be placed underground.

6675 SPECIAL REQUIREMENTS FOR MOBILEHOMES.

In addition to the requirements set forth hereinabove, planned developments containing mobilehomes shall conform to the following requirements:

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- a. Area. A planned development containing mobilehomes shall not be less than 5 acres in area.
- b. Fencing and Landscaping. Planned development containing mobilehomes shall conform to the Fencing and Landscaping Regulations commencing at Section 6700.
- c. Storage Areas. Common Storage areas shall be provided within an enclosed fenced area for the residents of the planned development occupying mobilehomes for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall be not less than 50 square feet for each lot containing a mobilehome.
- d. Sewer and Water. Each lot containing a mobilehome in a planned development shall be provided with water and sewer connections in accordance with Chapter 5 of Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health of the Department of Environmental Health. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Environmental Health.

6678 MODIFICATION OF REQUIREMENTS.

Modification of these Planned Development Standards may be granted by the authority granting or modifying a Major Use Permit for a planned development when it determines that such modification will not be detrimental to the subject development, adjacent properties, or residents, or the public interest; or the General Plan, provided, however, no modification shall be granted for the density, ~~lot size or building type~~ provisions of Sections 6621, ~~6624(a) or 6627~~, nor from the open space provisions of Section 6648(a), nor from any applicable requirements specified in Chapter 5 of Title 25 of the California Administrative Code, except those which are subject to local modification.

6679 EFFECT OF AMENDMENTS ON PENDING PLANNED DEVELOPMENTS.

The amendments to the Planned Development Area Standards found in Ordinance No. 8247 (N.S.), adopted on May 19, 1993, shall not apply to any Major Use Permit for a planned development which was approved by the County, or any application for a Major Use Permit for a planned development which was filed (pursuant to Section 1019 of the Zoning Ordinance) with the County, before June 18, 1993. Said amendments shall not apply to any subsequent Time Extension, Minor Deviation or Ministerial Permit filed pursuant to such Major Use Permits. Said amendments shall also not apply to modifications of these Major Use Permits for a planned development, unless such modifications would change the approved Major Use Permit by 1) increasing the number of dwelling units, 2) enlarging the planned development site, or 3) in the RS, RR, A70 or A72 use regulations, changing the building type of dwellings from residential single detached to any other residential building type.

Section 12. 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

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and against the same in the _____, a newspaper of general circulation published in the County of San Diego.

DRAFT

Attachment I

Form of Ordinance
Conservation Subdivision Program

ORDINANCE NO. (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE TO AMEND TITLE 6, DIVISION 7; TITLE 8, DIVISION 1 AND DIVISION 6; AND AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATING TO CONSERVATION SUBDIVISIONS

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

Section 1. The Board of Supervisors finds and determines that the regulation and control of the design and improvement of subdivisions is vested in the legislative bodies of local agencies. The County desires to allow flexibility in the design of subdivisions in order to minimize development impacts, protect environmental resources and preserve open space. This Ordinance will implement a Conservation Subdivision Program which is intended to accommodate planned growth while ensuring that the essential elements of surrounding communities, such as community character, sensitive environmental resources, farmlands, groundwater supplies, unique topography, historical and cultural resources, scenic resources, recreational resources and park lands are undisturbed. This Ordinance allows for a review of the design of subdivisions in order to achieve a balance between impacts to open space, steep slope areas and effects of development on surrounding communities. This Ordinance provides that where lands proposed to be developed are constrained by environmental resources, reduced minimum lot sizes will be permitted to avoid the resources and locate the development in less sensitive areas while preserving community character through site and building design standards. Avoided areas will be preserved as open space and will not be developed.

Section 2. Section 67.722 of Title 6, Division 7 of the County Code is amended to read as follows:

67.722 All Other Projects.

Any application listed at Section 67.711 for a project not subject to Section 67.720 or Section 67.721, which proposes the use of groundwater not provided by a Water Service Agency, for all or any portion of the project, shall comply with the following regulations:

A. Residential Density Controls.

1. Tentative Maps, Tentative Parcel Maps, and Certificates of Compliance proposing parcels for single-family dwellings must comply with the minimum parcel sizes set forth in the following table; Adjustment Plats on property zoned to permit residential use shall also comply with these minimum parcel sizes, except that an existing parcel smaller than the applicable minimum parcel size need not be made to conform to the minimum, so long as it is not further reduced in size by the Adjustment Plat:

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Mean Annual Precipitation* (inches)	Minimum Parcel Size** (Gross Acres)
Less than 9	20
9 to 12	15
12 to 15	11
15 to 18	8
18 to 21	5
More than 21	4

*Mean annual precipitation is to be determined from the County of San Diego map entitled "Groundwater Limitations Map" on file with the Clerk of the Board of Supervisors as Document No. 195172.

**Compliance with the minimum parcel size does not guarantee project approval; site-specific characteristics may indicate that either larger parcel sizes are required or that the project should not be approved in individual cases.

2. The provisions of paragraph 1 above shall not apply to either (1) a project which includes Lot Area Averaging in accordance with Section 4230 of The Zoning Ordinance, or (2) projects which include reduction of parcel sizes pursuant to the Conservation Subdivision Program and as permitted by the Zoning Ordinance, provided that all of the following are complied with:
 - a. The overall average density of the project does not exceed that which results from applying the applicable minimum parcel size set in paragraph 1 to the gross project area;
 - b. No proposed lot is less than 67 percent of the required minimum lot size as set in paragraph 1; and
 - c. The Director has reviewed and approved the lot density and water resource distribution. Projects shall not be allowed which place smaller lots in dry areas of the subdivision.
- B. Groundwater Investigations. Any application listed in Section 67.711 and not subject to Sections 67.720, 67.721 or Paragraph A above, shall be accompanied by a Groundwater Investigation. The application shall not be approved unless the approving authority finds, based upon the Groundwater Investigation or other

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available information, either: (1) for a water intensive use, that groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan; or (2) for all other projects, that groundwater resources are adequate to meet the groundwater demands of the project.

- C. Well Tests. For any application for a Tentative Map, Specific Plan or Specific Plan Amendment, Tentative Parcel Map, Adjustment Plat or a Certificate of Compliance, well tests shall be performed for the number of lots shown in the following table. Tests shall be on lots which appear to have the least access to a viable groundwater supply as determined in advance of testing by the Director, who shall also specify nearby wells to be monitored while the testing is being conducted. If any well does not pass the requirements for Well Tests stated in Section 67.703 above, the Director may require additional well tests beyond what is required in the following table:

Number of Proposed Lots*	Number of Required Well Tests
1 through 10	1
11 through 20	2
21 through 30	3
31 through 40	4
Greater than 40	5

* Excluding remainder parcels and "not a part" areas

Section 3. Section 81.102 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.102. DEFINITIONS.

Terms used in this division that are defined in the SMA but not defined in this division shall have the same meaning as in the SMA. The following definitions shall apply to this division:

(a) "Access restriction easement" means a permanent easement a property owner dedicates to the County that prohibits any person from obtaining access to a road or right-of-way adjacent to the property.

(b) "Adjustment plat" means a drawing filed with the Director as part of the application process for a lot line adjustment adjusting the boundaries between two to four adjoining parcels, where land taken from one parcel is added to an adjoining parcel, but does not create any additional parcels.

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(c) "Average daily trips, ADT" means the average total number of motor vehicle trips per day to and from a location.

(d) "Basis of bearings" means the source of uniform orientation of all measured bearings shown on a map using the California Coordinate System of 1983, Zone 6, established by Public Resources Code sections 8801 et seq.

(e) "Bicycle route" means a facility where the main form of travel is by bicycle.

(f) "Cable lines" means electronic cable, conduit and their appurtenances which distribute television signals or telephone or internet connections.

(g) "CEQA" means the California Environmental Quality Act, Public Resources Code sections 21000 et seq.

(h) "Certificate of compliance" means a document the County issues pursuant to Government Code section 66499.35 identifying real property and signifying that the division of the real property complies with applicable provisions of the SMA and this division.

(i) "Conservation Subdivision Program" means a residential subdivision design that improves preservation of environmental resources in a balance with planned densities and community character subject to applicable Community Plans, the Zoning Ordinance, Subdivision Ordinance, Resource Protection Ordinance, Groundwater Ordinance and Conservation Subdivision Design Guidelines.

(j) "County fire official" means a person designated by the Director to implement and enforce the County Fire Code.

(k) "DEH" means the Department of Environmental Health.

(l) "Designated remainder parcel" means a unit of land a subdivider designates pursuant to Government Code section 66424.6 which is not divided for the purpose of sale, lease or financing and is designated on a tentative map or tentative parcel map at the time the subdivider files the map.

(m) "Director" means the Director of Planning and Land Use or a person the Director designates to implement or enforce this division.

(n) "Director DEH" means the Director of the Department of Environmental Health or a person the Director DEH designates to implement or enforce this division.

(o) "Director DPW" means the Director of Public Works or a person the Director designates to implement or enforce this division.

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- (p) "Director DPR" means the Director of Parks and Recreation or a person the Director DPR designates to implement or enforce this division.
- (q) "DPLU" means the Department of Planning and Land Use.
- (r) "DPR" means the Department of Parks and Recreation.
- (s) "DPW" means the Department of Public Works.
- (t) "Environmental Resource" means natural habitats, sensitive species, sensitive habitat lands, wetlands, floodplains, significant prehistoric/historic sites, and/or agricultural lands.
- (u) "Feasible" has the same meaning as the term "feasible" in Government Code section 66473.1(e).
- (v) "Lease" means an agreement for the use of real property that creates a landlord-tenant relationship between the parties to the lease and includes a written or oral agreement. In addition to an agreement that creates a tenancy for a specific term, a lease also includes an agreement that creates a tenancy at will or a month-to-month tenancy.
- (w) "Lot" means a unit of land and may also be referred to in this division as a "parcel."
- (x) "Lot area" means the same as the term "Lot Area, Net" as defined in the County Zoning Ordinance.
- (y) "Major subdivision" means a subdivision creating five or more lots or units not counting a "designated remainder parcel," as defined in this chapter, as one of the five or more lots.
- (z) "Major transmission facilities, mains and lines" means electrical transmission lines with 64,000 volts capacity or more, gasoline or oil transmission lines six inches or more in diameter, natural gas mains six inches or larger in diameter, sewer outfall or transmission mains thirteen inches or larger in diameter, water transmission mains fourteen inches or larger or telephone long distance and trunk communication facilities.
- (aa) "Minor subdivision" means a subdivision creating four or fewer lots or units not counting a "designated remainder parcel," as defined in this chapter as one of the four or fewer lots.
- (bb) "Parcel map" means a map required by Government Code sections 66426(f) or 66428 prepared in compliance with Government Code sections 66444 et seq.
- (cc) "Road" has the same meaning as the term "street" as defined in this chapter.

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(dd) "San Diego County Standards" refers to those standards and specifications on file in the Office of the Clerk of the Board of Supervisors (Clerk) as Attachment C with Resolution No. 99-186 (6-30-99 (8)) (San Diego County Standards for Private Roads) and Document Number 767412 (5-18-05 (14)) (Public Road Standards); provided, however, that with respect to development within the "Country Town" area of the Borrego Springs Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Area of the Borrego Springs Planning Area" on file with the Office of the Clerk as Document Number 740149 (4-10-91 (6)), and with respect to development within the San Dieguito Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Sphere of the San Dieguito Planning Area" on file with the Office of the Clerk as Document Number 750029(a) (6-6-92 (9)), and with respect to development within the Fallbrook Community Development Area, the standards and specifications contained in the "Fallbrook Community Right-of-Way Development Standards for Public Roads" on file with the Office of the Clerk as Document Number 761748 (12-14-94 (1)), and with respect to development within the Julian Community Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards: Julian Historic District and Julian Community Planning Area" on file with the Office of the Clerk as Document Number 0768777 (3-6-02 (17)), shall also apply and shall supersede the aforementioned documents to the extent of any conflict between them.

(ee) "SMA" means the Subdivision Map Act of the State of California contained in Government Code sections 66410 et seq.

(ff) "Street" means a County highway, State highway, other public road or alley, or a private thoroughfare at least ten feet wide that connects with a County highway, State highway, other public road, private road or an alley which affords primary access to an abutting lot.

(gg) "Subdivision" means the division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing or any purpose, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way, but a freeway, as defined in Streets and Highways Code section 23.5 shall not be considered a road or street for the purpose of interpreting this section. "Subdivision" includes a condominium project, as defined Civil Code section 1351(f), a community apartment project, as defined in Civil Code section 1351(d) or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Civil Code section 1351(m).

(hh) "Tentative map" means a map prepared for the purpose of showing the design and improvement of a proposed major subdivision and the existing conditions in and around it.

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(ii) "Tentative parcel map" means a map prepared for the purpose of showing the design and improvement of a proposed minor subdivision and the existing conditions in and around it.

(jj) "Through lot" means a lot having frontage on two parallel streets or a lot that is not a corner lot that has frontage on two streets, each of which may provide access to the lot.

Section 4. Section 81.308 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.308. WAIVER OR MODIFICATION OF REGULATIONS.

Whenever the Planning Commission or the Board finds with respect to a proposed major subdivision that because: (a) the real property to be subdivided is: (1) of a size or shape, (2) subject to title limitations of record, (3) affected by topographical location or conditions, (4) subject to environmental constraints, (5) to be devoted to a use that makes it impracticable for the subdivider to fully conform to the requirements of this division or (6) does not meet the goals of the conservation subdivision program, or (b) imposition of the requirements of this division would constitute an unconstitutional taking of property, the decision making body may waive or modify the requirements of this division as long as approving the subdivision with the waiver or modification does not result in an inconsistency with the County General Plan, any provision in the Zoning Ordinance or any federal, State or local law or regulation in effect at the time the application for the map was deemed complete, and does not increase the County's risk of exposure to tort liability. The decision making body granting the waiver or modification may also impose conditions related to the waiver or modification.

Section 5. Section 81.401 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.401. DESIGN OF MAJOR SUBDIVISIONS.

All major subdivisions shall conform to the following design requirements:

(a) No lot shall include land in more than a single tax rate area.

(b) Every lot shall contain the minimum lot area specified in the Zoning Ordinance for the zone in which the lot is located at the time the final map is submitted to the Board of Supervisors (Board) for approval, but if the Zoning Ordinance does not establish a minimum lot area for a zone, every lot shall contain a lot area of at least 6,000 square feet.

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(c) Every lot shall front on a dedicated road, a road offered for dedication or a private road easement, whichever is required by section 81.402 or the conditions of approval of the tentative map.

(d) A lot shall have at least 50 feet of frontage, exclusive of side yard setbacks required in the zone in which the lot is located, measured at the right-of-way line, but shall also have at least 60 feet of frontage measured at the right-of-way line.

(e) A lot that fronts on a cul-de-sac, whose side lines are approximately radial to the center of the cul-de-sac or a lot that fronts at the intersection of two dead end roads, shall have at least 33 feet of frontage measured at the right-of-way line.

(f) A panhandle-shaped lot shall have a minimum frontage of 24 feet on a dedicated road or private easement road, except where the panhandle portion of two panhandle-shaped lots are adjacent to one another, in which case each shall have a minimum frontage of 20 feet on a dedicated road or private easement road. Panhandles may not serve as access to any lot except the lot of which the panhandle is a part. The panhandle portion of a lot shall not be longer than two-thirds of the distance from the road on which the panhandle fronts to the rear lot line.

(g) A through lot shall not be allowed unless the property owner relinquishes vehicular access rights to one of the abutting roads. To relinquish access rights to a private road, the property owner shall dedicate a one foot access restriction easement to the County that runs the entire width of the lot fronting the private road easement. For a relinquishment of access rights to a public road, the property owner shall provide a "relinquishment of access rights" on the final map.

(h) The side lines of each lot shall be at approximately right angles or radial to the road upon which the lot fronts with a maximum deviation of up to 10 degrees for a minimum distance of 1/3 of the lot depth.

(i) A lot shall be designed so the lot is at least 90 feet deep and the average lot depth, excluding any areas encumbered by any open space, drainage, flood control or right-of-way easement, shall not be greater than three times the average lot width.

(j) Whenever practicable, a major subdivision of property approved for residential use shall be designed so that the front of any lot in the subdivision shall not be facing a railroad right-of-way, a utility transmission line, an open flood control channel or a road shown on the Circulation Element of the County General Plan.

(k) Whenever practicable, the side and rear lot lines of a lot shall be located along the top of a man-made slope rather than at the toe or at an intermediate location on a slope.

(l) Bicycle routes shown on the County General Plan shall be included in the subdivision if the routes are reasonably related to the traffic caused by the subdivision.

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Whenever rights-of-way for roads are required to be dedicated in subdivisions containing 200 or more lots, the subdivider shall include bicycle routes, when necessary and feasible for the use and safety of the residents.

(m) A subdivider shall demonstrate that each lot within the subdivision has unobstructed access to sunlight to an area of not less than 100 square feet, falling in a horizontal plane 10 feet above the grade of the buildable area of the lot. The condition of unobstructed solar access shall be considered to be achieved when a specific area of not less than 100 square feet has an unobstructed sky view of the sun between azimuths of the sun at 45 degrees to the east and 45 degrees to the west of true south, when measured on the winter solstice.

(n) The design of the subdivision shall reflect non-motorized vehicle trails required by section 81.402(v).

(o) If the Board approves a specific plan or the Board or the Planning Commission approve a major use permit for a planned development pursuant to Zoning Ordinance sections 6600 et seq., that provides subdivision design requirements contrary to the requirements in subsections (b), (d), (e), (h) or (i) above, the provisions of the approved specific plan or major use permit shall govern.

(p) A subdivision shall be designed so that no lot shall be bisected by a road.

(q) A subdivision shall be designed so that a street or road easement providing access to a parcel located on a subdivision boundary, shall not terminate in a cul-de-sac when it is feasible for the street or road easement to serve as a through street connecting the subdivision to a street or road easement in an existing or proposed, adjacent subdivision. If there is no street or road easement on the adjacent property, the street or road easement shall be designed to allow a connection to an adjacent property, in case the adjacent property is developed in the future. If there is an irrevocable offer of dedication or rejected offer of dedication for a street on the adjacent property, the subdivision shall be designed so that a street that serves a lot located on a subdivision boundary shall be able to connect to a street on an adjacent property if the County accepts the irrevocable offer of dedication or rejected offer of dedication. As used in this subsection, "feasible" means that construction of a through street is not limited by any of the following:

- (1) Topographical or other physical constraints.
- (2) Conditions that would result in a significant impact on the environment.
- (3) Utility easements or other similar title constraints.
- (4) Existing or planned adjacent uses that are incompatible with a road connection.

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(r) In addition to the foregoing requirements, subdivisions located in SR-10 and Rural lands (RL-20 through 160) shall be designed using the following criteria:

(1) The development footprint shall be located in the areas of the land being subdivided so as to minimize impacts to environmental resources.

(2) Development shall be consolidated to the maximum extent permitted by County regulations and the applicable Community Plans.

(3) The development footprint shall be located and designed to maximize defensibility from wildland fires and to accommodate all necessary fuel modification on-site.

(4) Notwithstanding the requirements of the Slope Encroachment Regulations contained within Section 86.604(e) of the Resource Protection Ordinance, effective October 10, 1991, exceptions to the maximum permitted encroachment into steep slopes shall be allowed in order to avoid impacts to environmental resources that cannot be avoided by other means. The exceptions shall be limited to the minimum necessary to achieve the goals of the conservation subdivision program.

(5) Roads shall be designed to minimize impacts to environmental resources. Such design standards may include siting roads to reduce impacts from grading, consolidating development to reduce the length of roads and associated grading, using alternative permeable paving materials and methods, reduced paved road widths, and smaller curve radii, consistent with applicable public safety considerations.

(6) Areas avoided from development shall be protected with open space or conservation easements and shall follow the design standards set forth below:

- i. The largest blocks of unfragmented and interconnected open space shall be conserved.
- ii. Surface open space area to perimeter ratios shall be maximized by avoiding the creation of slivers or fingers of open space that extend in and around development.
- iii. Open space shall be located in areas with the maximum amount of connectivity with off-site open space.
- iv. Multiple habitat types, varying topography, agriculture, etc. shall be conserved to the maximum extent practicable.
- v. Unique and/or sensitive resources shall be protected in the core of open space areas to the maximum extent practicable or suitable buffers shall be provided to protect these resources.

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- vi. Resources shall be avoided and placed in open space pursuant to the percentage indicated on Table 81.401.1. The avoided lands shall be protected with an easement dedicated to the County of San Diego or a conservancy approved by the Director. Land used for mitigation for project impacts may be used to satisfy the requirements of Table 81.401.1 below. The required open space shall be maintained as open space for as long as the lots created through this provision of the Ordinance remain, except in circumstances where a need to vacate is required for public health, safety or welfare.

Table 81.401.1

Designation	Percent Avoided Resources
SR-10	75
RL-20	80
RL-40	85
RL-80	90
RL-160	95

Section 6: Section 81.614 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.614. MODIFICATION OF REGULATIONS.

(a) Whenever the decision making body finds with respect to a proposed tentative parcel map that (1) the land to be subdivided is: (A) of a size or shape, (B) subject to title limitations of record, (C) affected by topographical conditions, (D) in a location, (E) to be devoted to a use that make it impossible or impracticable for the subdivider to fully conform fully to the requirements of this division or (F) does not meet the goals of the conservation subdivision program or (2) the imposition of the requirements of this division would constitute an unconstitutional taking of property, the decision making body may waive or modify the requirements as long as approving the subdivision with the waiver or modification does not result in an inconsistency with the County General Plan, any provision of the Zoning Ordinance or any federal, State or local law or regulation in effect at the time the application for the tentative parcel map was deemed complete, and does not increase the County's exposure to tort liability.

(b) A request to waive or modify a regulation pursuant to this section, relative to a tentative parcel map not yet approved, shall be heard concurrently with the tentative parcel map application. A request to waive or modify a condition of an approved tentative parcel map shall be decided pursuant to section 81.617.

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(c) The decision making body granting the waiver or modification may impose conditions related to the waiver or modification.

Section 7. Section 86.604 of Title 8, Division 6 of the County Code is amended to read as follows:

SEC 86.604. Permitted Uses and Development Criteria.

Within the following categories of sensitive lands, only the following uses shall be permitted and the following development standards and criteria shall be met provided, however, that where the extent of environmentally sensitive lands on a particular legal lot is such that no reasonable economic use of such lot would be permitted by these regulations, then an encroachment into such environmentally sensitive lands to the minimum extent necessary to provide for such reasonable use may be allowed:

- (a) Wetlands. The following permitted uses shall be allowed:
 - (1) Aquaculture, provided that it does not harm the natural ecosystem.
 - (2) Scientific research, educational or recreational uses, provided that they do not harm the natural ecosystem
 - (3) Removal of diseased or invasive exotic plant species as identified and quantified in writing by a qualified biologist and approved in writing by the Director of Planning and Land Use, and removal of dead or detached plant material.
 - (4) Wetland creation and habitat restoration, revegetation and management projects where the primary goal is to restore or enhance biological values of the habitat, and the activities are carried out pursuant to a written management/enhancement plan approved by the Director of Planning and Land Use.
 - (5) Crossings of wetlands for roads, driveways or trails/pathways dedicated and improved to the limitations and standards under the County Trails Program, that are necessary to access adjacent lands, when all of the following conditions are met:
 - (aa) There is no feasible alternative that avoids the wetland;
 - (bb) The crossings are limited to the minimum number feasible;
 - (cc) The crossings are located and designed in such a way as to cause the least impact to environmental resources, minimize impacts to sensitive species and prevent barriers to wildlife movement (*e.g.*,

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crossing widths shall be the minimum feasible and wetlands shall be bridged where feasible);

- (dd) The least-damaging construction methods are utilized (*e.g.*, staging areas shall be located outside of sensitive areas, work shall not be performed during the sensitive avian breeding season, noise attenuation measures shall be included and hours of operation shall be limited so as to comply with all applicable ordinances and to avoid impacts to sensitive resources);
 - (ee) The applicant shall prepare an analysis of whether the crossing could feasibly serve adjoining properties and thereby result in minimizing the number of additional crossings required by adjacent development; and
 - (ff) There must be no net loss of wetlands and any impacts to wetlands shall be mitigated at a minimum ratio of 3:1 (this shall include a minimum 1:1 creation component, while restoration/enhancement of existing wetlands may be used to make up the remaining requirements for a total 3:1 ratio).
- (b). Wetland Buffer Areas. In the wetland buffer areas, permitted uses shall be limited to the following uses provided that there is no overall decrease in biological values and functions of the wetland or wetland buffer:
- (1). Improvements necessary to protect adjacent wetlands.
 - (2). All uses permitted in wetland areas.
- (c). Floodways. The development of permanent structures for human habitation or as a place of work shall not be permitted in a floodway. Uses permitted in a floodway shall be limited to agricultural, recreational, and other such low-intensity uses provided, however, that no use shall be permitted which will substantially harm the environmental values of a particular floodway area. Mineral resource extraction shall be permitted subject to an approved Major Use Permit and Reclamation Plan, provided that mitigation measures are required which produce any net gain in the functional wetlands and riparian habitat.

Modifications to the floodway must meet all of the following criteria:

- (1). Concrete or rip-rap flood control channels are allowed only where findings are made that completion of the channel is necessary to protect existing buildings from a current flooding problem. Buildings constructed after the enactment of this Ordinance shall not be the basis for permitting such channels.

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- (2) Modification will not unduly accelerate the velocity of water so as to create a condition which would increase erosion (and related downstream sedimentation) or would be detrimental to the health and safety of persons or property or adversely affect wetlands or riparian habitat.
 - (3). In high velocity streams where it is necessary to protect existing houses and other structures, minimize stream scour, or avoid an increase in the transport of stream sediment to downstream wetlands and other environmentally sensitive habitat areas, grade control structures, and other erosion control techniques, including the use of rip-rap, that are designed to be compatible with the environmental setting of the river, may be permitted. The use of rip-rap shall be allowed only when there is no other less environmentally damaging alternative feasible.
- (d). Floodplain Fringe. All uses permitted by zoning and those that are allowable in the floodway are allowable in the floodplain fringe, when the following criteria are met:
- (1). Fill shall be limited to that necessary to elevate the structure above the elevation of the floodway and to permit minimal functional use of the structure (e.g., fill for access ramps and drainage). If fill is placed in the floodplain fringe, the new bank of the creek shall be landscaped to blend with the natural vegetation of the stream and enhance the natural edge of the stream.
 - (2). Any development below the elevation of the 100 year flood shall be capable of withstanding periodic flooding.
 - (3). The design of the development shall incorporate the findings and recommendation of a site-specific hydrologic study to assure that the development: (aa) will not cause significant adverse water resource impacts related to quality or quantity of flow or increase in peak flow to downstream wetlands, lagoons and other sensitive habitat lands; and (bb) neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands, lagoons or other sensitive habitat lands.
 - (4). Lot configurations shall be designed in such a manner as to minimize encroachment into the floodplain. The proposed development shall be set back from the floodway boundary a distance equal to 15% of the floodway width (but not to exceed 100 feet), in order to leave an appropriate buffer area adjacent to the floodway. The setback may be greater if required by Subparagraph (6) below.

Following review of a site-specific flood analysis, the floodplain setback required by this Paragraph may be reduced by the Director of Planning

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and Land Use or the applicable hearing body, upon making all of the following findings:

- (aa) Practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Chapter would result from application of the setback; and
 - (bb) The reduction in setback will not increase flood flows, siltation and/or erosion, or reduce long-term protection of the floodway, to a greater extent than if the required setback were maintained; and
 - (cc) The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity; and
 - (dd) The reduction in setback will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity in which the property is located; and
 - (ee) The reduction in setback will not be incompatible with the San Diego County General Plan.
- (5). Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain.
- (6). In areas where the Director of Public Works has determined that the potential for erosion or sedimentation in the floodplain is significant, all proposed development shall be set back from the floodway so that it is outside the Erosion/Sedimentation Hazard Area shown on County floodplain maps. Development will only be allowed in the Erosion/Sedimentation Hazard Area when the Director of Public Works approves a special study demonstrating that adequate protection can be achieved in a manner that is compatible with the natural characteristics of the river.
- (7). If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, steep slope lands, sensitive habitat lands or significant prehistoric or historic site lands, the use restrictions herein applicable to such areas shall also apply.
- (e). Steep Slope Lands.
- (1). Density Formula. When a parcel is located within a plan designation which bases lot size on slopes, the number of lots and/or number of dwelling units created shall be constrained by the following formula:

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$$\begin{aligned}
 &\text{Acres in slopes less than 15\%} \div \text{minimum lot size permitted by General Plan} \\
 &+ \text{Acres in slopes of 15\%/less than 25\%} \div \text{minimum lot size permitted by General Plan} \\
 &+ \text{Acres in slopes of 25\%/less than 50\%} \div \text{minimum lot size permitted by General Plan} \\
 &+ \text{Acres in slopes of 50\% or greater} \div \text{minimum lot size permitted by General Plan} \\
 \hline
 &= \text{Maximum number of lots and/or dwelling units allowable}
 \end{aligned}$$

A Planned Residential Development, lot area averaging, or cluster development shall be required to use the density allowed a standard subdivision using this density formula.

Projects obtaining a density bonus, pursuant to Section 4120 of the Zoning Ordinance, are subject to the above density formula.

- (2). **Project Design and Open Space to Protect Steep Slopes.** In designing lot configuration on steep slope lands in all land use designations, parcels shall be created in a manner which minimizes encroachment onto steep slope lands. Where 10% or more of a lot contains steep slope lands, that portion of the lot containing such lands shall be placed in an open space easement unless the lot is equal to or greater than 40 acres or a sensitive resource area designator has been applied to that lot pursuant to the Zoning Ordinance.

The open space easement shall not include any area of encroachment within the limits of the encroachment table (2)(aa). The terms of the open space easement shall provide for sufficient encroachments necessary for access, clearing, and all exceptions to the encroachment limitations identified in (2)(bb) and (2)(cc). New agricultural operations will also be allowed in such open space easements with approved grading or clearing permits, provided any other type of sensitive lands present are protected as required by the applicable sections of this Chapter.

- (aa) For all types of projects, the maximum encroachment that may be permitted into steep slope lands shall be as set forth in the following table. This encroachment may be further reduced due to environmental concerns or other design criteria.

Twenty-Five Percent Slope Encroachment Allowance	
Percentage of Lot in Steep Slope Lands Slope Lands	Maximum Encroachment Allowance as Percentage of Area in Steep
75% or less	10%
80%	12%
85%	14%
90%	16%

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95%
100%

18%
20%

- (bb) Notwithstanding the provisions of Paragraph (aa) above, the following types of development shall be allowed on steep slope lands and shall not be subject to the encroachment limitations set forth above:
- (i) All public roads identified in the Circulation Element of the County General Plan or adopted community or subregional plans, provided that findings are made by the hearing body approving the application that no less environmentally damaging alternative alignment or non-structural alternative measure exists.
 - (ii) Local public streets or private roads and driveways which are necessary for primary or secondary access to the portion of the site to be developed on steep slope lands of less than 25%, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Director of Planning and Land Use based upon an analysis of the project site.
 - (iii) Public and private utility systems, provided that findings are made that the least environmentally damaging alignment has been selected. However, septic systems are not included in this exemption unless Department of Health Services has certified that no grading or benching is required.
 - (iv) Areas with native vegetation, which are cleared or trimmed to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or orders of fire safety officials and that such slopes retain their native root stock or are planted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
 - (v) Trails for passive recreational use according to approved park plans.
 - (vi) On any lot created on or before August 10, 1988, a maximum disturbed area of 20% of the entire lot, or sufficient area to accommodate 3,000 square feet of

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building footprint (whichever is greater) shall be permitted to provide for reasonable use of existing lots.

- (vii) Any on-going existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to four years shall be considered to be an existing agricultural operation. An on-going existing agricultural operation does not include uses located within the agricultural operation that are not in themselves related to agriculture.
 - (cc) Additional encroachment into steep slopes may be permitted for tentative maps and tentative parcel maps within the SR 10 and RL 20 through RL 160 Land Use Designations when design considerations include encroachment into steep slopes in order to avoid impacts to significant environmental resources that cannot be avoided by other means, provided no less environmentally damaging alternative exists. The determination of whether or not a tentative map or tentative parcel map qualifies for additional encroachment shall be made by the Director of Planning and Land Use based upon an analysis of the project site.
- (3). Waiver of Open Space Easement. The steep slope open space easement requirement may be waived when the authority considering an application listed at Section 86.603 (a) above makes the following findings:
- (aa). The slope is an insignificant visual feature and isolated from other landforms, or surrounding properties have been developed on steep slopes such that this project would be considered “infill”; and
 - (bb). The property is zoned for .5 acre lots or smaller at the time the application was made, or a concurrent Rezone has been filed; and
 - (cc). The greater encroachment is consistent with the goals and objectives of the applicable community plan; and
 - (dd). Site Plan review is required to ensure consistency of design with these regulations.
- (f). Sensitive Habitat Lands. Development, grading, grubbing, clearing or any other activity or use damaging to sensitive habitat lands shall be prohibited. The authority considering an application listed at Section 86.603(a) above may allow development when all feasible measures necessary to protect and preserve the sensitive habitat lands are required as a condition of permit approval and where mitigation provides an equal or greater benefit to the affected species.

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- (g). Significant Prehistoric or Historic Sites. Development, trenching, grading, clearing and grubbing, or any other activity or use damaging to significant prehistoric or historic site lands shall be prohibited, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists.

Section 8. Section 4210 of the County Zoning Ordinance is amended to read as follows:

4210 LOT AREA REGULATIONS.

- a. Specification of Lot Area. Minimum lot areas shall be established to regulate the minimum area that lots or building sites must have before they may be developed, and any such minimum lot area may be specified within the development unit.
- b. Lot Area Designator. In no case shall a minimum lot area of less than 3,000 square feet be designated under the provisions of the Lot Area Regulations, except where a lesser lot area may be permitted under the provisions of the Planned Development Standards commencing at Section 6600, the provisions of Section 4230 relating to lot area averaging, or where otherwise excepted by this ordinance.

Section 9. Section 4230 of the County Zoning Ordinance is amended to read as follows:

4230 LOT AREA AVERAGING/CONSERVATION SUBDIVISION.

Lot area averaging is a method associated with land subdivision. Upon approval of an administrative permit, it allows lots in a subdivision to be smaller than would be allowed by the applicable lot area designator, provided the overall density of the subdivision is not increased. The administrative permit is subject to required findings and conditions.

- a. Purpose and Intent

The purpose of lot area averaging is to allow flexibility in lot size, so as to encourage site design that avoids environmental resources, preserves open space areas, and responds to unique site and area features. The intent is that the lots shall relate to the natural features, with larger lots or open space to be located in environmentally constrained areas. Lot area averaging shall not be used to create recreational or compensating open space for the exclusive use of the residents of the subdivision or for the use of the general public on a fee or membership basis, or for any other purpose for which approval of a Major Use Permit (planned development) or a Specific Plan would be the appropriate process.

- b. Required Findings

Before an Administrative Permit for lot area averaging may be granted the following findings shall be made:

- 1. That the size, design, grading, and location of the proposed lots will be compatible with and will not adversely affect or be materially detrimental to

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adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:

- i. Harmony in lot size and configuration, building setbacks and orientation;
 - ii. The harmful effect, if any, upon desirable neighborhood character, including a finding that all lots in the subdivision which adjoin neighboring properties are compatible in size and shape to the adjoining lots unless such adjoining area is to be preserved for open space or that adequate buffering has been provided to eliminate any harmful effect to neighboring properties;
 - iii. The suitability of the site for the type and intensity of use or development which is proposed;
 - iv. The harmful effect, if any, upon environmental quality and natural resources; and to
 - v. Other relevant impacts of the proposed use.
2. That the total number of lots (excluding any lots reserved for open space purposes) shall not exceed the number obtained by dividing the total net area of the subdivision by the minimum lot area required by the applicable lot area designator.
 3. That all lots and easements in the subdivision which are designated for open space be for the preservation of steep natural slopes, environmentally sensitive areas, wildlife habitat, agriculture, or archeological or historical resources, and will be permanently reserved for open space in a manner which makes the County or a public agency a party to and entitled to enforce the reservation.
 4. That the proposed subdivision and the total number and location of the proposed lots will be consistent with the San Diego County General Plan.

Section 10. Section 5800 of the County Zoning Ordinance is amended to read as follows:

PLANNED DEVELOPMENT AREA REGULATIONS

5800 TITLE AND PURPOSE.

The provisions of Section 5800 through Section 5849, inclusive, shall be known as the Planned Development Area Regulations. The purpose of these provisions is to insure the following: 1) the preservation of land areas within the unincorporated territory of San Diego County which possess unique characteristics and features of a geographical, geological, topographical, environmental, agricultural, scenic or historical nature; and/or 2) to permit a more creative and imaginative design for development of any area than is generally possible under conventional zoning regulations which will result in more

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economical and efficient use of land while providing a higher level of amenities associated with development in Village areas and greater preservation of open space in rural areas.

Section 11. Sections 6600 through 6679 of the County Zoning Ordinance are amended to read as follows:

PLANNED DEVELOPMENT STANDARDS

6600 TITLE AND PURPOSE.

The provisions of Section 6600 through 6699, inclusive, shall be known as the Planned Development Standards. The purpose of these provisions is to carry out the intent of Section 5800 of the Planned Development Area Regulations and to set forth development standards that must be met by planned developments before they are granted a major use permit in accordance with the Use Permit Procedures commencing at Section 7350. The intent of Section 5800 shall be applicable to all major use permits for planned developments even where the zoning of the property does not include the "P" Planned Development Area designator. It is intended that planned developments containing mobilehomes shall not be considered mobilehome parks for purposes of the application of Title 25 of the California Administrative Code; provided, however, that those provisions of Title 25 relating to the installation, maintenance, use and occupancy of mobilehomes outside of mobilehome parks shall apply.

6606 CONCEPT OF A PLANNED DEVELOPMENT.

A planned development shall consist of an integrated development located on a single tract of land, or on 2 or more tracts of land which may be separated only by a street or other right-of-way. In such development, the land and structures shall be planned and developed as a whole in a single development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements and the location of structures, the circulation pattern, parking facilities, open space, and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property.

6609 APPLICABILITY OF ANIMAL REGULATIONS.

Except as otherwise provided, a planned development shall conform to all provisions of the Animal Regulations commencing at Section 3000.

6610 APPLICABILITY OF USE REGULATIONS.

Except as provided in Section 5806, only those uses which are permitted by right, or are permitted by a use permit, or an administrative permit, shall be permitted in a planned development. When the applicable use regulations allow a use type in such use regulations only if such type is within a planned development, such a use type is permitted only within a planned development or contiguous planned developments having a total gross site area of at least 20 acres.

6612 APPLICABILITY OF DEVELOPMENT REGULATIONS.

Except as otherwise provided hereinafter, a planned development shall conform to all provisions of the Development Regulations commencing at Section 4000.

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6615 APPLICABILITY OF SPECIAL AREA REGULATIONS.

A planned development shall conform to all provisions of any applicable special area regulations.

6618 GENERAL DEVELOPMENT CRITERIA.

- a. **Compatibility with Adjacent Land Uses.** A planned development shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development.
- b. **Relation to Natural Features.** A planned development shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, rough terrain and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.

6621 COMPUTATION OF PERMITTED NUMBER OF LOTS.

The maximum density provisions of the General Plan Land Use Element shall be used in the computation of the permitted number of dwelling units. The Director shall compute the residential acreage pursuant to the following:

- a. **Computation of Residential Acreage in an Exclusively Residential Planned Development.** In a planned development devoted exclusively to residential use types, the residential acreage of the proposed development shall equal the total land area within the boundaries of the development. For the purpose of the application of this subsection the "total land area within the boundaries of the development" shall be defined to exclude any land within rights-of-way of public streets or highways existing or to be dedicated or offered for dedication as part of the project.
- b. **Computation of Residential Acreage in a Planned Development Containing Non-Residential Use Types.** For the purpose of computing the maximum and minimum density permitted or required in a planned development containing non-residential use types, the residential acreage of the proposed development shall be determined as follows:
 1. For those portions of the site where the residential development (and its associated open space) are separate and distinct from the non-residential development (and its associated open space), the acreage to be used for residential development (and its associated open space) shall be used as the basis for computing density.
 2. For those portions of the site where the residential and non-residential development area not separate and distinct (e.g., they are in the same building or a closely associated group of buildings), the acreage shall be allocated between the residential and non-residential uses on the basis of the

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floor area, ground area, and other factors which indicate the relative usage of the site by residential and non-residential uses.

6624 LOT SIZE.

The Lot Size Regulations commencing at Section 4200 shall not apply in a planned development; provided, however, that all required findings can be made pursuant to Section 7350:

6627 BUILDING TYPE.

The Building Type Regulations commencing at Section 4300 shall not apply in a planned development.

6630 MAXIMUM FLOOR AREA.

The Maximum Floor Area Regulations commencing at Section 4400 shall not apply in a planned development.

6633 FLOOR-AREA RATIO.

The Floor-Area Ratio Regulations commencing at Section 4500 shall not apply in a planned development.

6636 HEIGHT.

The Height Regulations commencing at Section 4600 shall apply in a planned development; provided, however, that the approving authority may approve buildings and structures of 15 percent greater height, if, in its opinion, such additional height would not have an adverse effect on adjacent properties or on properties or development in the vicinity and would be consistent with the General Plan and the purpose of these development standards. No additional height shall be approved within 100 feet of any external boundary of the planned development adjacent to land in any residential or agricultural zone.

6639 COVERAGE.

The Coverage Regulations commencing at Section 4700 shall not apply to a planned development; provided, however, that no more than 75 percent of the area of a lot containing a mobilehome shall be covered.

6642 SETBACKS-PERIMETER.

The following setbacks shall be maintained on the perimeter of a planned development:

- a. The Setback Regulations commencing at Section 4800 shall apply to the perimeter of a planned development.
- b. A setback of at least 50 feet from centerline shall be maintained by any mobilehome or other building or structure, except a fence or wall, from any street along an exterior boundary of the development, except that when such street has a right-of-way width greater than 60 feet, a setback of 20 feet from the right-of-way of such street shall be maintained.
- c. Except as provided in paragraph "b", a setback of not less than 25 feet from the exterior boundary shall be maintained.

6645 SETBACK-INTERIOR.

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The Setback Regulations commencing at Section 4800 shall not apply to the interior of a planned development; provided, however, that mobilehomes and other buildings shall conform to the following setback and spacing requirements:

- a. **Setback From Interior Way or Other Surfaced Public Area.** No mobilehome or other building shall be located closer than 5 feet from any interior vehicular or pedestrian way, court, plaza, open parking lot or any other surfaced area reserved for public use or for use in common by residents of the planned development. Such setback shall generally be measured from the nearest edge of a surfaced area; provided, however, that where no sidewalk exists in conjunction with a public or private street, such setback shall be measured from the nearest edge of the street right-of-way or private road easement.
- b. **Garages and Carports.** No garage or carport having straight-in access from a public or private circulation street shall be located closer than 20 feet from the nearest edge of the sidewalk of such street, or where no sidewalk exists from the nearest edge of the street right-of-way or road easement.
- c. **Mobilehome Side Yard Setback.** Each lot containing a mobilehome shall have a side yard of not less than 3 feet in width along the entire length of the lot.
- d. **Mobilehome Rear Yard Setback.** Each lot containing a mobilehome shall have a rear yard of not less than 3 feet extending the entire width of the lot.
- e. **Spacing Between Buildings Other Than Mobilehomes.** Wall to wall spacing between buildings other than mobilehomes shall be at least 10 feet. Within the RS, RR, A70 and A72 use regulations, spacing between dwellings (including attached garages) shall be equal to at least twice the width of the interior side yard setback of the zone's setback designator.
- f. **Open Space Surrounding Buildings Other Than Mobilehomes.** Each building other than a mobilehome shall be surrounded by relatively level open space having a slope no greater than 10 percent and extending a minimum distance of 10 feet in all directions measured from the furthest projections of the external walls of the building.

6648 OPEN SPACE.

The Usable Open Space Regulations commencing at Section 4900 shall apply to a planned development; provided, however, that the following requirements shall be met. Plot plans for planned developments shall include the dimensions of all usable open space areas to ensure compliance with the minimum size, shape and slope requirements of Sections 4915 and 4917. In the event of conflict between the Usable Open Space Regulations and the provisions of this section, the requirements yielding the most open space shall apply.

- a. **Minimum Open Space.** The total land area in residential use types shall be computed per Section 6621.a or b for purposes of determining the open space requirements. Open Space shall be comprised of a combination of private usable open space and conservation/group open space pursuant to b. and c. below.

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- b. Minimum Private Usable Open Space. Private Usable Open Space shall be provided on each lot within the subdivision per the table below:

GP Designation	Usable Open Space per Lot
VR-# (all)	400 sf
SR-# (all)	1000 sf
RL-# (all)	4000 sf

Substitution of group usable open space for private open space may be allowed if the lots cannot satisfy the requirements above. The total area that is not satisfied on individual lots shall be in addition to the Conservation/Group Open Space requirement.

- c. Conservation/Group Open Space. The total useable and/or non-useable open space shall be provided on the project site pursuant to the table below.
- i. Conservation Open Space. Non-useable conservation open space shall be left in its natural state and shall be preserved in an open space easement. No structures or development shall be permitted. Conservation open space shall be kept free of litter and shall at no time constitute a health, safety, fire or flood hazard. Areas devoted to natural or improved flood control channels and those areas encumbered by flowage, floodway or drainage easements, as well as riding and hiking trails designated on a community or subregional plan map, may be applied toward satisfying this portion of the conservation open space requirement.
 - ii. Group Open Space. Useable open space shall comply with the standards of Section 4917. Land occupied by buildings and structures reserved for common recreational use by the residents may be counted as group usable open space for purposes of this subsection provided it meets the requirements of Section 4917.

GP Designation	Percent Conservation/Group Open Space
VR-# (all)	25
SR-# (all)	40
RL-# (all)	80

- d. Staged Development. If development is to be accomplished in stages, the development plan shall coordinate improvement of the open space, the construction of buildings, structures and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and environmental quality of the total planned development.

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- e. Reservation for Common Use. All or any part of the required open space may be reserved for use in common by the residents of the planned development except as restricted by the private usable open space requirements of the Usable Open Space Regulations. Areas permanently reserved for common open space shall be reserved for the use and enjoyment of the residents in a manner which makes the county or a public district or a public agency a party to and entitled to enforce the reservation. The approving authority may require that open space easements over the required open space be conveyed to the county. (Riding and hiking trails designated on a community or subregional plan map shall be open to the general public.)
- f. Unreserved open space. Any open space in the development not reserved for the use in common of the residents pursuant to subsection "e" hereof, and not subject to the usable open space requirements of Section 4900, may be counted toward computation of the permitted number of dwelling units pursuant to Section 6621.e. However, any project proposing such unreserved open space shall be subject to the following conditions to be contained in the major use permit for the planned development: (1) That a homeowners association be created consisting of all owners of residential property in the planned development, and (2) that the unreserved open space shall be subject to an open space easement.
- g. Additional Requirements for Mobilehomes. In addition to the open space requirements of subsections "a" through "e" and the Usable Open Space Regulations, planned development containing mobilehomes shall meet the following requirements for open space and recreational facilities:
 - 1. At least one substantial area of group usable open space shall be provided. Such area shall:
 - i. Conform to the requirement for group usable open space set forth in the Usable Group Open Space Regulations.
 - ii. Be of such size and shape that each side of a rectangle inscribed within it is at least 100 feet in length.
 - iii. Include outdoor recreational facilities for both active and passive recreation.
 - iv. Include completely enclosed recreational facilities consisting of not less than 10 square feet of floor area for each lot containing a mobilehome.
 - 2. All or any part of the group usable open space required by the Usable Open Space Regulations may be used to satisfy the requirements of Paragraph "f.1" if such open space meets the standards for minimum dimension, maximum slope and outdoor recreational facilities set forth herein.

6650 ACCESSORY STRUCTURES.

The approved plot plan for any planned residential development shall provide standards (i.e., setbacks, sizes, coverage) for permitted accessory structures and buildings or shall specify that the standard allowances of The Zoning Ordinance shall prevail. Such

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buildings and structures may include but are not limited to swimming pools/spas, patio covers, guest living quarters, storage buildings, detached garages/carports, and outdoor chimneys or barbecue grills.

6651 SIGNS.

Signs shall be permitted in a planned development in accordance with the Off-Premise Sign Regulations commencing at Section 6200 and the On- Premise Sign Regulations commencing at Section 6250. Interior street, building and other signs shall be uniform in design and reflect good taste in style and size.

6654 OFF-STREET PARKING.

Off-street parking shall be provided in accordance with the Parking Regulations commencing at Section 6750.

6657 CIRCULATION.

All streets within the planned development that by function fall within the system of classification of streets as specified in Article III, Classification (Types) of Streets of the "San Diego County Standards", Ordinance No. 2809 (New Series), as amended, shall be improved to county road standards for the particular classification of street, and all such streets shall be offered for dedication to the public. When the developer desires to retain any such streets as private streets, the county may reject the offer of dedication. Other forms of access, such as pedestrian ways, courts, plazas, driveways or open parking lots shall not be offered for dedication. Forms of common access other than dedicated public streets shall be permanently reserved and maintained for their intended purpose by means acceptable to the approving authority and County Counsel.

6660 ACCESS.

Any mobilehome, other dwelling unit or other building that is located more than 100 feet from a public or private street or other vehicular way shall have pedestrian access thereto capable of accommodating emergency and service vehicles.

6663 FIRE PROTECTION.

Fire hydrants and connections shall be installed as required by the Planning Commission and shall be of a type approved by the chief of the local fire district, or, if there is no local fire district, by the County Fire Warden.

6666 NIGHT LIGHTING.

Light fixtures for walks, parking areas, driveways and other facilities shall be provided in sufficient number and at proper locations to assure safe and convenient nighttime use. For normal street lighting, applicable county standards and regulations shall apply.

6669 ANTENNAS.

A Master Antenna Television (MATV) System shall be provided with underground cable service to at least all mobilehomes and other buildings containing dwelling units. This MATV System shall be provided at no charge for service and shall be conveyed to the homeowners association at no charge. This requirement may be met by the provision of an underground Cable Television (CATV) System by a county-licensed CATV operator. No other exterior television antennas shall be permitted unless authorized by the Planned Development permit, except that individual parcels having dwellings may have dish antennas that are one meter or less in diameter or diagonal measurement.

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6672 UNDERGROUNDING.

All sewer and water facilities, electricity, gas, telephone, and television signal distribution systems shall be placed underground.

6675 SPECIAL REQUIREMENTS FOR MOBILEHOMES.

In addition to the requirements set forth hereinabove, planned developments containing mobilehomes shall conform to the following requirements:

- a. Area. A planned development containing mobilehomes shall not be less than 5 acres in area.
- b. Fencing and Landscaping. Planned development containing mobilehomes shall conform to the Fencing and Landscaping Regulations commencing at Section 6700.
- c. Storage Areas. Common Storage areas shall be provided within an enclosed fenced area for the residents of the planned development occupying mobilehomes for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall be not less than 50 square feet for each lot containing a mobilehome.
- d. Sewer and Water. Each lot containing a mobilehome in a planned development shall be provided with water and sewer connections in accordance with Chapter 5 of Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health of the Department of Environmental Health. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Environmental Health.

6678 MODIFICATION OF REQUIREMENTS.

Modification of these Planned Development Standards may be granted by the authority granting or modifying a Major Use Permit for a planned development when it determines that such modification will not be detrimental to the subject development, adjacent properties, or residents, or the public interest; or the General Plan, provided, however, no modification shall be granted for the density provisions of Sections 6621, nor from the open space provisions of Section 6648, nor from any applicable requirements specified in Chapter 5 of Title 25 of the California Administrative Code, except those which are subject to local modification.

6679 EFFECT OF AMENDMENTS ON PENDING PLANNED DEVELOPMENTS.

The amendments to the Planned Development Area Standards found in Ordinance No. 8247 (N.S.), adopted on May 19, 1993, shall not apply to any Major Use Permit for a planned development which was approved by the County, or any application for a Major Use Permit for a planned development which was filed (pursuant to Section 1019 of the Zoning Ordinance) with the County, before June 18, 1993. Said amendments shall not apply to any subsequent Time Extension, Minor Deviation or Ministerial Permit filed pursuant to such Major Use Permits. Said amendments shall also not apply to modifications of these Major Use Permits for a planned development, unless such modifications would change the approved Major Use Permit by 1) increasing the number

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of dwelling units, 2) enlarging the planned development site, or 3) in the RS, RR, A70 or A72 use regulations, changing the building type of dwellings from residential single detached to any other residential building type.

Section 12. 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 _____, a newspaper of general circulation published in the County of San Diego.

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