

Number	Update/Option	Current RPO Definition or Code Language	New Definition and Code Language
C-1	Replace the RPO Floodway Definition with County Flood Damage Prevention Ordinance Definition and Move Regulatory Text from the definitions section to RPO Floodway Regulations section.	<p><u>87.602(j) Floodway definition:</u> All land, as determined by the Director of Public Works, which meets the following criteria:</p> <p>(1) The floodway shall include all areas necessary to pass the 100 year flood without increasing the water surface elevation more than 1 foot (or, in the case of San Luis Rey River, San Dieguito River, San Diego River, Sweetwater River, and Otay River, upon adoption by the Board of Supervisors of revised floodplain maps which so specify, the increase shall be no more than 2/10ths of 1 foot).</p> <p>(2) The floodway shall include all land area necessary to convey a ten-year flood without structural improvements.</p> <p>(3) To avoid creating erosion and the need for channelization, rip-rap or concrete lining, the floodway will not be further reduced in width when the velocity at the floodway boundary is six feet per second or greater.</p> <p>(4) Floodways are determined by removing equal conveyance (capacity for passing flood flow) from each side unless another criterion controls.</p>	<p><u>811.201(u) Flood Damage Prevention Ordinance definition:</u> "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood [AKA 100-year flood per FDPO] without cumulatively increasing the water surface elevation more than a designated height but not to exceed one foot. Also referred to as "Regulatory floodway". [There is no definition for "regulatory floodway"]</p>
C-2	Replace the RPO Floodplain Definition with County Flood Damage Prevention Ordinance Definition, and RPO Floodplain Fringe Definition with County Watercourse Ordinance Definition	<p><u>86.602(h) Floodplain definition:</u> The relatively flat area of low lands adjoining and including the channel of a river, stream watercourse, bay, or other body of water which is subject to inundation by the flood waters of the 100 year frequency flood as shown on floodplain maps approved by the Board of Supervisors. (FEMA flood maps area)</p> <p><u>86.802(j) Floodplain Fringe definition:</u> The area within the floodplain that is not in the floodway.</p>	<p><u>811.201(r) Flood Damage Prevention Ordinance definition:</u> "Floodplain or flood-prone area" means any land area adjacent to a watercourse susceptible to being inundated by water from any source.</p> <p>Watercourse means, a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas by the County of SD in which substantial flood damage may occur.</p> <p><u>87.803 Watercourse Ordinance definition:</u> (19) "Floodplain Fringe" means all that land lying within the 100- year flood plain that is not within a floodway, where a floodway has been defined.</p> <p>(20) "Floodway" means channel of a river or other watercourse and the adjacent lang areas erquired to carry and discharge a flood. Selection of the floodway shall be based on the principle that the area chosen for the floodway must be designed to carry the waters of the 100-year flood, without increasing the water surface elevation of flood more than 1-foot at any point.</p> <p>100-year flood - means a flood estimated to occur on an average of once in 100-years as determined from an analysis of historical flood and rainfall records, and computed in accordance with the SD County Flood Control District Design and Procedural Manual approved by the BOS on May 19,1970, and filed with the Clerk of the BOS as DOC # 427201 and as amended by the BOS on July 8, 1975, and filed with the Clerk of the BOS as DOC # 506917.</p>
C-3	Add Legal Nonconforming Uses Definition and Exemption	Currently, no language in RPO	<p>Zoning Definition: "The use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which, because of the application of this ordinance to it, no longer conforms to the specific regulations applicable to the zone in which it is located."</p> <p>Exemption language: Legal nonconforming uses that do not comply with the Resource Protection Ordinance may be continued and maintained. This amendment would codify legal nonconforming uses and regulations for repairs, alterations, expansions and modifications of those uses that are already allowed.</p>

Resource Links:

Biological Mititation Ordinance https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/BMO_Update_2010.pdf

Flood Damage Prevention Ordinance https://www.sandiegocounty.gov/content/dam/sdc/dpw/FLOOD_CONTROL/floodcontroldocuments/flood_damage_prevention.pdf

Guidelines for Determining Significance for Biological Resources https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Biological_Guidelines.pdf

Resource Protection Ordinance https://www.sandiegocounty.gov/pds/docs/res_prot_ord.pdf

Watercourse Orinance https://www.sandiegocounty.gov/content/dam/sdc/dpw/LAND_DEVELOPMENT_DIVISION/landpdf/Chapter%206-Watercourses.pdf

Number	Update/Option	Current RPO Definition or Code Language	New Definition and Code Language
CO-1	Remove Sensitive Habitat Lands Definition and Regulations	<p><u>86.602(n) Sensitive Habitat Lands definition:</u> Land which supports unique vegetation communities, or the habitats of rare or endangered species or sub-species of animals or plants as defined by Section 15380 of the State California Environmental Quality Act (CEQA) Guidelines (14 Cal. Admin. Code Section 15000 et seq.), including the area which is necessary to support a viable population of any of the above species in perpetuity, or which is critical to the proper functioning of a balanced natural ecosystem or which serves as a functioning wildlife corridor.</p> <p>"Unique vegetation community" refers to associations of plant species which are rare or substantially depleted. These may contain rare or endangered species, but other species may be included because they are unusual or limited due to a number of factors, for example: (a) they are only found in the San Diego region; (b) they are a local representative of a species or association of species not generally found in San Diego County; or (c) they are outstanding examples of the community type as identified by the California Department of Fish and Game listing of community associations.</p> <p><u>86.604 Sensitive Habitat Regulations:</u> 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.</p>	<p><u>BMO Definitions</u> "Rare, Narrow Endemic Animal Species" shall mean those species or subspecies that are listed on Attachment D of Document No. 0769999 on file with the Clerk of the Board.</p> <p>"Sensitive Plant Species" shall mean those plants which meet the following criteria: Group A = Plants that are rare, threatened or endangered in California and elsewhere; or Group B = Plants that are rare, threatened or endangered in California but more common elsewhere; or Group C = Plants which may be quite rare, but need more information to determine their true rarity status; or Group D = Plants of limited distribution and are uncommon, but not presently rare or endangered.</p> <p>"Sensitive Plant Species" shall mean those plants which meet the following criteria: (1) Those species that are included on generally accepted and documented lists of plants and animals of Endangered, threatened, candidate or of special concern by the Federal Government, or State of California; (2) Those species listed on Attachment C, Critical Populations of Sensitive Plant Species within the MSCP Subarea, Attachment D, Rare, Narrow Endemic Animal Species, Attachment E, Narrow Endemic Plant Species, Attachment K, San Diego County Vegetation Communities and Tier levels within the MSCP, and Sensitive Plant Species as defined by this Chapter; (3) Those species that meet the definition of "Rare or Endangered Species" under Section 15380 of the State CEQA</p> <p><u>Biology Guidelines Definitions</u> Sensitive Species: • Those species that are included on generally accepted and documented lists of plants and animals of endangered, threatened, candidate or of Special concern by the Federal Government or State of California; • MSCP Rare, Narrow Endemic Animal Species, Narrow Endemic Plant Species, and County Sensitive Plant and Animal Species; • Those species that meet the definition of "Rare or Endangered Species" under Section 15380 of the State CEQA Guidelines.</p>
CO-2	Remove All Flood Related Definitions and Regulations.	<p><u>86.602 Definitions:</u> (h) "Floodplain": The relatively flat area of low lands adjoining and including the channel of a river, stream watercourse, bay, or other body of water which is subject to inundation by the flood waters of the 100 year frequency flood as shown on floodplain maps approved by the Board of Supervisors.</p> <p>(i) "Floodplain Fringe": The area within the floodplain that is not in the floodway.</p> <p>(j) "Floodway": All land, as determined by the Director of Public Works, which meets the following criteria: (1) The floodway shall include all areas necessary to pass the 100 year flood without increasing the water surface elevation more than 1 foot (or, in the case of San Luis Rey River, San Dieguito River, San Diego River, Sweetwater River, and Otay River, upon adoption by the Board of Supervisors of revised floodplain maps which so specify, the increase shall be no more than 2/10ths of 1 foot). (2) The floodway shall include all land area necessary to convey a ten-year flood without structural improvements. (3) To avoid creating erosion and the need for channelization, rip-rap or concrete lining, the floodway will not be further reduced in width when the velocity at the floodway boundary is six feet per second or greater. (4) Floodways are determined by removing equal conveyance (capacity for passing flood flow) from each side unless another criterion controls.</p> <p><u>86.604 Regulations:</u> (c) Floodways Regulations: 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.</p> <p>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. (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.</p> <p><u>(d) Floodplain Fringe Regulations</u> 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 and Development Services 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.</p>	<p><u>811.201 Flood Damage Prevention Ordinance Definitions</u> "Floodplain or flood-prone area" means any land area adjacent to a watercourse susceptible to being inundated by water from any source (see definition of "flooding").</p> <p>"Flood, flooding, or flood water" means a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides, mudflows or other flows of debris in surface water. It also includes the collapse or subsidence of land or other condition resulting from flood related erosion, scour or deposition.</p> <p>"Floodplain map" means a 1-inch equals 200-foot scale ortho-photo topographic map published by the County showing 100-year floodplain lines, floodway lines, and floodway water surface elevations, or floodplain hazard areas. The County "floodplain maps" and the FEMA FIRMs are the primary basis for floodplain regulation within the County.</p> <p>"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.</p> <p>"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height but not to exceed one foot. Also referred to as "Regulatory floodway".</p> <p><u>811.506 Flood Damage Prevention Ordinance (DPW)</u> Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply: (a) No encroachments, structures, fill, new construction, substantial improvements, additions, development, storage or placement of vehicles, debris or other materials, or other uses which may increase flood depths or interfere with flood flows to any degree are allowed unless certification by a registered professional engineer is provided to the Floodplain Administrator through a "No Rise" Certification demonstrating that the proposed use shall not result in any increase in flood levels during the occurrence of the base flood discharge. (b) If a "No Rise" Certification satisfactory to the Floodplain Administrator is provided, the use may be allowed provided all other requirements of this Chapter are met. (c) "Breakaway" fence sections may be allowed within the floodway if it can be successfully demonstrated that all sections not parallel to the direction of flow would safely fail in place due to a force less than that of the site-specific peak 1% annual chance flow within the floodway.</p>

Resource Links:
Biological Mitigation Ordinance https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/BMO_Update_2010.pdf
Flood Damage Prevention Ordinance https://www.sandiegocounty.gov/content/dam/sdc/dpw/FLOOD_CONTROL/floodcontroldocuments/flood_damage_prevention.pdf
Guidelines for Determining Significance for Biological Resources https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Biological_Guidelines.pdf
Resource Protection Ordinance https://www.sandiegocounty.gov/pds/docs/res_prot_ord.pdf
Watercourse Ordinance https://www.sandiegocounty.gov/content/dam/sdc/dpw/LAND_DEVELOPMENT_DIVISION/landpdf/Chapter%206-Watercourses.pdf

Number	Update/Option	Current RPO Definition or Code Language	New Definition and Code Language
M-1	Clarify how RPO wetland definition relates to State/Federal wetlands definition	<p><u>86.602 RPO Definition</u> "Wetland": (1) Lands having one or more of the following attributes are "wetlands": (aa) At least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places); (bb) The substratum is predominantly undrained hydric soil; or (cc) An ephemeral or perennial stream is present, whose substratum is predominately non-soil and such lands contribute substantially to the biological functions or values of wetlands in the drainage system. (2) Notwithstanding paragraph (1) above, the following shall not be considered "Wetlands": (aa) Lands which have attribute(s) specified in paragraph (1) solely due to man-made structures (e.g., culverts, ditches, road crossings, or agricultural ponds), provided that the Director of Planning and Development Services determines that they: (i) Have negligible biological function or value as wetlands; (ii) Are small and geographically isolated from other wetland systems; (iii) Are not vernal pools; and, (iv) Do not have substantial or locally important populations of wetland dependent sensitive species. (bb) Lands that have been degraded by past legal land disturbance activities, to the point that they meet the following criteria as determined by the Director of Planning and Development Services: (i) Have negligible biological function or value as wetlands even if restored to the extent feasible; and, (ii) Do not have substantial or locally important populations of wetland dependent sensitive species.</p> <p>(Note: Activities on lands not constituting "Wetlands" because of this paragraph (2) may still be subject to mitigation, avoidance and permitting requirements pursuant to the California Environmental Quality Act or other applicable County, state and federal regulations.)</p>	<p><u>STATE-</u> <u>California Waterboard Definition (same as Regional Water Quality Control Board)</u>. Effective May 28, 2020, the State Water Resources Control Board adopted a State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures). The State Water Resources Control Board issued a Notice of Decision on August 30, 2019. RWQCB adopted same definition.</p> <p>Wetland: An area is a wetland if: (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation.</p> <p><u>FEDERAL -</u> <u>EPA & US Army Corps of Engineers definition (CWA Section 404)</u> Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.</p> <p><u>USFWS (United States Fish and Wildlife Services)</u> Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.</p>
M-2	Replace RPO wetland definition with Regional Water Quality Control Board (RWQCB) wetland definition	<p><u>86.602 RPO Definition</u> "Wetland": (1) Lands having one or more of the following attributes are "wetlands": (aa) At least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places); (bb) The substratum is predominantly undrained hydric soil; or (cc) An ephemeral or perennial stream is present, whose substratum is predominately non-soil and such lands contribute substantially to the biological functions or values of wetlands in the drainage system. (2) Notwithstanding paragraph (1) above, the following shall not be considered "Wetlands": (aa) Lands which have attribute(s) specified in paragraph (1) solely due to man-made structures (e.g., culverts, ditches, road crossings, or agricultural ponds), provided that the Director of Planning and Development Services determines that they: (i) Have negligible biological function or value as wetlands; (ii) Are small and geographically isolated from other wetland systems; (iii) Are not vernal pools; and, (iv) Do not have substantial or locally important populations of wetland dependent sensitive species. (bb) Lands that have been degraded by past legal land disturbance activities, to the point that they meet the following criteria as determined by the Director of Planning and Development Services: (i) Have negligible biological function or value as wetlands even if restored to the extent feasible; and, (ii) Do not have substantial or locally important populations of wetland dependent sensitive species.</p> <p>(Note: Activities on lands not constituting "Wetlands" because of this paragraph (2) may still be subject to mitigation, avoidance and permitting requirements pursuant to the California Environmental Quality Act or other applicable County, state and federal regulations.)</p>	<p>Effective May 28, 2020, the State Water Resources Control Board adopted a State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures). The State Water Resources Control Board issued a Notice of Decision on August 30, 2019.</p> <p><u>RWQCB Wetland definition:</u> An area is a wetland if: (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation.</p>
M-3	Allow mitigation for impacts to wetlands and wetlands buffers	<p><u>86.602 Wetland Buffer definition</u> "Wetland Buffer": Lands that provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of the wetland and adjacent upland biological community. Buffer widths shall be 50 to 200 feet from the edge of the wetland as appropriate based on the above factors. Where oak woodland occurs adjacent to the wetland, the wetland buffer shall include the entirety of the oak habitat (not to exceed 200 feet in width).</p> <p><u>86.604 Regulation</u> (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.</p> <p>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.</p> <p>(d) Any sand, gravel or mineral extraction project, provided that the following mitigation measures are required as a condition of a Major Use Permit approved for such project: (1) Any wetland buffer area shall be restored to protect environmental values of adjacent wetlands;</p>	<p>New language has not been identified. Strikeout ordinance has not been drafted.</p>

M-4	Allow mitigation for impacts to wetlands and wetlands buffers to comply with County road standards	<p><u>86.604 RPO reg for road/access</u></p> <p>(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:</p> <p>(aa) There is no feasible alternative that avoids the wetland;</p> <p>(bb) The crossings are limited to the minimum number feasible;</p> <p>(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., crossing widths shall be the minimum feasible and wetlands shall be bridged where feasible);</p> <p>(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);</p> <p>(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</p> <p>(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).</p>	Allowance for mitigation would extend beyond roads, driveways, trails/pathways to other types of projects. Specific language has not been identified at this phase in the project option development.
M-5	Allow average wetland buffer width, instead of current 50-ft minimum	<p><u>86.602 Wetland Buffer Definition:</u></p> <p>"Wetland Buffer": Lands that provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of the wetland and adjacent upland biological community. Buffer widths shall be 50 to 200 feet from the edge of the wetland as appropriate based on the above factors. Where oak woodland occurs adjacent to the wetland, the wetland buffer shall include the entirety of the oak habitat (not to exceed 200 feet in width).</p>	New language has not been identified. Strikeout ordinance has not been drafted.
M-6	Conditionally permit trails and pathways in wetland buffer	<p><u>86.604 Wetland buffer regulations</u></p> <p>(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:</p> <p>(1) Improvements necessary to protect adjacent wetlands.</p> <p>(2) All uses permitted in wetland areas.</p>	New language has not been identified. Strikeout ordinance has not been drafted.

Resource Links:

- Biological Mitigation Ordinance https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/BMO_Update_2010.pdf
- Flood Damage Prevention Ordinance https://www.sandiegocounty.gov/content/dam/sdc/dpw/FLOOD_CONTROL/floodcontroldocuments/flood_damage_prevention.pdf
- Guidelines for Determining Significance for https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Biological_Guidelines.pdf
- Resource Protection Ordinance https://www.sandiegocounty.gov/pds/docs/res_prot_ord.pdf
- Watercourse Ordinance https://www.sandiegocounty.gov/content/dam/sdc/dpw/LAND_DEVELOPMENT_DIVISION/landpdf/Chapter%206-Watercourses.pdf

Number	Update/Option	Current RPO Definition or Code Language	New Definition and Code Language
M-7	Remove all wetland related definitions and regulations	<p><u>86.602 RPO Definitions</u></p> <p>"Wetland":</p> <p>(1) Lands having one or more of the following attributes are "wetlands":</p> <p>(aa) At least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places);</p> <p>(bb) The substratum is predominantly undrained hydric soil; or</p> <p>(cc) An ephemeral or perennial stream is present, whose substratum is predominately non-soil and such lands contribute substantially to the biological functions or values of wetlands in the drainage system.</p> <p>(2) Notwithstanding paragraph (1) above, the following shall not be considered "Wetlands":</p> <p>(aa) Lands which have attribute(s) specified in paragraph (1) solely due to man-made structures (e.g., culverts, ditches, road crossings, or agricultural ponds), provided that the Director of Planning and Development Services determines that they:</p> <p>(i) Have negligible biological function or value as wetlands;</p> <p>(ii) Are small and geographically isolated from other wetland systems;</p> <p>(iii) Are not vernal pools; and,</p> <p>(iv) Do not have substantial or locally important populations of wetland dependent sensitive species.</p> <p>(bb) Lands that have been degraded by past legal land disturbance activities, to the point that they meet the following criteria as determined by the Director of Planning and Development Services:</p> <p>(i) Have negligible biological function or value as wetlands even if restored to the extent feasible; and,</p> <p>(ii) Do not have substantial or locally important populations of wetland dependent sensitive species.</p> <p>(Note: Activities on lands not constituting "Wetlands" because of this paragraph (2) may still be subject to mitigation, avoidance and permitting requirements pursuant to the California Environmental Quality Act or other applicable County, state and federal regulations.)</p> <p>Wetland Buffer definition:</p> <p>"Wetland Buffer": Lands that provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of the wetland and adjacent upland biological community. Buffer widths shall be 50 to 200 feet from the edge of the wetland as appropriate based on the above factors. Where oak woodland occurs adjacent to the wetland, the wetland buffer shall include the entirety of the oak habitat (not to exceed 200 feet in width).</p> <p><u>86.604 RPO Wetland Regulations</u></p> <p>(a) Wetlands. The following permitted uses shall be allowed:</p> <p>(1) Aquaculture, provided that it does not harm the natural ecosystem.</p> <p>(2) Scientific research, educational or recreational uses, provided that they do not harm the natural ecosystem.</p> <p>(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 Development Services, and removal of dead or detached plant material.</p> <p>(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 Development Services.</p> <p>(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:</p> <p>(aa) There is no feasible alternative that avoids the wetland;</p> <p>(bb) The crossings are limited to the minimum number feasible;</p> <p>(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., crossing widths shall be the minimum feasible and wetlands shall be bridged where feasible);</p> <p>(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);</p> <p>(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</p> <p>(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).</p> <p>(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:</p> <p>(1) Improvements necessary to protect adjacent wetlands.</p> <p>(2) All uses permitted in wetland areas.</p>	<p>Federal protection:</p> <p>Clean Water Act Section 404 – Waters of the US</p> <p>The Clean Water Act Section 404 only regulates Waters of the U.S which are a subset of wetlands. Waters of the U.S. includes essentially all surface waters such as all navigable waters and their tributaries, all interstate waters and their tributaries, all wetlands adjacent to these waters, and all impoundments of these waters. Impacts are permitted and mitigation no net loss ratios range from 1:1 to 3:1.</p> <p>State Protection:</p> <p>Fish and Game code - Lake & Streambed Alteration Program</p> <p>Notification to CDFW is required for any activity that may:</p> <ul style="list-style-type: none"> Substantially divert or obstruct the natural flow of any river, stream, or lake; Substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or Deposit or dispose of debris, waste, or other materials containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. <p>Notification requirement applies to any river, stream, or lake, including those that are dry for periods of time (ephemeral/episodic) as well as those that flow year round (perennial). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body. Impacts are permitted with mitigation showing no net loss of functions or values at ratios ranging from 1:1 to 3:1.</p> <p>Project would be reviewed against CEQA, State and Federal, County's Guidelines for Determining Significance for Biological Resources (Biology Guidelines), BMO, County Watercourses Ordinance, and County General Plan goals and policies.</p>

Resource Links:

Biological Mitigation Ordinance https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/BMO_Update_2010.pdf

Flood Damage Prevention Ordinance https://www.sandiegocounty.gov/content/dam/sdc/dpw/FLOOD_CONTROL/floodcontroldocuments/flood_damage_prevention.pdf

Guidelines for Determining Significance for https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Biological_Guidelines.pdf

Resource Protection Ordinance https://www.sandiegocounty.gov/pds/docs/res_prot_ord.pdf

Watercourse Ordinance https://www.sandiegocounty.gov/content/dam/sdc/dpw/LAND_DEVELOPMENT_DIVISION/landpdf/Chapter%206-Watercourses.pdf