Resource Protection Ordinance & Grading Ordinance

Community Workshops
October 2020
Meeting Purpose
• Share information on Resource Protection Ordinance (RPO) & Grading Ordinance
• Receive feedback on proposed actions & options

Tentative Project Schedule

- **8 Oct. 2020**
  Community Workshop #1

- **14 Oct. 2020**
  Community Workshop #2

- **20 Oct. 2020**
  Community Workshop #3

- **9 Dec. 2020**
  Board of Supervisors Hearing

Revisions based on feedback

Submit feedback and comments by October 30, 2020

Email: PDS.AdvancePlanning@sdcounty.ca.gov
Phone Number: (858) 694-2460
Board of Supervisor Direction

- **October 10, 2018**: Report on Options to Improve Housing Affordability in the Unincorporated County
  - **Action RR-2**: Resource Protection Ordinance (RPO)
  - **Action LDC-1**: Grading, Clearing, and Watercourse Ordinance (Grading Ordinance)
Project Objectives & Timeline

Phase 1

- Conduct Research & Analysis
- Gather Stakeholder Input
- Receive Board Direction

Phase 2

- Prepare Draft Ordinances
- Conduct CEQA Environmental Analysis
- Gather Stakeholder Feedback
- PC & Board Hearings

We are here!

10/20/2020
Resource Protection Ordinance

Ordinance Background

Proposed Updates & Amendments Options
RPO – Background

• Adopted in **1989** (last updated in 2012)

• Restricts impacts to natural resources including:
  • Wetlands & Wetland Buffers
  • Floodplains
  • Steep Slopes
  • Sensitive Habitat Lands
  • Historical Sites

• RPO now duplicative with new local, state, and federal regulations
RPO – Three (3) Categories of Amendments

1. Consistency
2. Consolidation
3. Modification
RPO – CEQA

• All amendments must ensure environmental impacts are avoided or mitigated in accordance with state and federal law.

• Require preparation of subsequent environmental analysis under CEQA:
  • CEQA Exemption (Exemption),
  • Negative Declaration (ND),
  • Mitigated Negative Declaration (MND), or
  • Environmental Impact Report (EIR)
Reduce applicant confusion by providing definition consistency across County ordinances

Align definitions and regulations to meet current County practices and terminology covered under other County ordinances
• Reduce applicant confusion by removing outdated regulations covered by other County ordinances
• Provide consistency across County ordinances by removing conflicting requirements
• Remove language to align regulations to meet current County practices covered under other County ordinances
RPO – Modification

- Reduce applicant confusion by clarifying wetland definition to align with State and Federal regulations
- Provide definition consistency across County ordinances
- Consolidate definitions for reduction of conflicting terms and definitions
- Align definitions to meet current County practices and terminology covered under other County ordinances
RPO – Modification Amendment Options

Wetland & Wetland Buffer Regulations Options

M-3: Allow Mitigation for Impacts to Wetlands & Wetland Buffers

M-4: Extend County Road Exemption

M-5: Allow Average Wetland Buffer Width

M-6: Conditionally Permit Trails & Pathways in Wetland Buffers

M-7: Remove all Wetland Related Definitions & Regulations

CEQA Review Required

EIR

Provide Project Flexibility

MND/EIR

Eliminate Need for RPO Exemptions

MND/EIR

Save Project Time & Costs

MND/EIR

Protect Higher Quality Wetlands

CEQA Review

EIR

MND/EIR

MND/EIR

RPO & Grading Ordinance

10/20/2020 RPO & Grading Ordinance 12
Grading Ordinance

Ordinance Background & Potential Options
Grading Ordinance – Background

• Adopted in 1996 to regulate:
  • Movement of earth (grading) and removal of vegetation (clearing)

• Includes limitations to address impacts to:
  • Sensitive habitat and other biological resources
  • Archaeological resources
  • Aesthetics
  • Erosion control

• 2001
  • Limited scope of exemptions for agricultural grading and clearing to enhance stormwater protections

• 2003
  • Consolidated Grading, Clearing and Watercourse Ordinances
  • Established streamlined approval processes for agricultural grading

• 2008
  • Addressed watershed protection and stormwater requirements

• Must comply with state and federal requirements
Grading Ordinance – Administrative Permit

• Requires Administrative Permit for brushing, clearing, and grading
  • Single Family Residential: Can clear up to 5 acres by right
  • Typical cost ranges from $20,000 to $50,000

• Since 2012:
  • 53 applications submitted
  • 23 applications withdrawn
Grading – CEQA

• All options must ensure environmental impacts are avoided or mitigated in accordance with state and federal law.

• **Options 1 and 2** require preparation of Programmatic Environmental Impact Report (PEIR) under CEQA to:
  • Identify impacts and mitigations
  • Prepare findings and overrides for significant impacts that cannot be mitigated

• **Mitigation could include:**
  • Setting land aside to mitigate impacts to habitats
  • Future programs to mitigate grading impacts
  • Habitat Conservation Programs

• **Option 3 would either be exempt from CEQA, or require a Negative Declaration**
Grading Ordinance Options are consistent with MSCP and will identify mitigations which will save time and costs to future applicants.

<table>
<thead>
<tr>
<th>South County Plan</th>
<th>North County Plan</th>
<th>East County Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopted in 1997</td>
<td>In Process</td>
<td>Future</td>
</tr>
<tr>
<td>• Agricultural Clearing Exemption if:</td>
<td>• Lengthy and complex effort</td>
<td>• Budget and Staffing constraints</td>
</tr>
<tr>
<td>• Not within Pre-Approved Mitigation Area or Floodplain</td>
<td>• Competing priorities</td>
<td></td>
</tr>
<tr>
<td>• Consistent with BMO</td>
<td>• Changing legislation and guidelines</td>
<td></td>
</tr>
<tr>
<td>• Agricultural clearing allowed for up to 3,000 acres total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
* G-3 permit streamlining would be minor until the MSCP is completed and mitigations are identified.
RPO & Grading Ordinance – Potential Options

**RPO:**
- Floodway/Floodplain Definitions Consistency & Nonconforming Uses
- Remove All Sensitive Habitat Lands and Flood Definitions & Regulations
- Wetland & Wetland Buffer Options

**Grading Ordinance:**
- Waiver
- Exemption
- Clarifications and Separate Agriculture Ordinance
Questions?

- Email: Pds.AdvancePlanning@sdcounty.ca.gov
- Phone: (858) 694-2460
County of San Diego

Resource Protection Ordinance & Grading Ordinance

RPO Amendment Options Website
https://www.sandiegocounty.gov/content/sdc/pds/advance/RPOUpdate.html

Grading Ordinance Amendment Options Website
https://www.sandiegocounty.gov/content/sdc/pds/advance/GradingOrdUpdate.html

10/20/2020