

ORDINANCE NO. 9074 (NEW SERIES)

AN ORDINANCE AMENDING ARTICLES XXIa, XXII, XXVI, XL, XXX,
OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE
RELATING TO THE DEPARTMENT OF PLANNING AND LAND USE,
RULES OF CONDUCT AND PROCEDURE FOR PLANNING AND ZONING
PROCESS, THE PLANNING ENVIRONMENTAL REVIEW BOARD,
DEPARTMENT OF PUBLIC WORKS, SAN DIEGO COUNTY
PALOMAR AIRPORT ADVISORY COMMITTEE AND
DEPARTMENT OF TRANSBORDER AFFAIRS

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

Section 1. The Board of Supervisors finds and determines that this Ordinance will establish sunset dates for sections of the San Diego County Administrative Code and remove reference to the Board of Planning and Zoning Appeals, clarify functions of the Department of Public Works, the Zoning Administrator, clarify terms and membership for the Planning Commission and Palomar Airport Advisory Committee, and delete Article relating to the Department of Transborder Affairs.

Section 2. Section 375 of the San Diego County Administrative Code is hereby amended to read as follows:

These definitions shall govern the construction and application of this Article:

- (a) Decision-making Body. As used here "decision-making body" shall mean the Board of Supervisors, Planning Commission, Planning Environmental Review Board and the Director of Planning and Land Use.
- (b) Clerk. As used herein "clerk" shall mean the officially designated clerk or secretary of the decision-making body.
- (c) Hearing. As used herein "hearing" shall mean a noticed public hearing required by State law or County ordinance relating to planning and zoning and land use.

Section 3. Section 375.12 of the San Diego County Administrative Code is hereby amended to read as follows:

- (a) No member of the decision-making body shall, after an application necessitating a hearing has been filed with the County, solicit or receive any substantive information from County staff outside of the public hearing on said matter.
- (b) The provisions of this Section do not apply, however, to factual inquiries made by members of the Board of Supervisors or members of the Planning Commission or members of the Planning Environmental Review

Board, matters which have broad application in the County as distinguished from specific application to individual parcels of property subject of the hearing, not do they apply to these matters which relate to only procedural aspects of the hearing process, such as anticipated dates of hearings or reasons for delays in setting hearings.

Section 4. Article XXXI of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 380. RECOGNITION OF DEPARTMENT.

There is in the County a Department of Planning and Land Use, hereinafter in this Article referred to as the Department, which shall be under the general supervision of the Chief Administrative Officer.

SEC. 381. PLANNING COMMISSION.

There is in the County a Planning Commission, hereinafter in this Article referred to as the Commission. The Commission shall be the Planning Agency of the County for purposes other than those specified in Section 393.

SEC. 382. DUTIES OF DEPARTMENT AND COMMISSION.

The Department and Commission shall each have all of the powers, duties and functions established for such Department and for such Commission by the ordinances of the County and by State law, except such as may be in conflict with the Charter.

SEC. 383. MEMBERSHIP OF COMMISSION.

The Commission shall consist of seven members, none of whom shall be an officer of the County.

SEC. 383.1. NOMINATION AND APPOINTMENT OF COMMISSIONERS.

Each member of the Board of Supervisors from the first, third and fourth supervisorial districts shall be responsible to nominate one member for appointment to the Commission. Each member of the Board of Supervisors from the second and fifth supervisorial districts shall be responsible to nominate two members for appointment to the Commission. The member of the Commission shall be appointed from those persons nominated by an affirmative vote of a majority of the members of the Board of Supervisors. Each member shall, upon appointment, attend and satisfactorily complete prior to assuming office a training course upon the State laws and County ordinances relating to planning and zoning and land use conducted by the Office of County Counsel. All members shall annually thereafter attend a supplemental training course

conducted by the office of County Counsel to keep apprised of current developments and changes in law and ordinances relating to planning and zoning and land use.

SEC. 383.2. TERMS OF COMMISSIONERS.

Each member of the Planning Commission shall serve a term which shall run concurrently with the term of the member of the Board of Supervisors who nominated that Commission member. The term shall expire on the date of expiration of the term of the nominating member of the Board of Supervisors, or at such time as he or she ceases to hold office, whichever first occurs, however, the Planning Commissioner's term automatically holds over until a new appointment has been made by the Board of Supervisors. The reelection of a member of the Board of Supervisors for a succeeding term shall not automatically extend the term of any member of the Planning Commission.

SEC. 384. VACANCY.

Vacancies on the Commission shall be filled by appointment for the unexpired portion of the term.

SEC. 385. REMOVAL OF COMMISSIONERS.

Any member of the Commission may be removed by an affirmative vote of a majority of the members of the Board of Supervisors.

SEC. 386. CHAIRPERSON, VICE CHAIRPERSON AND SECRETARY.

The Commission shall elect its Chairperson and Vice Chairperson from among its members. The Director of Planning and Land Use shall be the Secretary of the Commission.

SEC. 387. MEETINGS.

The Commission shall adopt rules designating the time and place for holding its regular meetings which rules shall provide for at least one regular meeting each month.

SEC. 388. QUORUM AND VOTING.

Four voting members shall constitute a quorum at any meeting of the Commission. The Commission shall act by a vote of at least four of its members, and any application over which the Commission has original jurisdiction shall be deemed disapproved unless approved by such vote.

SEC. 389. COMMISSION'S RULE MAKING POWER.

The Commission may prepare and adopt rules and regulations for the internal government of its business.

SEC. 390. PRESENTATION OF ANNUAL BUDGET TO COMMISSION.

Following preparation of the proposed Department budget for submission to the Board of Supervisors by the Chief Administrative Officer, the Director of the Department shall present the proposed long range planning work program to the Commission for review and the Commission may make such recommendations to the Board of Supervisors with respect to the work program as it deems appropriate.

SEC. 391. COMMISSION TO ADOPT GENERAL PLAN.

It shall be the duty of the Commission to approve and transmit to the Board of Supervisors a General Plan, as defined by State law, for the physical development of the County of San Diego, and to make such other plans, studies and recommendations as it may deem necessary to insure an orderly beneficial development of the County of San Diego. The Commission shall also be the "Planning Agency" designated in Government Code Section 65402 to perform review of general plan conformance of proposals for school site acquisition referred to in Public Resources Code Section 21151.2.

SEC. 391.1. COMMISSION TO REVIEW CERTAIN TENTATIVE MAPS.

The Commission shall be the advisory agency, as that term is defined in the Subdivision Map Act, with respect to certain Tentative Maps filed pursuant to Subdivision Ordinance. The Commission may adopt such rules supplementing the State law and County ordinances as are necessary or advisable in the performance of its functions as such advisory agency.

SEC. 392. DIRECTOR OF PLANNING AND LAND USE.

There is in the County and in the Department the position of Director of Planning and Land Use, hereinafter in this Article referred to as Director. Such position shall be in the Unclassified service of the County. The Director shall be ex officio the Director of Planning. Any vacancy in such position shall be filled by appointment by the Chief Administrative Officer, subject to confirmation by the Board of Supervisors, in accordance with the provisions of the County Charter, the Rules of the Civil Service Commission and County ordinances.

SEC. 392.1. [RESERVED.]

SEC. 392.2. ZONING ADMINISTRATOR.

The Director shall also serve as the Zoning Administrator and in such capacity shall receive, process, investigate, analyze, hear, and act on certain Variances, certain Administrative Permits that require hearing, California Environmental Quality Act appeals on permits under jurisdiction of the Zoning Administrator and Minor Use Permit applications in accordance with the applicable provisions of The Zoning Ordinance. The Director may appoint a Hearing Officer to assist in any of such duties as may be designated to the Director. The Director and such Hearing Officer shall, upon appointment, attend and satisfactorily complete prior to performing such duties a training course upon State laws and County ordinances relating to planning and zoning and land use conducted by the office of County Counsel. The Director and such Hearing Officer shall annually thereafter attend a supplemental training course conducted by the office of County Counsel to keep apprised of current developments and changes in laws and ordinances relating to planning and zoning and land use. The Director and such Hearing Officer shall receive, process, investigate, analyze, hear and act on certain Variances, certain Administrative Permits, certain California Environmental Quality Act appeals and Minor Use Permit applications in accordance with applicable provisions of The Zoning Ordinance.

SEC. 393. DUTIES OF DIRECTOR.

The Director shall act as the executive officer of the Department and shall exercise general supervision over all functions of said Department. The Director shall enforce The Zoning Ordinance and all land use regulatory County ordinances. The Director shall be the advisory agency, as that term is defined in the Subdivision Map Act, with respect to Tentative Parcel Maps filed pursuant to the Division of Land Ordinance and the Director may adopt rules for the expeditious processing of such maps in the manner prescribed by said ordinance. The Director shall also be the planning agency of the County for purposes of review of road matters and open space easement matters and for actions on General Plan conformity cases pursuant to Government Code Section 65402 (except those also relating to acquisition of school sites by a school district pursuant to Public Resources Code Section 21151.2). The Director shall exercise general supervision over all planning and resource management activities assigned to the Department and perform such other duties as may be prescribed by the Commission in connection with the Commission's duties as the County's planning agency under the provisions of Chapter 3 (commencing with Section 65100) of Title 7 of the Government Code.

SEC. 393.1. DIRECTOR TO PREPARE BUDGET AND SUPERVISE EXPENDITURES.

The Director shall prepare and file the required annual itemized estimates of expenditures and revenues for the Department in accordance with State law and this Code. The Director shall supervise the expenditures of all funds allotted to the Department.

SEC. 393.2. DIRECTOR TO APPOINT PERSONNEL.

The Director shall appoint and employ such personnel as may be necessary to properly conduct the business of the Department. All appointments and employments made by said Director shall be made in accordance with the provisions of the County Charter, the Rules of the Civil Service Commission and County ordinances.

SEC. 394. FUNCTIONS OF DEPARTMENT.

The Department shall perform such functions as may be assigned it, including the following:

- (a) In conjunction with the Planning Commission, develop and maintain a General Plan.
- (b) Develop Specific Plans as may be necessary or desirable.
- (c) Coordinate and integrate the various planning functions within the County regarding land use, environmental protection, growth management, community planning, transportation, energy, relation of capital facilities to planning, and any social/economic considerations relating to the above.
- (d) The provision of staff services as may be necessary to assist the Planning Commission in the performance of its duties as the County's planning agency under the provisions of Chapter 3 (commencing with Section 65100) of Title 7 of the Government Code.
- (e) Acting as the official agency for purposes of receiving lists of proposed public works in the County in the area subject to the jurisdiction of the County's Planning Agency and performing the other duties imposed upon the official agency by Government Code Section 65401.
- (f) The provision of services to other County agencies and offices including information, analysis, and consultation regarding land use, environmental protection, and transportation.

- (g) The preparation, where appropriate, and processing of environmental impact reports on public and private projects.
- (h) The coordination of appropriate County activities with Federal, State, regional and local government agencies and representatives of the private sector, business and industry.
- (i) The coordination of support services provided to the San Diego Association of Governments.
- (j) Enforce all County ordinances and code provisions regulating plumbing installations, electrical installations, and construction of buildings and structures.
- (k) Prepare street and highway numbering plans subject to planning and zoning laws of the State of California, and coordinate, supervise, and direct street and highway naming and numbering in the unincorporated area of the County.
- (l) Enforce County mobilehome ordinances.

SEC. 395. SPECIFIC PLAN DEPOSIT.

The deposit for processing a Specific Plan required pursuant to Board of Supervisors Policy I-59, Large Scale Project Review, or an amendment to an adopted Specific Plan, or Private Development Plan shall be determined by resolution by the Board of Supervisors.

SEC. 395.1. GENERAL PLAN AMENDMENT FEE.

At the time that an application is made for a General Plan Amendment, the applicant shall pay to the County a non-refundable application fee to cover the cost of processing the application. An appeal fee must accompany an appeal of any Administrative Decision of the Director, associated with the processing of this General Plan Amendment. The amount of said fees shall be determined by resolution by the Board of Supervisors.

SEC. 395.2. CONTRACTS BY COMMISSION.

The Commission is authorized to enter into contracts pursuant to the Planning and Zoning Law only after approval of such contracts by the Board.

SEC. 395.3. WAIVER OF SPECIFIED FEES FOR FARM EMPLOYEE HOUSING AND FARM LABOR CAMPS.

Notwithstanding any other provision of this article, the fee for processing an amendment to an Agricultural Preserve specified in Section 395, and the fee for processing an amendment to, or abandonment of, an open space easement specified in Section 395 shall be waived for:

- (1) Any farm employee housing or farm labor camp project for which (i) a complete application for an Administrative Permit or a Minor Use Permit was filed between July 13, 1990, and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.); or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.); or was filed between October 31, 1991 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.); or was filed between July 30, 1993 and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.); or any farm employee housing or farm labor camp project for which a complete application for a Building Permit or Minor Use Permit was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.) and (ii) the application was approved; or
- (2) Any farm employee housing or farm labor camp project for which (i) Section 17021.5 or Section 17021.6 of the California Health and Safety Code is applicable; (ii) the Agricultural Commissioner has issued a certificate of active agricultural enterprise; (iii) the housing is not the subject of an active code enforcement action; (iv) the applicant has entered into the contract required by Section 6156 u.11 or Section 6906 d. of The Zoning Ordinance; and (v) the application was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.); or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.); or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9021 (N.S.).

SEC. 396.9. HISTORIC DISTRICT REVIEW BOARD.

- (a) Establishment. There is in the County a Julian Historic District Architectural Review Board, hereinafter referred to in this section as the "Historic District Review Board."
- (b) Membership. The Historic District Review Board shall consist of seven members who shall reside within the Julian Community Planning Area, none of whom shall be an officer of the County.
- (c) Appointment. The member of the Board of Supervisors from the supervisorial district in which the Julian Community Planning Group is located shall nominate all members. Four of the nominees shall be selected from names submitted by the Julian Community Planning Group. One nominee each shall be selected from names submitted by the Julian Merchants Association, the Julian Chamber of Commerce and the Historic District Review Board. If the Julian Merchants Association ceases to exist, the Julian Community Planning Group shall submit names in lieu of the Julian Merchants Association. The members of the Historic District Review Board shall be appointed from those persons nominated by an affirmative vote of a majority of the members of the Board of Supervisors.
- (d) Term. Four members of the Historic District Review Board shall serve a term which shall run concurrently with the term of the member of the Board of Supervisors who nominated that Historic District Review Board member. The term shall expire on the date of expiration of the term of the nominating member of the Board of Supervisors, or at such time as said Supervisor ceases to hold office, whichever first occurs. The re-election of a member of the Board of Supervisors for a succeeding term shall not automatically extend the term of any member of a Historic District Review Board. Three members shall serve terms of four years ending two years after the end of the term of the nominating member of the Board of Supervisors. Any member whose term has expired hereunder shall continue to discharge the duties as a member until a successor has been appointed and qualified.

Members of the Historic Review Board holding office as of the effective date of the amendment to this section providing for staggered terms shall classify themselves by lot or other means acceptable to the members so that their terms will correspond to those provided for in this section.

- (e) Removal. Any member of the Historic District Review Board may be removed by an affirmative vote of a majority of the members of the Board of Supervisors.
- (f) Officers. The Historic District Review Board shall elect a Chairperson, and Vice Chairperson and Secretary from among its members.

- (g) Meetings. The Historic District Review Board shall adopt the rules designating the time and place for holding its regular meetings and conduct its meetings in compliance with the Ralph M. Brown Act.
- (h) Quorum and Voting. Four voting members shall constitute a quorum at any meeting of the Historic District Review Board. The Historic District Review Board shall act by a majority vote of the members present and voting.
- (i) Duties. The Historic District Review Board shall have all the powers, duties and functions set forth in Section 396.5 of this Administrative Code, Sections 5700 through 5749 inclusive of the County Zoning Ordinance and any others established by the ordinances of the County.
- (j) Rules. The Historic District Review Board may prepare and adopt rules for the internal government of its business.

SEC. 396.10. COMMUNITY DESIGN REVIEW BOARDS.

- (a) Establishment. There is in the County a Design Review Board, hereinafter referred to in this section as the "Review Board," for each of the following areas:

VALLEY CENTER, ALPINE, FALLBROOK, LAKESIDE, RAMONA, BONSALE, SWEETWATER, I-5 CORRIDOR.
- (b) Membership. Each Review Board consists of not fewer than three nor more than nine members who shall reside, maintain a business, or own property or be employed in the applicable Community or Subregional Planning Areas, or other applicable area as determined by the Board of Supervisors, none of whom shall be an officer of the County. All Review Boards shall have an odd number of members.
- (c) Appointment. Members of the Review Board shall be appointed by affirmative vote of a majority of the members of the Board of Supervisors from a list of candidates submitted by the community. At least one appointment shall represent the applicable community planning or sponsor group unless deemed inappropriate due to the lack of such a group, and at least one appointment shall represent the applicable business community unless deemed inappropriate due to the nature of the area subject to design review or the lack of an identifiable centralized business district within such area.
- (d) Selection of Candidates. Selection of candidates for appointment to the initial Review Board, and for filling any subsequent vacancies, may be by any fair and equitable method as may be determined by each community; provided, however,

that the community planning or sponsor group shall select at least one candidate. In selecting candidates emphasis shall be given to the following:

1. Candidates with design backgrounds in architecture, landscape architecture, urban planning, fine arts and in construction.
 2. At least one representative of the community planning or sponsor group whenever the area of jurisdiction is represented by such a group.
 3. At least one representative of the local business community whenever the area of jurisdiction of the Review Board contains an identifiable central business district.
- (e) Term. Members of a Review Board shall be appointed to serve a term of years as may be determined by the Board of Supervisors for each community or other applicable area. Terms of office of the initial Review Board such that fewer than a majority of seats become vacant at any one time are encouraged. Notwithstanding the foregoing, the Board of Supervisors may determine to appoint an initial Review Board on an interim basis, in which case all members shall serve equal terms of not to exceed one year. A member may be reappointed by the Board of Supervisors.
- (f) Removal. Any member of a Review Board may be removed by an affirmative vote of a majority of the members of the Board of Supervisors.
- (g) Officers. Each Review Board shall elect a Chairperson, Vice Chairperson, and a Secretary from among its members.
- (h) Meetings. Each Review Board shall adopt the rules designating the place for holding its meetings as they are scheduled.
- (i) Quorum and Voting. A majority of its members shall constitute a quorum at any meeting of a Review Board. A Review Board shall act by a majority vote of the authorized membership.
- (j) Duties. A Review Board shall have all powers, duties and functions established by the applicable ordinances of the County.
- (k) Rules. A Review Board may prepare and adopt rules for the internal conduct of its business.
- (l) Approval of Board of Supervisors. The number of members of a Review Board, method of selection of candidates for appointment to a Review Board, and the term of office of members of a Review Board, all of which are at the discretion of

individual communities pursuant to subsections (a), (c) and (d), shall be subject to approval by resolution of the Board of Supervisors.

Section 5. Section 451 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 451. RECOGNITION OF DIRECTOR OF PUBLIC WORKS.

(a) There is in the County and in the Department the position of Director of Public Works, hereinafter in the Article referred to as Director. The Director shall ex officio be the County Engineer and Road Commissioner, the County Surveyor, the Director of Transportation, and the Director of Wastewater Management and Flood Control. The Director shall be a registered Civil Engineer of the State. Such position shall be in the Executive Management of the County and shall be filled by appointment by the Chief Administrative Officer in accordance with the County Charter, the Rules of the Unclassified Service and County ordinances.

(b) Notwithstanding subdivision (a) of this section, the Director shall be a registered Civil Engineer of the State, unless the Chief Administrative Officer determines that the Director is qualified and competent to perform the duties of the position without such registration. Pursuant to such determination, any civil engineering functions which are required to be performed by the Director shall be performed by a registered Civil Engineer acting under the authority of the Director.

Section 6. Section 454.1 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 454.1. SOLID WASTE ENVIRONMENTAL TRUST FUND.

There is hereby established the Solid Waste Environmental Trust Fund ("Trust Fund") to be administered by the Director. Expenses incident to the monitoring, maintenance, repair, remediation, conversion, construction, closure (except closure at San Marcos II Landfill), lease, or sale of County-owned or formerly County-owned or operated inactive or closed solid waste disposal facilities or other real property necessary to the management of these facilities shall be paid for from this Trust Fund. These facilities and properties exclude those assets sold to Allied Waste Industries, Inc., as specified in the Purchase and Sale Agreement executed on August 12, 1997. Also, expenses incident to carrying out the County's responsibilities related to the Otay Class I site, the Ramona (landfill) Offsite Environmental Conditions and any pre-existing environmental liabilities at the North County Resource Recycling Facility (NCRRF) or solid waste facilities leased to Allied Waste Industries, Inc., as set forth in the Purchase and Sale Agreement shall be paid for from this Trust Fund. The funds held in the Trust Fund shall not be used or budgeted other than for the purposes set forth in this section. Anticipated costs for these various activities will be budgeted annually in the Inactive

Waste Site Management Special Revenue Fund. The following costs that are related or incidental to the functions and responsibilities listed above that may be paid for from the Trust Fund include:

- (a) Procurement of necessary services and supplies;
- (b) Payment for permits or other regulatory fees and fines;
- (c) Repayment of any loans;
- (d) Legal services and litigation expenses;
- (e) Acquisition or leasing of new and replacement equipment;
- (f) Payment of allocated department personnel salaries and benefits;
- (g) Payment of County and Departmental overhead and support costs;
- (h) Acquisition of real property;
- (i) Construction of major or minor facilities; and
- (j) Procurement of technological studies and site management services.

This Trust Fund shall be established from a portion of the proceeds of the sale of the Solid Waste System to Allied Waste Industries, Inc., and transfers from the Borrego, Otay, Ramona, and Sycamore Landfill Solid Waste Landfill Closure Reserve Trust Funds, and shall survive for a period of no less than thirty (30) years. The adequacy of the Trust Fund with respect to the responsibilities of the County for these sites, both during and beyond the initial thirty (30) year period, shall be reassessed and the information presented to the Board at least once every five (5) years. Monies from this fund shall be invested by the County Treasurer such that earnings are consistent with prudent investment practices and all earnings accrue to the Trust Fund. All interest earned by the Inactive Waste Site Management Special Revenue Fund shall also accrue to this Trust Fund. Monies from this Trust Fund may be loaned to any of the County family of funds for a period not to exceed 180 days with interest to accrue at the higher of the Treasurer's pool rate or the overnight investment rate.

Section 7. Section 455 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 455. FUNCTIONS OF DEPARTMENT.

The Department shall perform such functions or duties as are imposed by statute upon either the County Surveyor, County Engineer or the County Road Commissioner and such other functions as may be assigned to it by the Board including the following:

(a) Field Operations:

(1) Examine and inspect all County roads, highways, bridges and culverts and endeavor to keep same clear of obstructions and in good condition.

(2) Compile and maintain a County road register in accordance with the requirements of the Streets and Highways Code of the State of California.

(3) Control and manage all County-owned or leased real property acquired with funds from the Road Fund or other funds the use of which is restricted to highway purposes, including necessary borrow pits, quarries and material storage areas.

(4) Inspect and maintain flood control and storm drainage channels, conduits and structures.

(b) Engineering:

(1) Prepare or cause to be prepared all surveys, plans and specifications and estimates of cost of all work on wastewater and flood control facilities, inactive landfill sites, County airports, roads, highways, bridges, whether performed under contract or with County forces and equipment.

(2) Examine and inspect all work performed under public contract on all County airports, roads, highways, wastewater and flood control facilities, bridges, culverts, and require the same to be done in accordance with the plans and specifications filed with the Board and make such reports to the Board, from time to time as said Board may direct, respecting the progress and cost of all such work.

(3) Examine plans and specifications for and inspect all work done by subdivision developers on County roads, highways, bridges, culverts, wastewater and flood control facilities, and require the same to be done in conformance with County specifications and requirements.

(4) Examine plans and specifications for and inspect all work done on any road which the Board has approved for acceptance by the County upon its improvement to County standards and requirements, provided application for such examination and inspection is made and the costs thereof are first paid to the Department.

(5) Inspect work done within road rights of way, utility installations, and road uses resulting from permits for encroachment, and subject to the provisions of law and County ordinances.

(6) Develop standards for the construction of County roads, highways, bridges, culverts, local drainage systems and other similar improvements.

(c) Surveyor:

(1) Prepare and maintain such County maps as may be prescribed by law or directed by the Board, including all election precinct and school district maps and legal description of boundaries thereof.

(2) Check all Subdivision Maps, Parcel Maps and Record of Survey Maps as required by law or County ordinance.

(3) Review and approve all subdivision and private improvement plans.

(4) Maintain a record of all drawings and plans for all construction and alteration of roads, highways, bridges, culverts, traffic devices and related facilities in the County's maintained road system.

(5) Perform or authorize to be performed retracement or remonument surveys of major historical land division lines upon which later surveys are based, such as, but not limited to, government section lines, rancho lines, grant lines, rancho section lines, acreage subdivision lot lines, and subdivision boundary lines within such County.

(6) Establish monuments and vertical control bench marks in accordance with the Countywide California Coordinate System and prepare and maintain lists and supplemental maps of graphic indexes of California Coordinate Monuments and bench marks.

(7) Prepare and maintain topographic, photographic and other maps of the County of San Diego for use by the County and the general public.

(d) Traffic Engineering:

(1) Provide administrative support and traffic engineering services to the County Traffic Advisory Committee.

(e) Wastewater Management and Flood Control:

(1) Operate those County sanitation districts for which the County has contracted to furnish such service and all sewer maintenance districts and sanitation districts under the control of the Board.

(2) Operate such sewer systems maintenance districts as may be assigned by the Board.

(3) Establish, subject to the approval of the Board, plans and standards for the development and rules and regulations for the operation of such districts and the projects and activities assigned to the Department.

(4) Supervise the conduct of such Improvement Act proceedings as may be assigned by the Board.

(5) Control and manage property under the jurisdiction of the County used for the production and distribution of water through a County Service Area, County Maintenance District, or similar area or district.

(6) Carry on such activities in the field of flood control as may be assigned by the Board and the State of California through the San Diego County Flood Control District Act.

(7) Provide professional engineering and administrative support to the County of San Diego Flood Control Advisory Commission.

(f) Inactive Waste Site Management:

(1) Control and manage all County-owned or leased real property necessary to the management of the County's closed and inactive solid waste disposal facilities.

(2) Protect human health and the environment.

(3) Comply with Federal, State, and local regulations.

(4) Maintain sites using best management practices.

(5) Maximize the rate of return on all assets.

(g) Land Development:

(1) Process discretionary permits by reviewing and conditioning maps and plans.

(2) Issue permits for encroachment into road rights of way, utility installations, and road uses subject to the provisions of law and County ordinances.

(h) Special Districts:

(1) Form and administer special districts such as County Service Areas, Countywide Lighting and Landscape Improvement and Maintenance Districts, Underground Utility Districts, Improvement Act Assessment Districts, Permanent Road Divisions and other districts under the jurisdiction of the Department.

Section 8. Section 455.1 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 455.1. AIRPORT OPERATIONS.

The Director shall have responsibility for the management, supervision, and operation of all County Airports and such aviation-oriented functions as may be assigned by the Board. This will also include the control and management of all County-owned or leased real property acquired for airport purposes.

Section 9. Section 455.2 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 455.2. TRANSPORTATION PLANNING AND FUNDING.

(a) Prepare and implement annual and multi-year programs for the appropriate expenditure of funds for transportation purposes. The programs shall be multi-modal in scope and shall include funds available to the County for transportation operations and implementation.

(b) Provide services to other County agencies including information, analysis and consultation regarding transportation matters.

(c) Make application for and manage Federal and State grants for transportation matters.

(d) Provide analysis, evaluation and recommendations in transportation matters for the Board.

(e) Compile and maintain maps, records and other data as necessary to maintain transportation systems.

Section 10. Section 455.3 of the San Diego County Administrative Code is hereby added to read as follows:

SEC. 455.3. TRANSIT OPERATIONS.

The Director shall have responsibility for the management, supervision, and operation of all County Transit System services and such transit-related functions as may be assigned by the Board. This will also include the control and management of all County-owned or leased transit rolling stock or real property acquired for transit purposes.

Section 11. Section 456 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 456. ROAD DIVISIONS.

All of the unincorporated territory in the County and such incorporated territory in the County as may be under the jurisdiction of the County for road purposes, shall be divided by the Director, subject to approval by the Board, into suitable management units for the most economical construction, maintenance and repair of County roads, highways, bridges and culverts therein.

Section 12. Section 457 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 457. EQUIPMENT REPAIR STATIONS.

The Director shall provide Equipment Repair Stations.

Section 13. Section 458 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 458. EQUIPMENT INTERNAL SERVICE FUND.

There is in the Department an Equipment Internal Service Fund (heretofore designated the Public Works Equipment Internal Service Fund). Revenue and expenses incident to the acquisition, operation, maintenance, and repair of departmental equipment and equipment facilities used in the construction, maintenance, and repair of County roads, highways, bridges and culverts and such other activities as the Director is responsible for, shall be expended and accounted for through this fund, and shall include:

- (a) Acquisition of new and replacement equipment;
- (b) Procurement of necessary supplies, parts and services; and

(c) Serving as a depository for equipment rental and replacement receipts, and for such other revenue that may be advanced or due, in support of, the Equipment Internal Service Fund.

Section 14. Section 461 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 461. FEE FOR ROAD VACATIONS.

All petitions or applications for the vacation or abandonment of all or any part of a County highway, walkway, easement, slope rights, access rights, irrevocable offers of dedication and such other petitions that may be filed, shall be filed with the Director of Planning and Land Use. At the time such petition or application is filed the applicant or petitioner shall pay a filing fee to the Director of Public Works to pay the expenses which may be incurred by the County for investigations, publications, and processing the application or the petition, except that said Director may waive the fee when in his/her opinion, the deletion or realignment of a Circulation Element route makes dedication no longer applicable. The amount of the said fee shall be determined by resolution no less than annually by the Board.

Section 15. Section 462 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 462. FEE FOR ROAD OPENINGS.

All petitions or applications for the opening or establishment of a County highway shall be filed with the Director of Planning and Land Use. The Department of Planning and Land Use may determine that the application should be transferred to the Department of Public Works, along with associated fees, for processing. At the time such petition or application is filed the applicant or petitioner shall pay a filing fee as prescribed by the Board to said Director to defray the expenses incurred by the County in investigating and processing the petition or application. The amount of the said fee shall be determined by resolution no less than annually by the Board.

Section 16. Section 463 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 463. FEES FOR FLOOD HAZARD REPORTS.

(a) The Department will prepare and furnish reports on flood and drainage conditions (Flood Hazard Reports) affecting property in the unincorporated areas of the County upon written application by the property owners or their agents and payment of the prescribed fee.

(b) Separate reports will be issued for each parcel, except for contiguous parcels under one ownership.

(c) There is hereby established a fee of fifty dollars (\$50) for each such report.

(d) The Department is authorized to issue, without fee, a Flood Hazard Report, addressed to the California Department of Real Estate, for each newly developed subdivision as required by the California Business and Professions Code. This letter will describe conditions existing at the time of receipt of the request therefor. Reports for conditions at a later date are subject to the regular fee.

Section 17. Section 464 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 464. FEES FOR REIMBURSEMENT, ENCROACHMENT AGREEMENTS, AND CERTIFICATION LETTERS.

(a) The Department shall prepare agreements for reimbursement of sewer construction and drainage improvement costs and agreements for encroachment upon dedicated drainage, flowage, and utility easements, subject to approval by the Board, upon written application by the property owners or their agents, and deposit of the prescribed fees. The prescribed fees are refundable until the agreement is approved by the Board.

(b) The Department shall prepare certification letters for public sewer availability upon written application by the property owners or their agents and payment of the prescribed fees. Separate letters shall be prepared for each parcel, except for contiguous parcels under one ownership.

(c) The Department is authorized to issue, without fee, certification letters requested by public agencies and public utilities for their exclusive use.

(d) The fees established by this section are as follows:

(1) Reimbursement Agreements - \$150 to be charged to the applicant plus 5% of the cost of construction to be prorated along with the construction costs among connecting properties.

(2) Encroachment Agreements - \$100

(3) Certification Letters - \$15

Section 18. Section 468 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 468. SURFACE MINING INSPECTION DEPOSIT.

The prescribed deposit amount will be collected for conducting annual inspections and data review of surface mining operations to verify compliance with the Reclamation Plan, Major Use Permit and Interim Management Plan when issues such as flood control, erosion, or over-excavation require monitoring by the Department. This deposit shall be due within 60 days after the adoption of this ordinance and on July 1st of each year thereafter. The amount shall apply to those existing surface mining operations requiring the Department's review and involvement and shall thereafter be set annually by the Board by resolution. Approval and inspections of an Interim Management Plan shall be an expense of the inspection deposit.

Section 19. Section 469 of the San Diego County Administrative Code is hereby repealed:

Section 20. Article XL of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 730. SAN DIEGO COUNTY PALOMAR AIRPORT ADVISORY COMMITTEE.

There is hereby created and established the San Diego County Palomar Airport Advisory Committee. The Committee is established to advise the Board of Supervisors and the Chief Administrative Officer on matters related to Palomar Airport.

SEC. 731. MEMBERSHIP AND SELECTION.

The Committee shall consist of eleven (11) members. Seven members shall be nominated by the Supervisor from the Fifth Supervisorial District and appointed by the Board of Supervisors. Six members shall include at least one (1) member from each of the following cities: Carlsbad, Vista, San Marcos and Oceanside, and three (3) members shall be from the general public who reside within Supervisorial District 5. . The Supervisor from the Third Supervisorial District shall nominate four members for appointment by the Board of Supervisors. The four members shall be from the general public who reside within Supervisorial District 3. No more than three members of the Committee shall be financially interested in any business having a leasehold interest in Palomar Airport.

SEC. 732. TERM OF OFFICE.

Each member of the Committee shall serve a term which shall run concurrently with the term of the Supervisor who nominated them to the Committee. The term shall expire on

the date of expiration of the term of the nominating Supervisor, or at such time as he or she ceases to hold office, whichever first occurs. The reelection of the nominating Supervisor for a succeeding term shall not automatically extend the term of any Committee member. Persons who are members of the Committee on the effective date of the ordinance shall serve until the current term of the incumbent Supervisor of District 5 expires, or until he ceases to hold office, whichever occurs first.

SEC. 733. VACANCIES.

A vacancy shall occur on the happening of any of the following events before the expiration of the term:

- (1) The death of the incumbent.
- (2) The resignation of the incumbent.
- (3) Absences from more than one-third of the regularly scheduled meetings in any 12-month period or three consecutive regularly scheduled meetings.
- (4) Or for any reason specified in Government Code Section 1770.

When a vacancy occurs as the result of missing one-third of the regularly scheduled meetings in one 12-month period or three consecutive regularly scheduled meetings, both the member and the nominating authority shall be notified by the Committee Chairperson. Vacancies shall be filled in the same manner as the initial appointment when a vacancy occurs.

If a vacancy occurs, a new appointee shall serve for the unexpired term of the member being replaced.

SEC. 734. ORGANIZATION.

- (a) Officers. The committee shall select from its membership a Chairperson and a Vice Chairperson.
- (b) Rules. The Committee shall prepare and adopt the necessary rules and regulations for the conduct of its business.
- (c) Quorum. A majority of members currently appointed to the Committee shall constitute a quorum. A majority of members in attendance shall be required to carry any motion or approval.
- (d) Minutes. The Committee shall keep written minutes of its meetings a copy of which shall be filed with the Clerk of the Board of Supervisors, and the Community Involvement Office.

(e) Meeting. The Committee shall establish a regular meeting schedule and shall give public notice of the time and place of meetings in compliance with the requirements of the Brown Act. All meetings of the Committee shall be open and public and all persons shall be permitted to attend any meetings of the Committee.

SEC. 735. ESTABLISHMENT OF SUBCOMMITTEES.

(a) Ad Hoc Subcommittees. The Committee may appoint subcommittees for the purpose of carrying out the functions and duties of the Committee. Any subcommittee appointed shall consist of not fewer than three members, including at least one Committee member. The actions and recommendations of subcommittees shall not be deemed the action of the Committee or its members.

(b) Volunteer and Consultant Services. The Committee shall engage the services of volunteer workers and consultants without salary as it may find necessary from time to time. Service of an individual as a volunteer worker or as a consultant shall not be considered as service for or employment by the County.

SEC. 736. COMPENSATION.

Members of the Committee shall serve without compensation and shall not be reimbursed for expenses incurred in performing their duties under this Article.

SEC. 737. DUTIES AND RESPONSIBILITIES.

The Committee shall have the following duties and responsibilities:

- (1) To review and make recommendations on issues pertaining to noise control at Palomar Airport.
- (2) To review and make recommendations regarding land use within the Airport influence area.
- (3) To review and make recommendations regarding issues pertaining to the development and operations of Palomar Airport.
- (4) To provide an open forum between the Communities and the County on matters pertaining to Palomar Airport.
- (5) Any other items as may be assigned to the Committee by the Board of Supervisors.

SEC. 738. REPORTS.

Committee shall make available to the Board of Supervisors its findings and recommendations, and submit an annual report of its findings and recommendations to the Board of Supervisors no later than December 31 of each year.

SEC. 739. STAFF ASSISTANCE.

The Department of Public Works shall provide the necessary staff assistance to the Palomar Airport Advisory Committee.

SEC. 739.5 ORDINANCE CHANGES.

Any proposed change in the provisions of this Article shall be submitted to the Committee for review and comment prior to said proposed change being considered by the Board of Supervisors.

SEC. 739.6. SUNSET.

This Article shall be reviewed as a part of the regularly scheduled Sunset Review process.

Section 21. Article XXX of the San Diego Administrative Code is hereby repealed.

PASSED, APPROVED AND ADOPTED this 11th day of August, 1999.