

GENERAL PLAN UPDATE DRAFT CONSERVATION SUBDIVISION PROGRAM

April 2, 2010

1. Introduction

The intent of the Conservation Subdivision Program (CSP) is to encourage residential subdivision design that improves preservation of sensitive environmental resources in a balance with planned densities and community character. It is a program that aims to accommodate planned growth without sacrificing other essential components of our communities such as character, habitat lands, farmlands, groundwater supplies, unique topography, historical and cultural resources, scenic resources, recreational trails, and park lands.

The term “Conservation Subdivision” is typically used to define a compact residential development that includes community open space on the remaining land for the purpose of protecting environmental resources and/or providing recreational facilities. Conservation subdivision design results in numerous benefits, including the preservation of local biodiversity, retention of existing agriculture/farmland, increased watershed protection, improved recreational opportunities, reduced infrastructure costs, and improved fire protection for residential developments.

Currently, there are many federal, state, and local regulations and policies already influencing development in San Diego County, particularly in an effort to protect natural resources, create open space networks, provide recreational opportunities to residents, and to minimize development footprints. As such, planned residential projects in unincorporated San Diego County are already subject to some combination of these provisions depending on location and site specifics. As a result, conservation oriented design is already occurring, but it can also be improved.

Instead of developing a new program that overlaps existing regulations, staff’s proposal is to reinforce existing regulations to better support conservation oriented design and remove existing obstacles that discourage it or preclude it while maintaining appropriate checks and balances to protect communities. Key components to staff’s proposal are identified and numbered in the following sections and draft amendments are attached.

It is important to note that projects proposed under the conservation subdivision program will not be allowed by-right, and consequently will require discretionary review necessitating that findings be made to assure project compatibility.

2. Requiring Resource Sensitive Design

As previously mentioned, existing regulations support conservation oriented design but can also be improved. The highest level documents that support conservation oriented design is the General Plan and Community Plans. These plans will be maintained and improved as part of the General Plan Update to improve the framework needed to

support conservation oriented design. Other supporting regulations are numerous and implemented through the California Environmental Quality Act, Resource Protection Ordinance, Multiple Species Conservation Program, and other similar regulatory programs. These regulatory programs will not be substantially altered with the General Plan Update and therefore their support for conservation oriented design will remain.

To improve upon the County's support of conservation oriented design, staff has focused on those lands that contain the majority and largest blocks of sensitive resources. Through the General Plan Update process, these lands have been identified from existing data and proposed with the least dense land use designations. Therefore, the following program focuses on those lands designated SR-10, RL-20, RL-40, RL-80, or RL-160.

CSP Component #1: Subdivision Ordinance Addition

The Subdivision Ordinance contains regulations that pertain to all subdivisions in the unincorporated County. Staff has added additional design requirements for all subdivisions in rural lands (both Tentative Parcel Maps (4 lots or less) and Tentative Maps (5 lots and greater)) to further encourage conservation oriented design. These design requirements address both the project design and design of open space on the property. The requirements are based on ones that are currently implemented through the County's MSCP. Therefore, it is a proven system that works to encourage conservation oriented design and that is familiar to staff, consultants, and the development community. "Environmental Resource" has been defined and the following requirements have been added to the Subdivision Ordinance:

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

1. The development footprint shall be located in the areas of the land being subdivided so as to minimize impacts to environmental resources.
2. Development shall be consolidated to the maximum extent permitted by County regulations.
3. The development footprint shall be located and designed to maximize defensibility from wildland fires and to accommodate all necessary fuel modification on-site.
4. Notwithstanding the requirements of the Slope Encroachment Regulations contained within Section 86.604(e) of the Resource Protection Ordinance, effective October 10, 1991, exceptions to the maximum permitted encroachment into steep slopes shall be allowed in order to avoid impacts to environmental resources that cannot be avoided by other means. The exceptions shall be limited to the minimum necessary to achieve the goals of the conservation subdivision program.

5. Roads shall be designed to minimize impacts to environmental resources. Such design standards may include siting roads to reduce impacts from grading, consolidating development to reduce the length of roads and associated grading, using alternative permeable paving materials and methods, reduced paved road widths, and smaller curve radii, consistent with applicable public safety considerations.
6. Areas avoided from development shall be protected with open space or conservation easements and shall follow the design standards set forth below:
 - i. The largest blocks of unfragmented and interconnected open space shall be conserved.
 - ii. Surface open space area to perimeter ratios shall be maximized by avoiding the creation of slivers or fingers of open space that extend in and around development.
 - iii. Open space shall be located in areas with the maximum amount of connectivity with off-site open space.
 - iv. Multiple habitat types, varying topography, agriculture, etc. shall be conserved to the maximum extent practicable.
 - v. Unique and/or sensitive resources shall be protected in the core of open space areas to the maximum extent practicable or suitable buffers shall be provided to protect these resources.
 - vi. Resources shall be avoided and placed in open space pursuant to the percentage indicated on Table 81.401.1. The avoided lands shall be protected with an easement dedicated to the County of San Diego or a conservancy approved by the Director. Land used for mitigation for project impacts may be used to satisfy the requirements of Table 81.401.1 below. The required open space shall be maintained as open space for as long as the lots created through this provision of the Ordinance remain, except in circumstances where a need to vacate is required for public health, safety or welfare.

Table 81.401.1

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

CSP Component #2: Rural Subdivision Design Guidelines

To aid in the interpretation of the above requirements, staff has prepared Draft Rural Subdivision Design Guidelines. The Design Guidelines:

- Establish a process for first identifying the environmental resources on a project site, second identifying the best areas of the site for development, and then, third, creating a conservation oriented design for both the project and open space areas.
- Offer guidance of the County Department of Planning and Land Use approval process discretionary processing steps including: pre-submittal review, project scoping, public review, decision maker review and post approval processing.
- Provide description of regulations and standards commonly affecting the siting and design of subdivisions. These include discussion of such regulation as the California Environmental Quality Act, the Multiple Species Conservation Program and other specific standards that may impact project design such as fire safety, groundwater and traffic circulation.

3. Accommodating Flexibility in Subdivision Design

Existing regulations also contain restrictions to conservation oriented design. These restrictions work against the existing and proposed supportive regulations described above. To improve the program, staff has identified some of the most significant restrictions to conservation oriented design and provides proposals below for improving them.

CSP Component #3: Reducing Lot Design Restrictions

A number of County ordinances contain regulations that relate to lot size and lot dimension. These regulations limit the ability to provide compact or non-uniform designs that respond to site constraints and characteristics. Often, this level of restriction is unnecessary and additional regulations are in place to project the issues that they relate to.

- Zoning Ordinance Minimum Lot sizes: Consistent with the intent of the General Plan Update, minimum lot sizes are proposed to be decoupled from the density regulations. General Plan Update staff will work with each community to receive input and formulate target minimum lot sizes which are applicable and specific to each community. Three possible approaches to setting densities within each community include:

1. Property Receives Similar Density

Example: Estate Res 1 du/2,4 ac to Semi-rural Res 1 du/2,4,8 ac

- No Change (i.e. stays at minimum 2 acres)
- Minimum lot size decreased based on CP/SG Input (target 0.5 acres if appropriate)

2. Property Receives Decreased Density

Example: Multiple Rural Use 1 du/4,8,20 to Rural Lands 1du/20 ac

- a. No Change (i.e. stays at minimum 4 acres)
- b. Minimum lot size decreased based on CP/SG input (target 2 acres if appropriate)
- c. Minimum lot size increased based on CP/SG input (very limited circumstances)

3. Property Receives Increased Density

Example: Estate Res 1 du/2,4 ac to Village Res 2 du/ac

- a. Minimum lot size increased based on CP/SG input to match density (2 ac to 0.5 ac)
 - b. Minimum lot size increased based on CP/SG input to target (2 ac to 10,000 sf)
- Subdivision Ordinance Lot Design Standards: The Subdivision ordinance contains a number of lot design standards relating to lot depth, width, and dimension that can constrain the ability to compact or adjust design. To improve the ability to use waivers when appropriate, the waiver language in the ordinance was modified to allow waiver of the regulations if they do not meet the goals of the Conservation Subdivision Program.
 - Groundwater Ordinance Lot Restrictions: Staff added a waiver to for minimum parcel size requirements for projects that are developed pursuant to the Conservation Subdivision Program. Staff will also consider allowances for wells in open space and/or common areas. Guidelines for spacing wells and minimizing interference may be prepared to assist with implementation of the updated ordinance.
 - Resource Protection Ordinance Slope/Density Restrictions: Staff updated the ordinance to allow additional encroachment within steep slopes when projects are sufficiently conserving other sensitive lands and meeting preserve design guidelines. Additionally, the slope-based density calculations will be moved to the Regional Land Use Element of the General Plan to reduce redundancy and potential conflicts.

4. Ensuring Compatibility of Compact Design

Although staff's proposals above will increase flexibility to accommodate conservation oriented design, additional flexibility will be necessary in some cases to fulfill the objectives of the Conservation Subdivision Program. However, this additional flexibility can result in impacts that result from an extremely compact development. Impacts such as community compatibility, aesthetics, noise, and traffic must be given greater consideration. Permits that contain findings related to these issues are the best mechanism for ensuring that such review takes place.

CSP Component #4: Planned Residential Developments (PRD)

PRDs allow for reductions in lot size and other design restrictions when a certain percentage of open space is provided. To ensure that PRDs do not result in undesirable

impacts to environmental resources and community character, findings must be made. However, PRDs have not been used often because the usable and group open space requirements are too onerous. Therefore the following modifications were included:

Section 5800 of the Zoning Ordinance:

- Refined requirement for “higher level of amenities” as being more applicable to village developments and less applicable to rural developments.

Section 6600 of the Zoning Ordinance:

- Revised usable open space requirements (see table) so they are more realistic and allow for substitution of group usable open space if private open space cannot satisfy the requirement.

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

- Revised non-usable open space requirements so they are more applicable to resource preservation and provide a gradation of required open space depending on residential land use designation (see table).

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

CSP Component #5: Lot Area Averaging

Lot area averaging allows for flexibility in lot sizes so long as the overall density is maintained. Similar to PRDs, findings must be made. Also similar to PRDs, Lot Area Averaging has been underutilized due to County interpretation of the regulations. Therefore the following modification was included:

- Revised findings to eliminate the requirement that perimeter lots match the size and shape of those of neighboring properties and instead require compatibility and buffering where necessary.

Attachments

Attachment A: Draft Zoning Ordinance Amendment
Attachment B: Draft Subdivision Ordinance Amendment
Attachment C: Draft Resource Protection Ordinance Amendment
Attachment D: Draft Groundwater Ordinance Amendment
Attachment E: Draft Rural Subdivision Design Guidelines

Attachment A

Draft Zoning Ordinance Amendment

LOT AREA REGULATIONS

4200 TITLE AND PURPOSE.

The provisions of Section 4200 through 4299, inclusive, shall be known as Lot Area Regulations. The purpose of these provisions is to aid in the implementation of the growth, population distribution, conservation, and development policies of the San Diego County General Plan and to meet requirements for residential and nonresidential development within the County as set forth in the policies and principles of the General Plan.

4205 LOT AREA DESIGNATOR NOTATION.

Minimum lot area shall be indicated directly with square feet expressed in thousands, e.g., "6000" and "10,000" indicating 6,000 and 10,000 square feet respectively. Minimum lot area may be expressed as acres, e.g. 1 ac. and 1.5 ac. A dash ("-") shall indicate that there is no minimum lot area.

4210 LOT AREA REGULATIONS.

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

4215 MINIMUM LOT AREA TO BE MAINTAINED

No portion of the required area of any lot or building site shall be used or considered as part of the required area for any other lot or building site. No lot or building site shall be reduced in size so that the area thereof is less than the minimum prescribed by an applicable lot area designator except when such reduction results from partial acquisition for public use. No existing lot or building site which has an area less than the minimum required lot area shall be reduced in area, except when such reduction results from partial acquisition for public use.

4220 MINIMUM LOT AREA REQUIREMENTS MET.

Any lot or building site shall be deemed to meet an applicable minimum lot area requirement when:

- a. It existed as an entire lot, or as an entire parcel for which either a deed of record in the office of the County Recorder or a bona fide contract of sale was in full force and effect, prior to the date it was first zoned to the zone classification which caused it to be undersized; and
- b. It is not the result of a division of land in violation of any state law or county ordinance.

4221 MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS.

The net lot area of a lot shall be not less than the required minimum area prescribed by the lot area designator of the zone, except as required in the S87 Use Regulations the required minimum area shall include the area to the centerline of adjacent streets and access easements and provided further that a lot or building site may have an area less than the Development Regulations require in the S87 Use Regulations, provided that one of the following requirements is satisfied:

- a. Said lot or building site is created pursuant to a use permit specifying such lesser area or issued for the purpose of authorizing such lesser area, provided that such lot or building site shall in no event have an area less than six thousand (6,000) square feet.
- b. All requirements of Section 4220 of this Ordinance are met.
- c. Said lot or building site is shown on an approved final subdivision map, or on a tentative subdivision map which has been approved or filed for approval, all prior to December 1, 1969; provided that after December 31, 1971:
 1. Said lot or building site exists as an entire lot, or as an entire parcel for which either a deed is of record in the office of the County Recorder or a bona fide contract of sale is in full force and effect.
 2. It is not the result of a division of land in violation of any State law or County ordinance.
- d. Said lot or building site is shown on an approved division of land plat or on a division of land plat filed for approval prior to December, 1969; provided that after December 31, 1971:
 1. Said lot or building site exists as an entire lot or as an entire parcel for which either a deed is of record in the office of the County Recorder or a bona fide contract of sales is in full force and effect.
 2. It is not the result of a division of land in violation of any State law or County ordinance.

4222 LOT AREA REQUIRED WHERE PORTION TAKEN FOR PUBLIC USE.

If a portion of a legally existing lot or building site in any zone is acquired for public use in any manner including dedication, condemnation or purchase, the remainder of such lot or building site shall be considered as having the required lot area provided:

- a. After all applicable front and side yard setback requirements are met, the remainder of such lot or building site contains a rectangular space at least 30 feet by 40 feet in area which is usable for a main building; and
- b. The remainder of such lot or building site has an area of at least 1/2 of that required by an applicable lot area designator except that, in zones requiring a lot area of 1/2 acre or more, a lot area of not less than 6,000 square feet shall be required; and

- c. The remainder of such lot or building site has access to a street. Where the remainder of such lot or building site shall be considered as having the required minimum lot area as herein provided, the rear yard setback required for such remainder shall be 1/2 of the aforesaid applicable rear yard setback requirement.

4224 REDUCED LOT AREA FOR PUBLIC AND UTILITY BUILDINGS.

Where a lot or building site is devoted exclusively to public buildings and uses owned by a county, city or other political subdivision or to public utility buildings and uses, a Minor Use Permit may be issued authorizing a reduction in the minimum required lot area for such lot or building. No living units shall be permitted on such lot or parcel except to house Fire Protection Service personnel and related equipment.

4230 LOT AREA AVERAGING/CONSERVATION SUBDIVISION.

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

a. Purpose and Intent

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

b. Required Findings

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

1. That the size, design, grading, and location of the proposed lots will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
 - i. Harmony in lot size and configuration, ~~density, and if applicable, proposed building coverage~~ building setbacks and orientation;
 - ii. The harmful effect, if any, upon desirable neighborhood character, including a finding that all lots in the subdivision which adjoin neighboring properties are compatible in size and shape to the adjoining lots ~~conform to at least the minimum lot size required by the applicable lot area designator,~~ unless such adjoining area is to be

preserved for open space for preservation of steep natural slopes or environmental resources or that adequate buffering has been provided to eliminate any harmful effect to neighboring properties;

- iii. The suitability of the site for the type and intensity of use or development which is proposed;
 - iv. The harmful effect, if any, upon environmental quality and natural resources; and to
 - v. Other relevant impacts of the proposed use.
- ~~2. That the use and development of the property complies with all conditions that may be imposed by such permit.~~
23. That the total number of lots (excluding any lots reserved for open space purposes) shall not exceed the number obtained by dividing the total net area of the subdivision by the minimum lot area required by the applicable lot area designator.
34. That all lots and easements in the subdivision which are designated for open space be for the preservation of steep natural slopes, environmentally sensitive areas, wildlife habitat, agriculture, or archeological or historical resources ~~only~~, and will be permanently reserved for open space in a manner which makes the County or a public agency a party to and entitled to enforce the reservation.
45. That the proposed subdivision and the total number and location of the proposed lots will be consistent with the San Diego County General Plan.

PLANNED DEVELOPMENT AREA REGULATIONS

5800 TITLE AND PURPOSE.

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

5802 APPLICATION OF PLANNED DEVELOPMENT SPECIAL AREA REGULATIONS.

These regulations shall be applied where appropriate to achieve the purpose set forth in Section 5800.

5804 LIMITATION ON USE AND CONSTRUCTION.

No use or construction otherwise permitted is allowed on land subject to the Planned Development Area Regulations except as follows:

- a. Development of a planned development in accordance with the Planned Development Standards is allowed pursuant to a Major Use Permit.
- b. Civic Use Types are permitted provided that a Major Use Permit is granted for any Civic Use Type (other than Essential Services) for which a use permit is not otherwise required.
- c. The Planning Commission may waive the application of this Section to a parcel of not more than 5 acres in area upon a finding that such waiver is consistent with the General Plan and the purposes of these regulations.

For purposes of applying this section, the term "use" shall not include divisions of land into parcels each of which has a gross area of 40 acres or larger.

5806 INTERIM USES AND STRUCTURES.

The following are permitted on land subject to the Planned Development Area Regulations prior to development pursuant to Section 5804:

- a. Agricultural and Extractive use types otherwise permitted by the Use Regulations.
- b. A Major Use Permit may be granted to authorize, for a specified period of time, any use not involving a significant investment in buildings, structures, or other improvements. Alternatively, a Major Use Permit may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all buildings, structures, and other improvements within a specified time and/or under specified conditions when the decision-making body finds that such

agreement will carry out the intent of this Ordinance and is enforceable by the County.

- c. A Major or Minor Use Permit or Administrative Permit may be continued, modified, reinstated, or renewed for any use which, prior to the application of the Planned Development Area Regulations to the subject property, was permitted pursuant to a duly authorized use or Administrative Permit.
- d. An Administrative Permit may be granted by the Director to authorize alteration or expansion of existing structures, or erection of accessory structures, other than those authorized in 5806(e), if such construction does not hinder the eventual development of the property as a planned development.
- e. Alteration or expansion of existing one or two family dwellings, or their accessory structures, or addition of accessory structures.

PLANNED DEVELOPMENT STANDARDS

6600 TITLE AND PURPOSE.

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

6606 CONCEPT OF A PLANNED DEVELOPMENT.

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

6609 APPLICABILITY OF ANIMAL REGULATIONS.

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

6610 APPLICABILITY OF USE REGULATIONS.

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

6612 APPLICABILITY OF DEVELOPMENT REGULATIONS.

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

6615 APPLICABILITY OF SPECIAL AREA REGULATIONS.

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

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

6621 MAXIMUM DENSITY COMPUTATION OF PERMITTED NUMBER OF LOTS.

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

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

- c. ~~Findings of Residential Acreage. The Director shall compute the residential acreage pursuant to either subsection "a" or "b".~~
- d. ~~Applicable Maximum Density. The maximum density provisions of the applicable density designator shall be used in the computation of the permitted number of dwelling units.~~
- e. ~~Permitted Number of Dwelling Units. The number of dwelling units shall not exceed the product of the maximum density determined in subsection "d" multiplied by the residential acreage determined in either subsection "a" or "b".~~

6624 LOT SIZE.

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

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

6627 BUILDING TYPE.

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

6630 MAXIMUM FLOOR AREA.

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

6633 FLOOR-AREA RATIO.

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

6636 HEIGHT.

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

6639 COVERAGE.

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

6642 SETBACKS-PERIMETER.

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

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

6645 SETBACK-INTERIOR.

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

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

10 feet in all directions measured from the furthest projections of the external walls of the building.

6648 OPEN SPACE.

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

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

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

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

- c. Remaining Conservation/Group Open Space. The total useable and/or non-usable open space shall be provided on the project site pursuant to the table below.
- i. Conservation Open Space. The remaining 1/2 of the Non-usable conservation open space required by subsection "a" may be improved, or may shall be left in its natural state, particularly if natural features worthy of preservation exist on the site and shall be preserved in an open space easement. No structures or development shall be permitted. Conservation Open space left in its natural state shall be kept free of litter and shall at

no time constitute a health, safety, fire or flood hazard. Areas devoted to natural or improved flood control channels and those areas encumbered by flowage, floodway or drainage easements, as well as riding and hiking trails designated on a community or subregional plan map, may be applied toward satisfying this portion of the ~~total~~ conservation open space requirement.

- ii. Group Open Space. Useable open space shall comply with the standards of Section 4917. Land occupied by buildings and structures reserved for common recreational use by the residents may be counted as group usable open space for purposes of this subsection provided it meets the requirements of Section 4917.

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

- d. **Staged Development.** If development is to be accomplished in stages, the development plan shall coordinate improvement of the open space, the construction of buildings, structures and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and environmental quality of the total planned development.
- e. **Reservation for Common Use.** All or any part of the required open space may be reserved for use in common by the residents of the planned development except as restricted by the private usable open space requirements of the Usable Open Space Regulations. Areas permanently reserved for common open space shall be reserved for the use and enjoyment of the residents in a manner which makes the county or a public district or a public agency a party to and entitled to enforce the reservation. The approving authority may require that open space easements over the required open space be conveyed to the county. (Riding and hiking trails designated on a community or subregional plan map shall be open to the general public.)
- f. **Unreserved open space.** Any open space in the development not reserved for the use in common of the residents pursuant to subsection "e" hereof, and not subject to the usable open space requirements of Section 4900, may be counted toward computation of the permitted number of dwelling units pursuant to Section 6621.e. However, any project proposing such unreserved open space shall be subject to the following conditions to be contained in the major use permit for the planned development: (1) That a homeowners association be created consisting of all owners of residential property in the planned development, and (2) that the unreserved open space shall be subject to an open space easement ~~to which the homeowners association and the County or other public agency shall be made parties and entitled to enforce any conditions and restrictions of the easement.~~

- g. Additional Requirements for Mobilehomes. In addition to the open space requirements of subsections "a" through "e" and the Usable Open Space Regulations, planned development containing mobilehomes shall meet the following requirements for open space and recreational facilities:
1. At least one substantial area of group usable open space shall be provided. Such area shall:
 - i. Conform to the requirement for group usable open space set forth in the Usable Group Open Space Regulations.
 - ii. Be of such size and shape that each side of a rectangle inscribed within it is at least 100 feet in length.
 - iii. Include outdoor recreational facilities for both active and passive recreation.
 - iv. Include completely enclosed recreational facilities consisting of not less than 10 square feet of floor area for each lot containing a mobilehome.
 2. All or any part of the group usable open space required by the Usable Open Space Regulations may be used to satisfy the requirements of Paragraph "f.1" if such open space meets the standards for minimum dimension, maximum slope and outdoor recreational facilities set forth herein.

6650 ACCESSORY STRUCTURES.

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

6651 SIGNS.

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

6654 OFF-STREET PARKING.

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

6657 CIRCULATION.

All streets within the planned development that by function fall within the system of classification of streets as specified in Article III, Classification (Types) of Streets of the "San Diego County Standards", Ordinance No. 2809 (New Series), as amended, shall be improved to county road standards for the particular classification of street, and all such streets shall be offered for dedication to the public. When the developer desires to retain any such streets as private streets, the county may reject the offer of dedication.

Other forms of access, such as pedestrian ways, courts, plazas, driveways or open parking lots shall not be offered for dedication. Forms of common access other than dedicated public streets shall be permanently reserved and maintained for their intended purpose by means acceptable to the approving authority and County Counsel.

6660 ACCESS.

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

6663 FIRE PROTECTION.

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

6666 NIGHT LIGHTING.

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

6669 ANTENNAS.

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

6672 UNDERGROUNDING.

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

6675 SPECIAL REQUIREMENTS FOR MOBILEHOMES.

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

- a. Area. A planned development containing mobilehomes shall not be less than 5 acres in area.
- b. Fencing and Landscaping. Planned development containing mobilehomes shall conform to the Fencing and Landscaping Regulations commencing at Section 6700.
- c. Storage Areas. Common Storage areas shall be provided within an enclosed fenced area for the residents of the planned development occupying mobilehomes for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall be not less than 50 square feet for each lot containing a mobilehome.

- d. Sewer and Water. Each lot containing a mobilehome in a planned development shall be provided with water and sewer connections in accordance with Chapter 5 of Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health of the Department of Environmental Health. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Environmental Health.

6678 MODIFICATION OF REQUIREMENTS.

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

6679 EFFECT OF AMENDMENTS ON PENDING PLANNED DEVELOPMENTS.

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

Attachment B
Draft Subdivision Ordinance
Amendment

ORDINANCE NO. (N.S.)

AN ORDINANCE AMENDING TITLE 8 DIVISION 1 OF THE SAN DIEGO COUNTY CODE, RELATING TO CONSERVATION SUBDIVISIONS

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

Section 1. PURPOSE INTENT.

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

Section 2. Section 81.102 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.102. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

(~~j~~) "DEH" means the Department of Environmental Health.

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

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

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

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

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

(~~p~~q) "DPLU" means the Department of Planning and Land Use.

(~~q~~r) "DPR" means the Department of Parks and Recreation.

(~~r~~s) "DPW" means the Department of Public Works.

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

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

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

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

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

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

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

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

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

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

(~~b~~dd) "San Diego County Standards" refers to those standards and specifications on file in the Office of the Clerk of the Board of Supervisors (Clerk) as Attachment C with Resolution No. 99-186 (6-30-99 (8)) (San Diego County Standards for Private Roads)

and Document Number 767412 (5-18-05 (14)) (Public Road Standards); provided, however, that with respect to development within the "Country Town" area of the Borrego Springs Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Area of the Borrego Springs Planning Area" on file with the Office of the Clerk as Document Number 740149 (4-10-91 (6)), and with respect to development within the San Dieguito Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Sphere of the San Dieguito Planning Area" on file with the Office of the Clerk as Document Number 750029(a) (6-6-92 (9)), and with respect to development within the Fallbrook Community Development Area, the standards and specifications contained in the "Fallbrook Community Right-of-Way Development Standards for Public Roads" on file with the Office of the Clerk as Document Number 761748 (12-14-94 (1)), and with respect to development within the Julian Community Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards: Julian Historic District and Julian Community Planning Area" on file with the Office of the Clerk as Document Number 0768777 (3-6-02 (17)), shall also apply and shall supersede the aforementioned documents to the extent of any conflict between them.

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

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

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

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

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

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

Section 3. Section 81.308 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.308. WAIVER OR MODIFICATION OF REGULATIONS.

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

Section 4. Section 81.401 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.401. DESIGN OF MAJOR SUBDIVISIONS.

All major subdivisions shall conform to the following design requirements:

- (a) No lot shall include land in more than a single tax rate area.
- (b) Every lot shall contain the minimum lot area specified in the Zoning Ordinance for the zone in which the lot is located at the time the final map is submitted to the Board of Supervisors (Board) for approval, but if the Zoning Ordinance does not establish a minimum lot area for a zone, every lot shall contain a lot area of at least 6,000 square feet.
- (c) Every lot shall front on a dedicated road, a road offered for dedication or a private road easement, whichever is required by section 81.402 or the conditions of approval of the tentative map.

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

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

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

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

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

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

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

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

(l) Bicycle routes shown on the County General Plan shall be included in the subdivision if the routes are reasonably related to the traffic caused by the subdivision. Whenever rights-of-way for roads are required to be dedicated in subdivisions containing 200 or more lots, the subdivider shall include bicycle routes, when necessary and feasible for the use and safety of the residents.

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

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

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

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

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

- (1) Topographical or other physical constraints.
- (2) Conditions that would result in a significant impact on the environment.
- (3) Utility easements or other similar title constraints.

(4) Existing or planned adjacent uses that are incompatible with a road connection.

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

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

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

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

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

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

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

- i. The largest blocks of unfragmented and interconnected open space shall be conserved.
- ii. Surface open space area to perimeter ratios shall be maximized by avoiding the creation of slivers or fingers of open space that extend in and around development.
- iii. Open space shall be located in areas with the maximum amount of connectivity with off-site open space.
- iv. Multiple habitat types, varying topography, agriculture, etc. shall be conserved to the maximum extent practicable.
- v. Unique and/or sensitive resources shall be protected in the core of open space areas to the maximum extent practicable or suitable buffers shall be provided to protect these resources.
- vi. Resources shall be avoided and placed in open space pursuant to the percentage indicated on Table 81.401.1. The avoided lands shall be protected with an easement dedicated to the County of San Diego or a conservancy approved by the Director. Land used for mitigation for project impacts may be used to satisfy the

requirements of Table 81.401.1 below. The required open space shall be maintained as open space for as long as the lots created through this provision of the Ordinance remain, except in circumstances where a need to vacate is required for public health, safety or welfare.

Table 81.401.1

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

Section 5: Section 81.614 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.614. MODIFICATION OF REGULATIONS.

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

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

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

Attachment C

Draft Resource Protection Ordinance Amendment

(Changes proposed to Section 86.604 only)

ORDINANCE NO. 9842 (NEW SERIES)

AN ORDINANCE CODIFYING AND AMENDING THE RESOURCE PROTECTION ORDINANCE, RELATING TO WETLANDS, PREHISTORIC AND HISTORIC SITES, AGRICULTURAL OPERATIONS, ENFORCEMENT, AND OTHER MATTERS

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

Section 1. The Board of Supervisors finds and determines that the following amendments will provide a necessary update to certain sections of the County Resource Protection Ordinance. Changes are being proposed in order clarify definitions and permitted uses to make them consistent with the way in which the ordinance has been interpreted and applied by the Department. Key to this clarification is to remove inconsistent or vague language that is difficult to interpret and replace it with language that is clearer and follows the intent of the codes. Amendments are also being proposed to clarify permitted uses and establish minimum requirements that must be met before such uses are allowed.

Section 2. The San Diego County "Resource Protection Ordinance", as adopted by Ordinance No. 7631 and amended by Ordinances Nos. 7685, 7739, and 7968, is hereby amended, and is hereby codified as Chapter 6 (commencing with Section 86.601) of Division 6 of Title 8 of the San Diego County Code, to read as follows:

CHAPTER 6. RESOURCE PROTECTION ORDINANCE

SEC. 86.601. Findings, Purpose and Intent.

The Board of Supervisors finds that the unique topography, ecosystems and natural characteristics of the County are fragile, irreplaceable resources that are vital to the general welfare of all residents; that special controls on development must be established for the County's wetlands, floodplains, steep slopes, sensitive biological habitats, and prehistoric and historic sites; and that present methods adopted by the County must be strengthened in order to guarantee the preservation of these sensitive lands. This Chapter will protect sensitive lands and prevent their degradation and loss by requiring the Resource Protection Study for certain discretionary projects. This Chapter will also preserve the ability of affected property owners to make reasonable use of their land subject to the conditions established by this Chapter. It is the intent of this Chapter to increase the preservation and protection of the County's unique topography, natural beauty, diversity, and natural resources and a high quality of life for current and future residents of the County of San Diego. Nothing in this Chapter shall be construed to reduce any requirements to protect environmentally sensitive lands contained in any other County plan, ordinance, policy, or regulation. It is not the intent of this Chapter to prohibit all development on steep slopes, but only to limit the amount of disturbance consistent with the encroachment allowances herein.

SEC. 86.602. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the following meanings. These definitions are to be broadly interpreted and construed to provide maximum protection to the environmentally sensitive lands and resources protected by this Chapter.

- (a). "Aquaculture": A form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.
- (b). "Ecosystem": A system made up of a community of organisms and its interrelated physical and chemical environment.
- (c). "Environmentally Sensitive Lands": These lands shall consist of wetlands, floodplains, steep slope lands, sensitive habitat lands, and lands containing significant prehistoric and historic sites as defined by this Section.
- (d). "Essential Public Facility or Project": Any structure or improvement necessary for the provision of public services, which must be located in the particular location to serve its purpose and for which no less environmentally damaging location, alignment, or non-structural alternative exists.
- (e). "Feasible": Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, and technological factors. Infeasibility must be supported by substantial evidence developed through a good faith effort to investigate alternatives that would result in less adverse impacts. A substantial modification to the configuration of a development, or reduction in density or intensity, would not be considered infeasible unless supported by the above factors.
- (f). "Filed": For the purposes of this Chapter, an application is "filed" on the date that a complete and pending application is filed with the County of San Diego and the required fees paid therefore, as follows:
- (1) For projects served by public sewer, upon the filing of the application with the agency authorized to grant the ultimate permit or approval; or
 - (2) For projects not served by public sewers, upon the filing of the application for review by the Department of Health Services; provided, that within 180 days of said filing, an application for the ultimate permit or approval is filed.
- (g). "Fill": Any material or substance which is deposited, pushed, dumped, pulled, or otherwise transported or moved to a new location for the purpose of elevating an area above the floodplain. Examples of fill materials include but are not limited to earth, excavated or dredged materials, sand, gravel, rock, asphalt, refuse and concrete rubble.
- (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.
- (i). "Floodplain Fringe": The area within the floodplain that is not in the floodway.(j). "Floodway": All land, as determined by the Director of Public Works, which meets the following criteria:
- a. 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 2/10^{ths} of 1 foot.

- b. The floodway shall include all land area necessary to convey a ten-year flood without structural improvements.
 - c. 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.
 - d. Floodways are determined by removing equal conveyance (capacity for passing flood flow) from each side unless another criterion controls.
- (k). "Mature Riparian Woodland": A grouping of sycamores, cottonwoods, willows and/or oak trees having substantial biological value, where at least ten of the trees have a diameter of six inches or greater.
- (l). "Native Vegetation": Vegetation composed of plants which originated, developed, or were produced naturally in the San Diego region and were not introduced directly or indirectly by humans. Native vegetation may be found in but is not limited to marshes, native grasslands, coastal/inland sage scrub, woodlands, and forests.
- (m). "Riparian Habitat": An environment associated with the banks and other land adjacent to freshwater bodies, rivers, streams, creeks, estuaries, and other surface-emergent aquifers (such as springs, seeps, and oases). Riparian habitat is characterized by plant and animal communities which require high soil moisture conditions maintained by transported freshwater in excess of that otherwise available through local precipitation.
- (n). "Sensitive Habitat Lands": 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.
- "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.
- (o). "Significant Prehistoric or Historic Sites": Sites that provide information regarding important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, State, or Federal importance. Such locations shall include, but not be limited to:

- (1) Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:
 - (aa) Formally determined eligible or listed in the National Register of Historic Places by the Keeper of the National Register; or
 - (bb) To which the Historic Resource ("H" Designator) Special Area Regulations have been applied; or
- (2) One-of-a-kind, locally unique, or regionally unique cultural resources which contain a significant volume and range of data and materials; and
- (3) Any location of past or current sacred religious or ceremonial observances which is either:
 - (aa) Protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code Section 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures or ,
 - (bb) Other formally designated and recognized sites which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.
- (p). "Steep Slope Lands": All lands having a slope with natural gradient of 25% or greater and a minimum rise of 50 feet, unless said land has been substantially disturbed by previous legal grading. The minimum rise shall be measured vertically from the toe of slope to the top of slope within the project boundary.
- (q). "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 Land Use 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 Land Use:
- (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.

(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.)

- (r). "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).

SEC. 86.603. Resource Protection Study and Findings.

- (a). Application of Regulations. Prior to approval of any of the following types of discretionary applications, a Resource Protection Study must be completed and the approving authority shall make a finding that the use or development permitted by the application is consistent with the provisions of this Chapter:

Tentative Parcel Maps

Tentative Maps

Revised Tentative Parcel Maps and Revised Tentative Maps

(Review shall exclude areas unaffected by the proposed revisions)

Expired Tentative Parcel Maps and Expired Tentative Maps

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

Major Use Permits

Major Use Permit Modifications

(Review shall exclude areas unaffected by the proposed Modifications)

Certificates of Compliance filed pursuant to Sections 81.616.1 or 81.616.2 of this Code
(Excluding condominium conversions)
Site Plans (Excluding those Statutorily or Categorically Exempt from review under the
CEQA and those required by a Sensitive Resource Area Designator)
Administrative Permits (Excluding those Statutorily or Categorically Exempt from review
under the CEQA and those for clearing)
Vacations of Open Space Easements

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

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

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

- (b). Resource Protection Study Requirements. A Resource Protection Study submitted shall be accompanied by a plot plan and any such information, maps, plans, documentation, data and analyses as may be required by the Director of Planning and Land Use. It shall also be accompanied by payment of the fee prescribed in San Diego County Administrative Code Section 362. A Resource Protection Study may be processed concurrently with the associated discretionary permit application.

In order to determine if a parcel contains steep slopes, a slope analysis shall be prepared as part of the Resource Protection Study. The analysis must be completed by a qualified person such as a registered or licensed architect, landscape architect, engineering geologist, land surveyor, or civil engineer based upon a topographic map using ten foot contour intervals or less. The slope analysis shall show the slope categories for the entire property in acres, as required by the Director of Planning and Land Use. Said categories may include the following depending upon the property's plan designation:

Less than 15% slope
15% and greater up to 25% slope
25% and greater up to 50% slope
50% and greater slope

- (c). Actions to Protect Environmentally Sensitive Lands. If the Resource Protection Study identifies the presence of environmentally sensitive lands, one or more of the following actions may be required as a condition of approval for the discretionary permit:

- (1). Apply open space easements to portions of the project site that contain sensitive lands;
- (2). Rezone the entire project site through the application of a special area designator for sensitive lands; or
- (3). Other actions as determined by the decision-making body.

SEC 86.604. Permitted Uses and Development Criteria.

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

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

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

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

- (1). Concrete or rip-rap flood control channels are allowed only where findings are made that completion of the channel is necessary to protect existing buildings from a current flooding problem. Buildings constructed after the enactment of this Ordinance shall not be the basis for permitting such channels.
- (2) Modification will not unduly accelerate the velocity of water so as to create a condition which would increase erosion (and related downstream sedimentation) or would be detrimental to the health and safety of persons or property or adversely affect wetlands or riparian habitat.

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

Following review of a site-specific flood analysis, the floodplain setback required by this Paragraph may be reduced by the Director of Planning and Land Use or the applicable hearing body, upon making all of the following findings:

- (aa) Practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Chapter would result from application of the setback; and
- (bb) The reduction in setback will not increase flood flows, siltation and/or erosion, or reduce long-term protection of the floodway, to a greater extent than if the required setback were maintained; and

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- (cc) The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity; and
 - (dd) The reduction in setback will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity in which the property is located; and
 - (ee) The reduction in setback will not be incompatible with the San Diego County General Plan.
- (5). Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain.
- (6). In areas where the Director of Public Works has determined that the potential for erosion or sedimentation in the floodplain is significant, all proposed development shall be set back from the floodway so that it is outside the Erosion/Sedimentation Hazard Area shown on County floodplain maps. Development will only be allowed in the Erosion/Sedimentation Hazard Area when the Director of Public Works approves a special study demonstrating that adequate protection can be achieved in a manner that is compatible with the natural characteristics of the river.
- (7). If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, steep slope lands, sensitive habitat lands or significant prehistoric or historic site lands, the use restrictions herein applicable to such areas shall also apply.
- (e). Steep Slope Lands.
 - (1). Density Formula. When a parcel is located within a plan designation which bases lot size on slopes, the number of lots and/or number of dwelling units created shall be constrained by the following formula:
$$\frac{\begin{aligned} &\text{Acres in slopes less than 15\%} \div \text{minimum lot size permitted by General Plan} \\ &+ \text{Acres in slopes of 15\%/less than 25\%} \div \text{minimum lot size permitted by General Plan} \\ &+ \text{Acres in slopes of 25\%/less than 50\%} \div \text{minimum lot size permitted by General Plan} \\ &+ \text{Acres in slopes of 50\% or greater} \div \text{minimum lot size permitted by General Plan} \end{aligned}}{1} = \text{Maximum number of lots and/or dwelling units allowable}$$

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

Projects obtaining a density bonus, pursuant to Section 4120 of the Zoning Ordinance, are subject to the above density formula.
 - (2). Project Design and Open Space to Protect Steep Slopes. In designing lot configuration on steep slope lands in all land use designations, parcels shall be created in a manner which minimizes encroachment onto steep slope lands. Where 10% or more of a lot contains steep slope lands, that portion of the lot

containing such lands shall be placed in an open space easement unless the lot is equal to or greater than 40 acres or a sensitive resource area designator has been applied to that lot pursuant to the Zoning Ordinance.

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

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

Percentage of Lot in Steep Slope Lands Slope Lands	Twenty-Five Percent Slope Encroachment Allowance	
	Maximum Encroachment Allowance as Percentage of Area in Steep	
75% or less	10%	
80%	12%	
85%	14%	
90%	16%	
95%	18%	
100%	20%	

- (bb) Notwithstanding the provisions of Paragraph (aa) above, the following types of development shall be allowed on steep slope lands and shall not be subject to the encroachment limitations set forth above:

- (i) All public roads identified in the Circulation Element of the County General Plan or adopted community or subregional plans, provided that findings are made by the hearing body approving the application that no less environmentally damaging alternative alignment or non-structural alternative measure exists.
- (ii) Local public streets or private roads and driveways which are necessary for primary or secondary access to the portion of the site to be developed on steep slope lands of less than 25%, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Director of Planning and Land Use based upon an analysis of the project site.

- (iii) Public and private utility systems, provided that findings are made that the least environmentally damaging alignment has been selected. However, septic systems are not included in this exemption unless Department of Health Services has certified that no grading or benching is required.
- (iv) Areas with native vegetation, which are cleared or trimmed to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or orders of fire safety officials and that such slopes retain their native root stock or are planted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
- (v) Trails for passive recreational use according to approved park plans.
- (vi) On any lot created on or before August 10, 1988, a maximum disturbed area of 20% of the entire lot, or sufficient area to accommodate 3,000 square feet of building footprint (whichever is greater) shall be permitted to provide for reasonable use of existing lots.
- (vii) Any on-going existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to four years shall be considered to be an existing agricultural operation. An on-going existing agricultural operation does not include uses located within the agricultural operation that are not in themselves related to agriculture.

(cc) Additional encroachment into steep slopes may be permitted for tentative maps and tentative parcel maps within the SR 10 and RL 20 through RL 160 Land Use Designations when design considerations include encroachment into steep slopes in order to avoid impacts to significant environmental resources that cannot be avoided by other means, provided no less environmentally damaging alternative exists. The determination of whether or not a tentative map or tentative parcel map qualifies for additional encroachment shall be made by the Director of Planning and Land Use based upon an analysis of the project site.

- (3). Waiver of Open Space Easement. The steep slope open space easement requirement may be waived when the authority considering an application listed at Section 86.603 (a) above makes the following findings:
 - (aa). The slope is an insignificant visual feature and isolated from other landforms, or surrounding properties have been developed on steep slopes such that this project would be considered "infill"; and
 - (bb). The property is zoned for .5 acre lots or smaller at the time the application was made, or a concurrent Rezone has been filed; and

- (cc). The greater encroachment is consistent with the goals and objectives of the applicable community plan; and
 - (dd). Site Plan review is required to ensure consistency of design with these regulations.
- (f). Sensitive Habitat Lands. Development, grading, grubbing, clearing or any other activity or use damaging to sensitive habitat lands shall be prohibited. The authority considering an application listed at Section 86.603(a) above may allow development when all feasible measures necessary to protect and preserve the sensitive habitat lands are required as a condition of permit approval and where mitigation provides an equal or greater benefit to the affected species.
- (g). Significant Prehistoric or Historic Sites. Development, trenching, grading, clearing and grubbing, or any other activity or use damaging to significant prehistoric or historic site lands shall be prohibited, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists.

SEC. 86.605. Exemptions

This Chapter shall not apply to the following:

- (a). Any project for which and to the extent that a vesting Tentative Map approved prior to August 10, 1988, or a Public Benefit Agreement approved prior to June 30, 1989, confers vested rights under County ordinance or State or Federal law to proceed with development notwithstanding the enactment of this Chapter, or its predecessor Ordinances Nos. 7521, 7549, 7595, 7596, 7631, 7685, 7739, and 7968 (all N.S.) .
- (b). All or any portion of a Specific Plan which has at least one Tentative Map or Tentative Parcel Map approved prior to August 10, 1988, provided that the Planning Commission or, on appeal, the Board of Supervisors, makes the following findings at a noticed public hearing:
 - (1). The applicant has, with regard to the portion sought to be exempted, prior to August 10, 1988, incurred substantial public facilities or infrastructure expenditures and performed substantial grading or construction of physical improvements to serve the portion outside of the approved map in good faith.
 - (2). If there are located wetlands or floodplains or riparian habitat on the portion sought to be exempted, that (aa) none of said lands is affected directly or substantially by the project, or (bb) that measures have been taken which avoid development on said lands.

This Chapter shall also not apply to any amendment to such Specific Plan meeting the above requirements, and which does not increase the density of the Specific Plan and which is in closer conformity to this Chapter with respect to the preservation of environmentally sensitive lands, nor to any amendment to a Specific Plan which is required by a condition of a Specific Plan approved prior to August 10, 1988, in order to

apply for a Tentative Map or use permit for an area within the Specific Plan, provided such area has previously been found to satisfy the requirements of this section. This Chapter shall also not apply to any Specific Plan or portion thereof for which these findings were made and for which a determination of exemption was granted from the Interim Sensitive Lands Ordinance (Ordinance Nos. 7521, 7549, 7595 and 7596 (all N.S.)).

- (c). Any essential public facility or project, or recreational facility which includes public use when the authority considering an application listed at Section 86.603 (a) above makes the following findings:
 - (1). The facility or project is consistent with adopted community or subregional plans;
 - (2). All possible mitigation measures have been incorporated into the facility or project, and there are no feasible less environmentally damaging location, alignment, or non-structural alternatives that would meet project objectives;
 - (3). Where the facility or project encroaches into a wetland or floodplain, mitigation measures are required that result in any net gain in the wetland and/or riparian habitat;
 - (4). Where the facility or project encroaches into steep slopes, native vegetation will be used to revegetate and landscape cut and fill areas; and
 - (5). No mature riparian woodland is destroyed or reduced in size due to otherwise allowed encroachments.
- (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;
 - (2). In a floodplain, any net gain in functional wetlands and riparian habitat shall result in or adjacent to the area of extraction;
 - (3). Native vegetation shall be used on steep slope lands to revegetate and landscape cut and fill areas in order to substantially restore the original habitat value, and slopes shall be graded to produce contours and soils which reflects a natural landform which is consistent with the surrounding area; and
 - (4). Mature riparian woodland may not be destroyed or reduced in size due to sand, gravel or mineral extraction.

Use of the extraction area after reclamation shall be subject to all conditions of this Chapter.

- (e). Any project for which the Board of Supervisors has determined that application of this Ordinance would result in the applicant being deprived of all reasonable economic use of property in violation of Federal or State Constitutional prohibitions against the taking of property without just compensation.

- (f). Any project located within the Upper San Diego River Improvement Project's redevelopment area boundaries.
- (g). Any project for which the Director of the Department of Planning and Land Use has determined in writing that it can be seen with certainty that either no environmentally sensitive lands exist on the property, or that all environmentally sensitive lands on the property are assured of being protected by a prior permit to the same standards as those contained in this Chapter.
- (h). Any project located within a Specific Plan, within the Urban Limit Line, and within an approved Revitalization Action Plan established prior to August 10, 1988, where the Board of Supervisors finds that an amendment to that Specific Plan makes the project more clearly conform to this Chapter and where there is a public benefit beyond the boundaries of the project and it is found that the project will revitalize and/or stimulate revitalization of the community.
- (i). Any project located within the approximately 22,500 acre property known as "Otay Ranch", if determined to be consistent with a Comprehensive Resource Management and Protection Program which has been adopted by the Board of Supervisors for the "Otay Ranch".
- (j). The continuation of an any_on-going existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to four years shall be considered to be an existing agricultural operation.
- (k). (With reference only to the definitions of "floodplain", "floodplain fringe", and "floodway" and the provisions of Section 86.604 (c) and (d) of this Chapter). Any modification to the floodplain, floodplain fringe, or floodway pursuant to a project within the community of Jacumba when the following findings are made:
 - (1). The project is located within a Specific Planning Area or Country Town boundary.
 - (2). The project will result in a socio-economic benefit through the revitalization of an existing community.
 - (3). The project will result in alleviation of flood danger to existing structures in Jacumba, and the means for funding all required flood improvements and obtainment of rights-of-way has been secured.
 - (4). Any flood control improvements will not adversely affect significant wetland and riparian habitats and will create any net gain in such habitats.
 - (5). Except as expressly exempted herein, the project shall be in conformance with the County General Plan, the Zoning Ordinance, and other applicable regulations or policies of the County at the time an application is filed with the County.
- (l). Any project within the approximately 468-acre property known as the Harmony Grove Village Specific Plan Area, if determined to be consistent with a Comprehensive

Resource Management and Protection Program which has been adopted by the Board of Supervisors for the Harmony Grove Specific Plan Area.

- (m). Any project which is only subject to this Chapter because it is on land which contains wetlands, and those wetlands would not exist under natural conditions, but are the result of, and sustained by an artificial transient water source (e.g. agricultural irrigation runoff) and the Director of Planning and Land Use determines that it is assured that the water source will not continue to be available to support wetland vegetation. While such lands are not required to be placed in an open space easement, any direct project related impacts that will occur as a result of the development shall be mitigated 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).

SEC. 86.606 Enforcement

- (a) Authority. The Director of Planning and Land Use (hereinafter, the "Director") shall have the authority to enforce all provisions of this Chapter. The Director may enter any property or premises for the purpose of determining compliance with this Chapter. Whenever the Director determines that a violation of Section 86.604 has occurred, he or she may order work to be stopped and/or repairs or corrections to be made, by serving written notice on the owner, permittee or any person engaged in the doing or causing such violation, and such persons shall immediately stop such violation until authorized by the Director in writing to proceed.
- (b) Violations - Criminal Penalties. Any person violating any provision of Section 86.604 shall be deemed guilty of a misdemeanor. Each day or portion of a day that any person violates or continues to violate Section 86.604 constitutes a separate offense and may be charged and punished without awaiting conviction of any prior offense. Any conviction of a misdemeanor under this Chapter shall be punishable by imprisonment in the County jail not exceeding six months, or by a fine not exceeding \$1,000, or by both. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Chapter.
- (c) Violations - Public Nuisance. Any building or structure erected, constructed, altered or maintained, or any use of or activity conducted upon property contrary to the provisions of Section 86.604 shall be, and the same is hereby declared to be, unlawful and a public nuisance. The public nuisance may be abated in accordance with the Uniform Public Nuisance Abatement Procedures contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code or in any other manner provided by law, including: upon order of the Board of Supervisors, the County Counsel is authorized to commence necessary proceedings provided by law to abate, remove and/or enjoin such public nuisance.
- (4) Administrative Remedies. The Director may pursue the Administrative Remedies set forth at Division 8 of Title 1 of this Code, including the issuance of Administrative Citations pursuant to Chapter 1 (commencing with Section 18.101) of said Division 8.

- (5) Injunctive or Declaratory Relief. In addition to or in lieu of other remedies specified in this Chapter, any violation of Section 86.604 may be enforced by a judicial action for injunctive or declaratory relief.
- (6) Civil Penalties. As part of a civil action filed by the County to enforce provisions of this Chapter, a court may assess a maximum civil penalty of \$2,500 per violation of this Chapter for each day during which any violation of any provision of this Chapter is committed, continued, permitted or maintained by such person(s). In determining the amount of any civil liability to be imposed pursuant to this Chapter, the superior court shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether any discharge caused by the violation is susceptible to cleanup or abatement, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, the extent of any advantage gained by an unfair business practice, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and such other matters as justice may require.
- (7) Cost Recovery. In addition to other penalties and remedies permitted in this Section, the following may be awarded without monetary limitations in any civil action: Costs to investigate, inspect, monitor, survey, or litigate; Costs to place or remove soils or erosion control materials; costs to correct any violation; and costs to end any adverse effects of a violation; Compensatory damages for losses to the County or any other plaintiff caused by violations; and/or Restitution to third parties for losses caused by violations.
- (8) Site Restoration. Whenever the Director determines that a violation of Section 86.604 has occurred, he or she may order that the site be restored to the condition it was in previous to the violation. Restoration ordered may include revegetation of the site with species of plants identical to or serving biological resource values as close as possible to those of the vegetation which existed on the site prior to the violation. If the Director determines that restoration to such previous condition would result in a condition which is unsafe or does not conform to this division or other applicable laws, or is otherwise impractical, the Director may order restoration to such other condition as he or she determines to be as close as practical to the site's previous condition; provided however, that the Director shall require that any adverse environmental impacts which resulted from the violation be mitigated to at least the same extent as would have been required if the impacts occurred as a result of a development project application which was required to comply with the California Environmental Quality Act, the Biological Mitigation Ordinance and other County regulations. Such an order for restoration may require that the restoration work be performed pursuant to plans which the permittee, owner or other responsible person(s) is directed to prepare and submit for the Director's approval. Failure to submit such plans within the time specified in the order for restoration shall constitute a violation of this Chapter. The order may require that permits required by applicable laws or regulations be obtained for the restoration work, including compliance with all requirements for obtaining such permits. The order for restoration may require that adequate security be provided to the Director, to assure completion of the restoration work. The order for restoration may impose time deadlines for performance of certain acts. Failure to timely implement or otherwise comply with an order for restoration shall constitute a violation of this Chapter.

SEC. 86.607 Severability

If any section, subsection, sentence, clause, phrase, part or portion of this Chapter is for any reason held to be invalid or unconstitutional by a final judgment of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. It is hereby declared that this Chapter and each section, subsection, sentence, clause, phrase, part or portion thereof would have been adopted or passed regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SEC. 86.608 Relationship to Previous Ordinances.

- (a) This Chapter is a represents a codification of previously existing regulations, which were enacted, amended, repealed or superseded by several Ordinances, including Ordinances Nos. 7521, 7549, 7595, 7596, 7631, 7685, 7739, and 7968 (all N.S.) .
- (b) Ordinance No. 7631 (N.S.), adopted on May 31, 1989, enacting regulations entitled, "Resource Protection Ordinance", contained the following text explaining its relationship to previously existing regulations:

"This Ordinance shall take effect 30 days after its adoption. However, Ordinance Number 7521 (N.S.), An Interim Ordinance Requiring Certain Discretionary Permits in the Unincorporated Territory of San Diego County to be Consistent With the Sensitive Land Ordinance, as extended and amended by Ordinance Numbers 7549 (N.S.), 7595 (N.S.), and 7596 (N.S.) is in effect until June 30, 1989, and said Ordinances regulate the same matter as will be regulated by the Resource Protection Ordinance. Therefore, this Resource Protection Ordinance shall not become operative until the expiration of the said Ordinance Numbers 7521 (N.S.), 7549 (N.S.), 7595 (N.S.), and 7596 (N.S.), and shall become operative immediately upon such expiration.

"... This Ordinance intends to carry forward many of the regulations contained within Ordinance No. 7521 (N.S.), 7549 (N.S.), 7595 (N.S.), and 7596 (N.S.), with further modifications. Therefore, the application provisions of this Ordinance (at Article III, Section 1 above) [see now Section 86.603 (a) above] relate back to dates when said prior Ordinances were enacted or amended. Any decision on a project subject to the Interim Sensitive Lands Ordinance made on or after June 30, 1989 shall be based upon the regulations in the Resource Protection Ordinance."

Section 3. Effective Date and Publication. This ordinance shall take effect and be in force thirty days after the date of its passage, upon which date the San Diego County "Resource Protection Ordinance", as adopted by Ordinance No. 7631 and amended by Ordinances Nos. 7685, 7739, and 7968, shall be superseded by this ordinance and be of no further independent force or effect. Before the expiration of fifteen days after its passage, a summary of this ordinance shall be published once, with the names of the members voting for and against the same, in a newspaper of general circulation published in the County of San Diego.

Attachment D

Draft Groundwater Ordinance Amendment

(Changes proposed to Section 67.722 A only)

SAN DIEGO COUNTY GROUNDWATER ORDINANCE

ORDINANCE NO. 7994 (N.S.)

ORDINANCE NO. 9644 (N.S.)

ORDINANCE NO. 9826 (N.S.)

SAN DIEGO COUNTY CODE TITLE 6, DIVISION 7

CHAPTER 7 GROUNDWATER

Sec. 67.701 Short Title.

This chapter shall be known as the San Diego County Groundwater Ordinance.

Sec. 67.702 Purpose and Intent.

San Diego County overlies a complex groundwater resource that varies greatly throughout the entire County. This resource provides the only source of water for approximately 35,000 residents. Development has occurred and will continue to occur within this area, impacting the safe utilization of this valuable, finite and yet renewable resource. The purpose of this chapter is to establish regulations for the protection, preservation, and maintenance of this resource. It is not the purpose of this ordinance to limit or restrict agricultural activities, but to ensure that development will not occur in groundwater-dependent areas of the County unless adequate groundwater supplies are available to serve both the existing uses within the affected groundwater basin and the proposed uses. The economic, social, and environmental benefits of maintaining viable agriculture in San Diego County are expressly recognized in the adoption of this ordinance.

Sec. 67.703 Definitions.

The following words shall have the meaning provided in this section. These definitions are to be broadly interpreted and construed to promote maximum conservation and prudent management of the groundwater resources within San Diego County.

Director: The Director of Planning and Land Use.

Groundwater Investigation: A study designed to evaluate geologic and hydrologic conditions, prepared in accordance with standards approved by the Director. The study must be prepared by a California State Registered Geologist or Registered Civil Engineer and be approved by the Director. The Director may require the study to demonstrate the groundwater adequacy of the basin to serve both the project and the entire basin if developed to the maximum density and intensity permitted by the general

plan. For residential uses, the study shall assume an annual consumptive use requirement of 0.5 acre-feet (163,000 gallons) of water per dwelling unit. (Consumptive use is the amount of water lost from the groundwater resource due to human use, including evaporation and transpiration (plant use) losses associated with human use.)

Residual Drawdown: The difference between the initial (static) water level before a well test is conducted and the water level after recovery. Projected residual drawdown indicates an aquifer of limited extent and the long-term well yield may be lower than what is indicated in a well test.

Specific Capacity: An expression of the productivity of a well, obtained by dividing the rate of discharge of water (in gallons per minute) from the well by the drawdown (in feet) of the water level in the well.

Water Intensive Use: Any land use that requires a permit listed in Section 67.711 and is not exempt from this ordinance, and that will require more water than 20 acre-feet per year or more than 20,000 gallons per day.

Water Service Agency: Any city, mutual or municipal water district, or any other private or public agency which provides water at retail from either: (1) groundwater resources, to two or more users; or (2) imported water resources. Such water service agency must be in existence prior to the date of submittal of any project relying on service from that agency.

Well Test: The production procedure, reviewed and approved by the Director, by which water is produced from a water well and resulting water levels are monitored. If the results of the testing are inconclusive or improperly conducted, additional testing will be required. (All wells must have a valid San Diego County Health Department well permit prior to construction.)

1. Residential Well Test: A test of a well on property with zoning which permits residential use, or which is for a residential project, shall be conducted by or under the direct supervision of a California State Professional (or Registered) Geologist, who shall conduct all analysis. The Residential Well Test shall meet or exceed all of the following minimum requirements unless the Director has first approved an alternate procedure:
 - a. Well production during the Residential Well Test must be maintained at a rate of no less than three gallons per minute.
 - b. The Residential Well Test must be conducted over a period of at least 24 hours, unless after eight hours of pumping, the measured specific capacity is equal to or greater than 0.5 gallons per minute per foot of drawdown, at which time pumping can be terminated. In addition, all Residential Well

Tests must produce at least two full well bore volumes of water (a bore volume is that quantity of water which is stored within the saturated portion of the drilled annulus of the well).

- c. The analysis of the Residential Well Test must indicate that no residual drawdown is projected (taking into account minor inaccuracies inherent in collecting and analyzing well test data).
 - d. The analysis of the Residential Well Test must also indicate that the amount of drawdown predicted to occur in the well after five years of continual pumping at the rate of projected water demand, will not interfere with the continued production of sufficient water to meet the needs of the anticipated residential use(s).
2. Nonresidential Well Test: A test of a well for a nonresidential project (such as a golf course) shall be in accordance with procedures approved by the Director and may be more extensive than those applicable to a Residential Well Test.

Article 2.

General Regulations

Sec. 67.710 Director to Enforce.

The Director shall have the authority to enforce all the provisions of this Chapter. The Director may designate the County Groundwater Geologist as the employee responsible for implementing this Chapter, to:

1. Review and perform groundwater studies.
2. Conduct research on the groundwater resources of the County.
3. Review and make recommendations on all discretionary projects which fall under this ordinance.
4. Monitor and maintain files on the status of the resource.
5. Assist consultants, community groups, water service agencies and residents of the County in assessing groundwater concerns.
6. Identify groundwater impacted basins.
7. Prepare recommended revisions to the Groundwater Limitations Map.

Sec. 67.711 Application.

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

General Plan and Specific Plan Adoptions and Amendments

Tentative Parcel Maps

Tentative Maps

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

Expired Tentative Parcel Maps and Expired Tentative Maps

Zoning Reclassifications Amending Use Regulations Applicable to Particular Property

Major Use Permits

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

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

Adjustment Plats filed pursuant to San Diego County Code Section 81.901, on property zoned to permit residential use, if the Director determines that the Adjustment Plat will create a lot which would potentially worsen existing or future groundwater conditions at the maximum density and intensity permitted by the General Plan and Zoning, taking into consideration long-term groundwater sustainability, groundwater overdraft, low well yield, and well interference. If the Director makes this determination, the Adjustment Plat shall comply with Section 67.722 but not Sections 67.720 or 67.721.

Article 3.

Development Criteria

Sec. 67.720 Borrego Valley.

For any project located within the Borrego Valley Exemption Area as shown on the map entitled "Groundwater Limitations Map" on file with the Clerk of the Board of Supervisors as Document No. 195172, any application listed in Section 67.711 which either (1)

includes a water-intensive use, or (2) consists of a total project area of 100 acres or more, and any application for a General Plan Amendment, shall be accompanied by a Groundwater Investigation. The application shall not be approved unless the approving authority finds that based upon the Groundwater Investigation, groundwater resources are adequate to meet the groundwater demands of the project.

Sec. 67.721 Groundwater Impacted Basins.

A. Identification and Mapping. Areas within the County which are characterized by one or more of the following groundwater problems shall be known as Groundwater Impacted Basins and shall be identified and mapped:

1. Low yielding wells having an overall average yield of less than 3 gallons per minute.
2. Basins with previously approved developments at a parcel size smaller than those stated in the table in paragraph A of Section 67.722 and in excess of available water resources.
3. Declining groundwater levels and a measurable groundwater overdraft.

The Groundwater Impacted Basins shall be designated on a map known as the "Groundwater Limitations Map" which shall be adopted by the Board of Supervisors and kept on file with the Clerk of the Board of Supervisors. Prior to adding any area to said map or making any deletions from or revisions to said map, the Board of Supervisors shall hold a public hearing. Notice of such hearing shall be mailed at least 30 days in advance, to the owner (as shown on the latest equalized assessment roll) of any property proposed to be added to or deleted from said map. The Director of Planning and Land Use shall annually review said map and may recommend such revisions as the Director finds appropriate.

B. Regulations. Any application listed in Section 67.711 for a project within a Groundwater Impacted Basin shall be accompanied by a Groundwater Investigation. In addition, a Well Test shall be performed for each lot proposed to be created by or included within the project. The application shall not be approved unless the approving authority finds that based upon the Groundwater Investigation, groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan.

67.722 All Other Projects.

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

A. Residential Density Controls.

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

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

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

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

2. The provisions of paragraph 1 above shall not apply to either (1) a project which includes Lot Area Averaging in accordance with Section 4230 of The Zoning Ordinance, or (2) projects which include reduction of parcel sizes pursuant to the Conservation Subdivision Program and as permitted

by the Zoning Ordinance, provided that all of the following are complied with:

- a. The overall average density of the project does not exceed that which results from applying the applicable minimum parcel size set in paragraph 1 to the gross project area;
 - b. No proposed lot is less than 67 percent of the required minimum lot size as set in paragraph 1; and
 - c. The Director has reviewed and approved the lot density and water resource distribution. Projects shall not be allowed which place smaller lots in dry areas of the subdivision.
- B. Groundwater Investigations. Any application listed in Section 67.711 and not subject to Sections 67.720, 67.721 or Paragraph A above, shall be accompanied by a Groundwater Investigation. The application shall not be approved unless the approving authority finds, based upon the Groundwater Investigation or other available information, either: (1) for a water intensive use, that groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan; or (2) for all other projects, that groundwater resources are adequate to meet the groundwater demands of the project.
- C. Well Tests. For any application for a Tentative Map, Specific Plan or Specific Plan Amendment, Tentative Parcel Map, Adjustment Plat or a Certificate of Compliance, well tests shall be performed for the number of lots shown in the following table. Tests shall be on lots which appear to have the least access to a viable groundwater supply as determined in advance of testing by the Director, who shall also specify nearby wells to be monitored while the testing is being conducted. If any well does not pass the requirements for Well Tests stated in Section 67.703 above, the Director may require additional well tests beyond what is required in the following table:

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

* Excluding remainder parcels and "not a part" areas

Sec. 67.750 Exemptions.

- (a) A proposed subdivision which pursuant to the terms of Government Code Section 66424 or 66426 is exempt from the requirement to file a Tentative Map or Tentative Parcel Map is not subject to this Ordinance unless it also involves an application for a General Plan or Specific Plan adoption or amendment, a Zoning Reclassification, or a Major Use Permit or modification thereof.
- (b) The following Major Use Permits or Major Use Permit modifications are exempt from this ordinance:
 - (1) Those involving the construction of agricultural and ranch support structures used in the production, storage, or processing of food, fiber, and flowers, including but not limited to roadside stands, barns, sheds, packing houses, and greenhouses, except that this exception does not apply to feed lots.
 - (2) Those involving new or expanded agricultural land uses, including but not limited to changes in commodities produced on the property, operations performed upon such commodities, and development of additional irrigated acreage on the property unless accompanied by subdivision.

This agricultural exemption does not supersede or limit the application of any law or regulation otherwise applicable to the above-listed categories of agricultural support activities including the California Environmental Quality Act. For purposes of this exemption, "agricultural and ranch support structures" do not include the commercial exportation of groundwater for purposes of resale outside the basin.

- (c) Director may grant an exemption from the requirement for a Groundwater Investigation imposed by Section 67.720, 67.721 or 67.722.B, the requirement for Well Tests imposed by Section 67.721 or 67.722.C, or the requirement for minimum parcel sizes imposed by Section 67.722.A, upon a finding that existing data clearly demonstrate that the finding required by Section 67.722.B. can be made without additional study. Such data may include a recent history (minimum of five years) of groundwater withdrawals or streamflow data and other geomorphic evidence which indicates that replenishment of groundwater resources is rapid and reliable, and is controlled primarily by infiltration of streamflow rather than on-site recharge.

Attachment E

Draft Rural Subdivision Design and Processing Guidelines

DRAFT

County Of San Diego

Rural Subdivision Design and Processing Guidelines

March 2009

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1.0 INTRODUCTION

These guidelines were prepared for property owners, designers, engineers, developers and others that are involved with the subdivision of rural land in the unincorporated County of San Diego. They provide guidance on how to study, design, and process a subdivision that is in compliance with the County's policies and procedures.

1.1 Applicability

These guidelines apply to subdivisions on lands designated with a Semi-Rural Lands 10 (SR-10) designation or any Rural Lands designation (RL-20, 40, 80, or 160).

1.2 How to Use this Document

This document provides applicants wishing to subdivide land within the unincorporated area of San Diego County guidance on the steps needed to properly design a subdivision, provides insight to several of the critical design and environmental constraints which could effect subdivision design, and provides an overview of the County's subdivision review process. This document should be read in its entirety before proceeding with the subdivision design and the subdivision process in that this document may prove as useful tool for applicant in what could be complex and expensive process.

1.3 Purpose

The rural lands of the County of San Diego contain numerous resources that are critical to the character, health, safety, well-being, and viability of the San Diego region, including its environment and residents. The value of rural land is recognized by the County in the General Plan and Subdivision Ordinance, which aim to protect and preserve the resources on these lands. When land is subdivided, impacts occur directly to the lands and to the surrounding area. In rural lands, these impacts can have significant ramifications to the region's resources and therefore these lands must be planned carefully. Rural lands also tend to have the greatest risk to wildfires and human safety and defensibility should be a key focus of any subdivision.

To address these concerns, the County has a number of regulations that relate to subdivisions in rural lands. Additionally, there are numerous other local and State regulations that must be complied with for the subdivision of land to be approved. These guidelines are intended to assist applicants with complying with these regulations.

2.0 PLANNING PROCESS

This section describes a step-by-step planning process that is recommended for all rural subdivisions. An applicant may choose to follow a different process or a variation of the process below. However, with whatever process is undertaken, the County's submittal requirements and other regulations must be adhered to.

2.1 Step 1: Initial Feasibility Considerations

Designing, obtaining approval, and implementing a subdivision is a timely and costly venture, and is not without pitfalls. While the County makes every effort to assist

landowners with the subdivision of their land, approval is not a certainty and rural lands often pose many challenges that may make a subdivision infeasible even when its density designations allow for it. Applicants should understand this risk and the potential costs associated with processing and implementing a subdivision prior to proceeding.

2.1.1 Initial Consultation

The County provides an inexpensive early consultation process where general requirements, constraints, and regulations can be discussed with County staff. The policies and ordinances outlined in chapter 4.0 which limit lot yield or do not comply with the projects goals will be identified. In addition, a project processing timeline, cost estimate and research packet will be provided. Costs typically range from \$800-\$1500 per meeting. Projects which are impacted by multiple or complex constraints may exceed this estimated cost range. All projects are recommended to take advantage of this process and all parties involved with the subdivision are advised to attend. Additional information regarding the consultation process is detailed in chapter 2.6. Applicants who wish to schedule an initial consultation may contact the County's project processing counter at 858-694-2262 or visit www.sdcounty.ca.gov/dplu/docs/ZC033-FF.pdf

2.1.2 Development Yield

The maximum number of dwelling units that can be permitted under the General Plan should be determined to ensure that subdivision is possible and to identify the potential yield. Lands with Semi-Rural designations require a slope analysis to determine density yield.

2.1.3 Costs

Typical costs with processing a subdivision on rural lands are provided below. It is not uncommon for costs to fall within the higher end of the range provided. Additional Information regarding costs may be found at: <http://www.sdcounty.ca.gov/dplu/cost-schedule-info.html>

Table 1. Typical Processing Costs

Task	Typical Cost Range
County Processing Costs	\$10,000 - \$50,000
Environmental Studies	\$5,000 - \$75,000
Design and Engineering Costs	\$5,000 - \$20,000 per lot

Costs are for tentative approval only. Numerous other costs are associated with satisfying conditions. Does not include the costs of exactions, road improvements, mitigation, grading permits, building permits, or other steps after tentative map/parcel map approval.

2.1.4 Fatal Flaws

At the outset, careful consideration should be given to issues that most commonly result in disapproval of a subdivision. The following is a list of those issues and suggestions for exploring them further:

- **Access rights and road improvements** – All subdivisions must demonstrate legal access to a public road. Roads must be able to meet the County’s road standards unless an exception is granted. Existing or proposed easements must be sufficient to accommodate road improvements that are necessary to meet County road standards. Full documentation of easements or other access rights should be obtained and reviewed early. Costs of improving access roads to meet standards should be estimated and considered with a consulting engineer.
- **Minimum road length requirements** – The County fire code contains minimum lengths for roads with dead ends. When a subdivision has only one legal access route, this is considered a dead end road and length minimums apply. Consult your local fire district or a fire planning professional early in the process to determine if this affects your land.
- **Biological Constraints** – The County’s Multiple Species Conservation Program, Resource Protection Ordinance and Biological Mitigation Ordinance contain regulations regarding the protection of natural resources, such as wetlands, floodplains, and sensitive biological resources. Subdivisions must demonstrate compliance with these regulations including avoidance of said resources when applicable. It is recommended that County approved biological consultant be retained early in the process to assist in identifying applicable biological constraints. Additional information regarding County approved consultants can be found in chapter 4.9.
- **Water availability** – Whether the subdivision will depend on a private well or a water company or district, a reliable and clean water supply must be identified prior to approval of a project and well tests and analysis are not uncommon. Review applicable County regulations and consult with the local water district or a groundwater engineer as applicable.
- **Sewer** – A project must identify and have access to a viable sewer system prior to approval of a project. Sewer service may be provided by a district or private septic system. Review applicable County regulations, as some portions of the county can not support septic systems due to poor percolation rates. In addition, some districts can not accept new connections.

2.2 Step 2: Resource Inventory Mapping

The County requires submittal of a Resource Inventory Map with an application for a subdivision on rural lands to review for compliance with applicable requirements. It is advised that this map be prepared early in the planning process since the resources identified are fundamental to the location of building pads and design of the subdivision. The Resource Inventory Map identifies the project site’s natural features and other physical characteristics and constraints. The purpose of the resource inventory is to ensure the subdivision design takes into account the sites significant resources and to evaluate the subdivisions impacts on those resources. The Resource Inventory Map is required to include the following and may consist of one single exhibit or a group of exhibits:

1. Topographic contours at 10-foot or more frequent intervals
2. Steep slopes (those slopes equal or greater to 25% grade)
3. All existing buildings and structures on the land
4. Existing and historic agricultural uses
5. Paved areas and all encumbrances (easements, covenants, etc.)
6. Hydrologic characteristics (water courses, flow direction, storm drains, areas subject to inundation)
7. Biological Resources Map (prepared by a County qualified consultant pursuant to County guidelines) or land cover on site (grassland, scrub, etc.) Biological mapping requirements can be viewed at: www.sdcounty.ca.gov/dplu/docs/_ZC004.pdf
8. Wetlands as defined by the Resource Protection Ordinance, and wetland buffers
9. Large boulders and rock outcroppings
10. Known cultural resources
11. Environmental resources overlay or exhibit identifying those lands that meet the environmental resources definition in the Subdivision Ordinance.

Note: All maps and overlays should be scaled 1" to 100'.

An example of a Resource Inventory Map prepared following this guidance is provided as Figure 1.

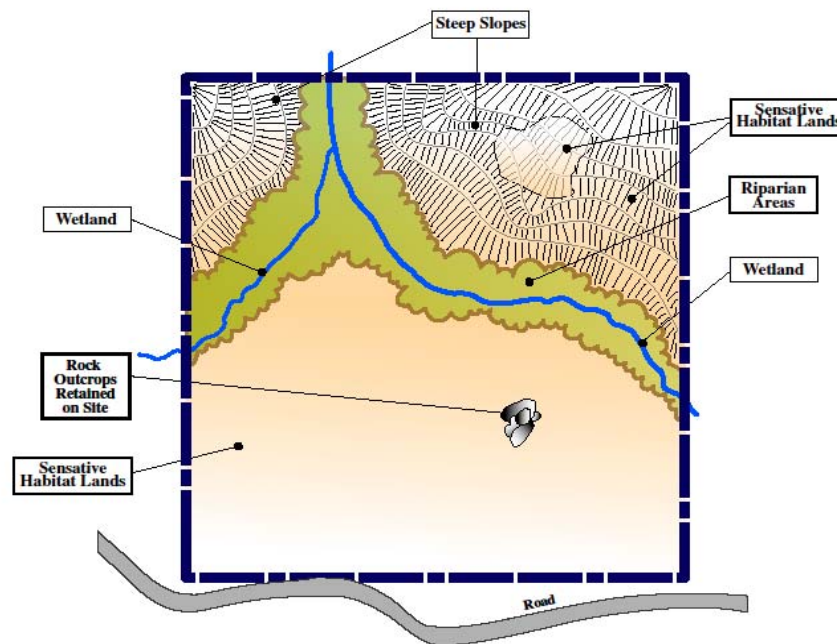


Figure 1. Sample inventory and mapping of existing resources 40 acre site.

2.3 Step 3: Preliminary Regulatory Review

A preliminary review of the County's regulations and policies is needed to identify any development constraints on a project site. Identifying constraints in the early phase of a project will enable an applicant to understand a site's true development potential and provide valuable information for the conceptual planning process. The subdivider should familiarize themselves with the regulations outlined in chapter 4.0 and analyze how the regulations impact the site's development potential as a result of physical properties, resources, and neighboring environment.

2.4 Step 4: Conceptual Site Planning

After reviewing the resource inventory and considering the development constraints identified during the preliminary regulatory review, a conceptual site plan should be prepared. The conceptual site plan derives from interpreting the site's potentials and limitations and the subdivider's needs and desires. These interests, sometimes in conflict must be balanced through thoughtful design.

2.4.1 Identifying Areas for Avoidance (Open Space)

For rural lands, the Subdivision Ordinance contains avoidance minimums for environmental resources (see Table 2). Environmental resources are defined in the Subdivision Ordinance and should have been delineated on the Resource Inventory Map (Step 2).

Table 2. Avoidance of Environmental Resources

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

With the understanding that the regulations require that a majority of the environmental resources be avoided, it is advised that the first step in the conceptual planning process consist of identifying the primary areas of the site that will be avoided. Avoided areas will be preserved by easements and will contribute to the region's network of open spaces. The Subdivision Ordinance contains specific requirements that relate to the design of the open space on the site. Those requirements are reiterated below in bold with additional guidance on how to achieve each requirement:

1. **Conserve the largest blocks possible of unfragmented and interconnected open space.** The open space for a site should develop around the largest area or

concentration of environmental resources on that site. An attempt should be made to maximize the amount of environmental resources contained within one single open space area.

2. **Avoid creating slivers of open space or fingers of open space that extend in and around development and provide the lowest amount of interface between development – referred to as maximizing the surface area to perimeter ratio.** Small strips or areas of environmental resources that lie within portions of the site that will be developed require careful consideration. Either these areas should be left out of the designated open space or the open space should be extended to include them and their surrounding area so that they have substantial connectivity to the open space. In determining the appropriate approach, consider the value of the environmental resources, any other regulations that may require their avoidance, and the gains for development if the resources are not avoided. Also note that environmental resources located outside of open space areas will be considered impacted and must be mitigated.
3. **Create the maximum amount of connectivity between on and off-site resource areas.** Linked open space areas are conducive to wildlife movement and supports the development of native habitat. Whenever feasible open space areas should be linked to neighboring open space areas. Avoid creating isolated open space areas.
4. **Maintain patterns of diversity within the landscape such as multiple habitat types, varying topography, agriculture, etc.** Open space areas which are fragmented or isolated disrupt the natural development of habitat and should be avoided. To the maximum extent possible, the rural characteristic of the site should be maintained.
5. **Preserve particularly unique and/or sensitive resources in the core of open space areas or such that they are sufficiently buffered to achieve the same practical effect.** To the maximum extent possible, a site's most unique or sensitive resources should be located farthest from areas intended for development. In situations where this is not feasible, buffering should be provided to ensure the resources are not impacted. Sensitive resources located along a development's perimeter should be buffered from adjacent developments and public roads.

Figure 2 provides an example approach to determining areas for avoidance based on the above criteria on the following page.

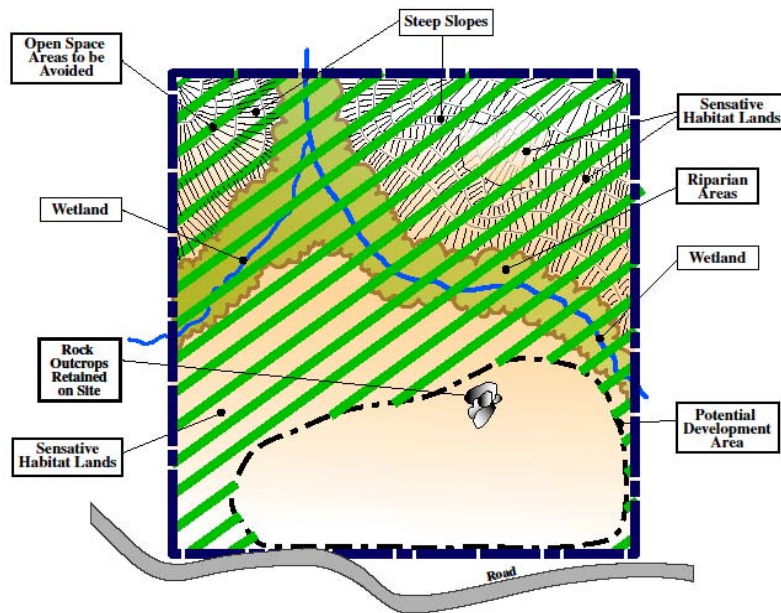


Figure 2. Potential Development Areas

2.4.2 Locating Housing Sites

The next suggested step in this conceptual planning process is to identify sites to build homes. The number of sites to be identified should be consistent with the development yield for the site and the intended use of the land. Subdividers that wish to accommodate accessory structures and uses to a primary residents should seek out large enough sites outside of avoided areas. Key requirements of the Subdivision Ordinance that relate to this step are described below:

1. **Locate the development in areas that minimize impacts to environmental resources so that every effort has been made to avoid impacts to environmental resources.** Compliance with this requirement will largely be achieved through the process of identifying areas for avoidance under the prior section. However, this requirements urges subdividers to go further. While minimum avoidance percentages are specified, subdividers should achieve the maximum amount of avoidance possible when locating housing sites.
2. **Locate and design the development in a manner that maximizes defensibility from wildland fires and accommodates all necessary fuel modification on-site.** Homes and other habitable structures require areas where the vegetation can be managed in a way to reduce the fire risk to the home. These areas are referred to as fuel modification zones. These areas typically extend 100 – 200 feet from the structure and are not allowed to extend into the designated open space areas. Defensibility is also improved by locating home sites closer together, eliminating open space/fuel loads between homes, setting back homes from slopes or other

areas of increased fire intensity, and several other techniques. It is advised that subdividers consult a fire planning professional on this issue. Ultimately a fire protection plan must be prepared by such a professional and submitted to the County as part of the discretionary permit process. Additional information regarding County approved consultants can be found in chapter 4.9.

Other factors that should be considered with locating housing sites are listed below:

1. **Community compatibility** – The residents of San Diego County’s unincorporated communities and rural areas have chosen to reside in these areas largely due to its environmental setting of hillsides, valleys, deserts and agriculture, low density rural character, and lack of congestion. As development occurs, it must be managed to protect these assets. Consideration should be given to surrounding land uses when locating housing sites. Development on the perimeter of the site should give consideration to protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potential adverse influences within the development. For example, housing sites should not be located in close proximity to neighboring agriculture operations without proper buffering. In addition, housing sites should be located away from public roads and trails in order to preserve homeowner’s privacy.
2. **General and community plan compliance** –The County’s General Plan and Community Plans are intended to guide development to reflect the character and vision of residents within the unincorporated portions of the County. Compliance with the General and community plans goals and policies ensures that new development is in keeping with a community’s vision. Particular focus should be given to the goals and policies of the land use element. The rural character of the area should be maintained to the greatest extent feasible.
3. **Steep slopes and Landform Modification**– Development within steep slopes may contribute to slope instability. Engineering measures may be required to mitigate risk. Applicant’s should be aware that in general, engineering solutions are more costly in terms of design and construction. To the maximum extent possible home sites should not encroach into steep slopes. However, in accordance with the requirements of the Slope Encroachment Regulations contained within the Resource Protection Ordinance, a project may encroach into steep slopes in order to avoid impacts to environmental resources that cannot be avoided by other means.

In addition, consideration should be given to the grading quantities associated with housing site location. Large or excessive cut and fill slopes are discouraged, balanced cut and fill grading practices are recommended. Furthermore, contour grading should be utilized to assist with blending the man-made slope to the existing natural landform. See the Resource Protection Ordinance discussion at Section 4.3 for further information on RPO.

4. **Aesthetics** – Preservation of scenic resources, including vistas of important and unique features is a among the County’s goals to protect visual resources. Siting and design can minimize visual impacts. Housing sites should not be located on

ridgeline, hilltops, along peripheral public roads or visually prominent areas. The housing sites should relate harmoniously to the topography of the site and make suitable provisions for the preservation of views. Excessive grading of slopes should be avoided, see #3 above. Clustering of development to preserve open space vistas and natural features is encouraged.

5. **Hydrology and Water Courses** – Housing sites should be located to avoid impacting natural drainage patterns on the site. This includes grading or other land disturbance which may alter, redirect or intensify the flow of water on and off-site. Additionally, housing sites must be located out of floodways and although discouraged, may be located within a floodplain if the pad sites are engineered properly. The County Resource Protection Ordinance also requires that lot configuration be designed in such a manner as to minimize encroachment into a floodplain and requires proposed development be set back from the floodway boundary a distance equal to 15 percent of the floodway width. See the Resource Protection Ordinance discussion at Section 4.3 for further information on RPO.
6. **Infrastructure** – Housing sites should be located within proximity of on-site infrastructure. This design consideration will avoid the need to incorporate excessively lengthy water or sewer lines or additional paved driveway areas to access the home site resulting in a more compact and sustainable subdivision design. Also, homes should be central to common use areas and provide for equal access opportunities for all home sites within a subdivision.

Figure 3 provides an example approach to selecting and siting housing sites.

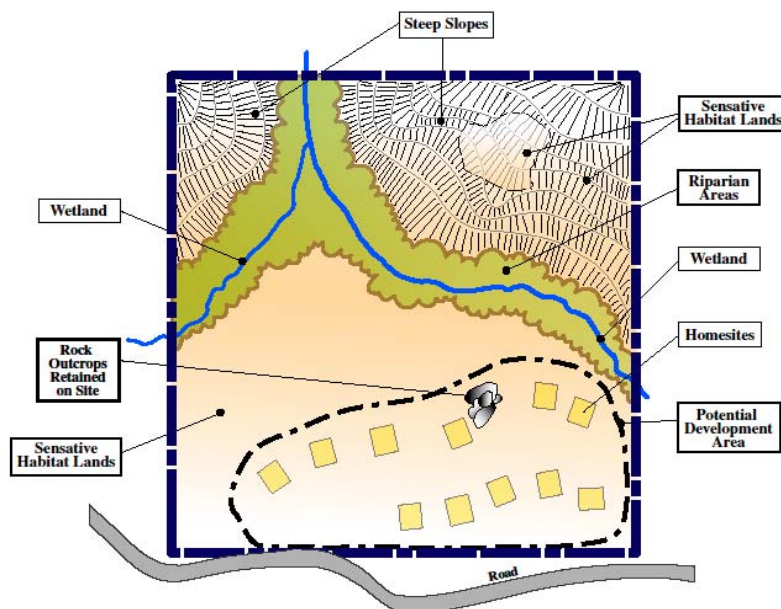


Figure 3. Housing Sites

2.4.3 Aligning the Streets

A logical alignment of local streets to access the pad sites should be laid out. Design streets to minimize impacts to environmental resources through design standards such as aligning streets to reduce impacts from grading, clustering of development to reduce length of roads and associated grading, use of alternative permeable paving materials and methods, paved road widths, and curve radii, consistent with applicable public safety considerations. The following criteria should be factored into the alignment:

1. **Secondary Access.** Secondary access is necessary to ensure adequate emergency service if dead end roads exceed County standards. Access to Circulation Element roads is limited; however this does not override requirements to provide secondary access. In addition to identifying a secondary access route, access rights must be obtained to the secondary access route if a private easement road is utilized. Gated entries must also meet certain criteria. Subdividers should refer to the County Fire Safety Guidelines to determine the applicable access requirements. Additional Information regarding secondary access is detailed in chapter 4.5
2. **Connectivity.** A continuous network where roads have enhanced connectivity facilitates multiple routes of travel. This enables vehicles to avoid areas when roads are congested or closed. In addition, a network with enhanced connectivity provides multiple evacuation routes during emergencies such as wildfires. Streets should be linked to abutting networks. In situations where future development is likely to occur on a neighboring site, provisions should be made to enable future connectivity. Public street networks are preferred over private networks.
3. **Streets should be configured to minimize the length required to serve the subdivision.** Long cul-de-sacs should be avoided. Clustering of development to reduce street lengths is encouraged. Standards exist which identify the maximum length of a dead-end street (including cul-de-sacs). Subdividers should refer to the County Fire Safety Guidelines to determine the applicable street length. See Section 4.5, Infrastructure and Services discussion for further information on fire safety requirements.
4. **Access points to public streets should be limited.** It is intended that Circulation Element roads provide public mobility with minimum interference from local traffic as it accesses a Circulation Element road. Therefore, Circulation Element roads require access control to minimize traffic conflicts. Depending on the road classification, traffic signals, turn lanes and other traffic safety devices may need to be incorporated into a project's design. Sight distance and intersection offset requirements may apply.
5. **Streets should be aligned to conform to existing land contours and minimize grading.** Grades above 15% may require mitigation measures from the local fire district. In no case should the street grades exceed 20%. Additionally, finished slopes associated with street construction should be minimized to avoid visual and aesthetic impacts.

6. **Public and Private streets shall conform to County Standards.** The County has adopted street standards for both public and private roads. A subdivider should familiarize themselves with the applicable standards to ensure the street alignment and dimensions conform to County standards. Please note that certain specific community right-of-way standards exist which are unique to the particular community proposed for development.
7. **Street standards modification process.** In certain instances where County standards may be impractical or present an undue hardship, a modification may be considered. The Director of Public Works may make modifications to these standards where the application of the standards to a specific situation will result in an unusual and unreasonable hardship; provided, however, that the Director of Public Works determines that such modification is in conformity with the spirit and intent of applicable ordinances and the approving authority.

Figure 4 provides an example approach to aligning streets on the following page.

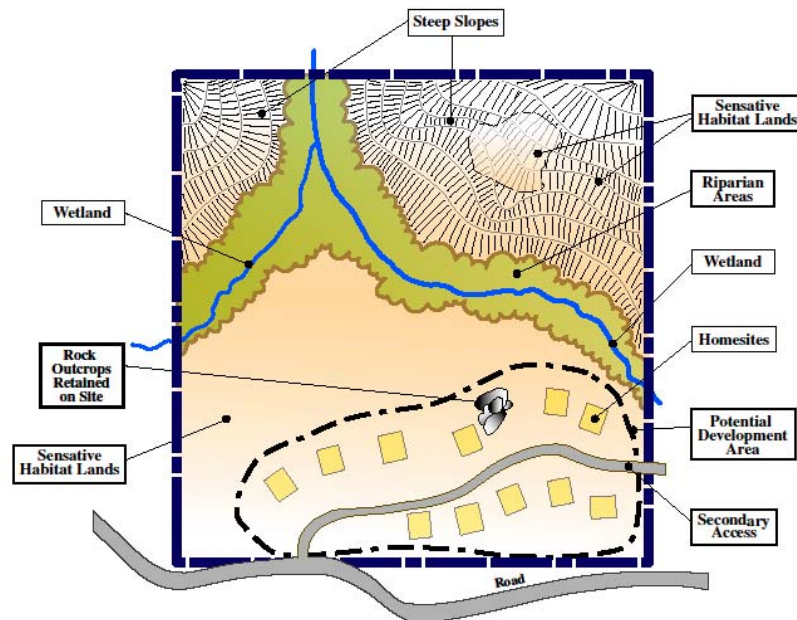


Figure 4. Aligning Street and trails

2.4.4 Lot Design

The final step is creating lot lines. Lot lines should be plotted out to correspond to each Housing site. In practice, lot lines are generally drawn midway between house locations and may include panhandle shaped lots provided the lots conform to the County's Subdivision Ordinance. Every lot shall contain the minimum lot area specified in the Zoning Ordinance for the zone in which is located. In cases where a minimum lot area is

not specified the minimum lot size shall be 6,000 square feet. The following items should be considered before lot lines are created:

1. **Applicable Setbacks** - Consideration should be given to the applicable setbacks for the subdivision, as the lot dimensions need to incorporate the housing site in addition to the setbacks requirements to provide adequate development area. Consideration should be given to surrounding development patterns.
2. **Responsibility/Maintenance of Open Space** – Before lot lines are plotted, consideration should be given to who and how open space located on the site will be maintained. Lots should be designed in consideration of access to the open space for on-going maintenance as well as assuring the identified parties responsible for said maintenance have access.
3. **Private Usable Open Space** – Lots lines should be designed to assure that adequate areas for usable private open space on the lot have been identified which can be used and are easily accessible for the home site
4. **Lot Line Design** – Generally, lot lines should be located in conformance with the applicable design standards of Section 81.401 of the Subdivision Ordinance. Lot lines should maintain a linear configuration without unnecessary jogs and turns to the maximum extent possible. This assists in orderly subdivision design and avoids confusion for future property owners when trying to determine the legal lot limits of their property.

Figure 5 provides an example of approach to lot design.

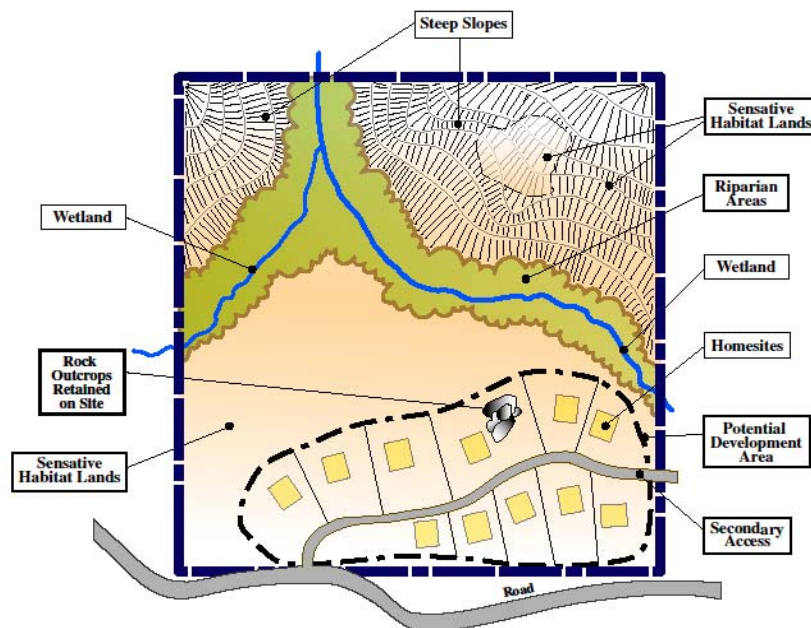


Figure 5. Lot Design

The County acknowledges that its regulations on lot size and shape create challenges when trying to comply with other County regulations and achievement of the development yield available to a site. The following provisions are available to developers who wish to seek relief from the County standards:

- **Subdivision Ordinance Waiver** In certain instances where Subdivision Ordinance standards may be impractical or present an undue hardship a waiver may be considered. Any waiver or modification must be in conformity with the spirit and purpose of the Subdivision Map Act and County Subdivision Ordinance, and may be subject to conditions.
- **Lot Area Averaging** is available upon approval of an Administrative Permit; it allows lots in a subdivision to be smaller than would be allowed by the applicable lot designator. The administrative permit is subject to findings and conditions. The overall density of the subdivision may not be increased.
- **Planned Residential Developments** are available upon approval of a Major Use Permit. Applicants may propose alternative development standards, including reduced lot sizes and setbacks, subject to findings and conditions. This approach provides greater flexibility in the overall project design when compared to that of lot averaging. The overall density of the subdivision may not be increased.

Note: Both Lot Area Averaging and Planned Residential Developments must be filed concurrently with a subdivisions application when reduced lot sizes are proposed.

- **Rezone** is available through a zoning ordinance amendment. This procedure may be used to change a property from one zone to another or to remove or modify a specific regulation imposed on a property. This process requires approval by the Board of Supervisors. Rezones must be consistent with the General Plan
- **Specific Plan** may be applied to a specific set of properties or geographic boundary. The plan may propose a set of development regulations that supersedes the underlying zoning for a specific area. Specific plans require approval by Board of Supervisors and must be consistent with the General Plan.

2.5 Step 5: Regulatory Review and Refinement

At this stage, the concept plan is essentially laid out. Preliminary details regarding the proposed method and location of water supply, stormwater management and septic should be provided. The concept plan should be reviewed carefully to ensure it complies with the design constraints identified through the review of the regulations outlined in chapter 4.0. This process may need to be repeated as revisions and refinements are made.

2.6 Step 6: Submittal to the County

Once Steps 1 through 5 have been completed and the conceptual plan is final, the applicant should prepare the project for formal submittal and contact the Department of Planning and Land Use to schedule a pre-application meeting.

2.6.1 Pre-application Process

Applicants are strongly encouraged to schedule a pre-application meeting with Planning staff at this stage of the design process. County staff can review the concept plan to ensure that all the site's constraints have been identified and addressed through proper design. The applicant will also have an opportunity to discuss the formal application requirements and gain an understanding of the project's processing procedures.

2.6.2 Initial Consultation Application

Applicants can choose to first conduct a less formal voluntary initial consultation application meeting to review basic site issues, site layout and discuss the County approval process. Initial Consultation meetings are optional, however can be beneficial in further refining the final conceptual plan prior to submittal of a mandatory Major Pre-Application (in the case of Tentative Maps) or prior to formal submittal of a Tentative Parcel Map for discretionary review. <http://www.sdcounty.ca.gov/dplu/docs/ZC033-FF.pdf>

2.6.3 Major Pre-Application

Major Pre-Application meetings are mandatory for all proposed Tentative Map submittals. Major Pre-Apps consist of a more detailed review involving all County staff that will be engaged in the review of the Tentative Map. Major Pre-apps are intended to resolve major design and environmental issues that may affect project design and processing. A Pre-Application Meeting Request application may be submitted at the Zoning Counter similar to other project application submittals (with the required deposit). An application packet will provide applicants the needed paperwork to submit the application. An applicant may submit additional materials (maps, plans, and technical reports) as necessary, to assist in the Major Pre-Application Meeting process. Following the pre-application meeting, applicants will receive a "pre-scoping" letter from the County which identifies unresolved issues as well as provides direction for applicants on how to address certain issues. In order to assist in expediting a project through the approval process identified issues should be addressed as part of the for discretionary application submittal to DPLU. <http://www.sdcounty.ca.gov/dplu/docs/ZC033A-FF.pdf> , <http://www.sdcounty.ca.gov/dplu/docs/ZC033A-FAQ.pdf>

2.6.4 Community Planning Groups

It is also strongly encouraged that applicants seek input from the local community planning group prior to attending a pre-application meeting and/or prior to submittal of a

discretionary application to the County. Community groups are involved in providing recommendations on projects to the planning staff and County decision makers during the County approval process. The community planning groups provide valuable input on project design and site planning since they may be aware of unique circumstances and situations that may affect their communities. A conceptual plan can be placed on a community planning group agenda for discussion by contacting the applicable community planning group contact person at: www.sdcounty.ca.gov/dplu/docs/plngchairs.pdf

2.6.5 Project Submittal and Intake

All projects are submitted at the DPLU zoning counter. All submittal documents to file a subdivision map can be obtained at: www.sdcounty.ca.gov/dplu/zoning/ZoningPermits.html. Applicants must contact the DPLU zoning counter at (858) 565-5981 to set up an appointment for submission of an application packet to DPLU. Submittal requirements include but are not limited to: proposed tentative map, preliminary grading plans, storm water management plans, service availability forms and public notice documents. In addition to the required submittal items, applicants will need to submit a copy the pre-scoping letter provided as part of the Major Pre-application process.

Once a project is accepted over the zoning counter, the project is assigned to a DPLU Project Manager. Additionally, project submittal information is distributed to other County Departments (Public Works, Parks & Recreation, Environmental Health, etc...) as well as other external reviewers (community planning groups, service districts and other applicable or affected agencies). Conditions, recommendations and comments for internal and external reviewers would be forwarded to applicants as part of the scoping process discussed below.

3.0 COUNTY APPROVAL PROCESS

The following section provides an overview of the County approval process for reviewing and approving subdivision maps once the submittal is complete.

3.1 Scoping

Within the first 30 days following project intake, the proposed project will be scoped by the assigned DPLU Project Manager. The following steps occur during the scoping process:

3.1.1 Review of Project Completeness

The Project Manager will review the project to assure that all required project processing requirements have been submitted. This includes but not limited to such items as: complete and accurate project application, accuracy of project description and assurance of legal lot status.

3.1.2 Project Analysis

During the scoping process the DPLU Project Manager will review the project to assure compliance with: County General Plan, Board Policies, applicable codes and ordinance and any other relevant policies or findings which must be satisfied. Major issues regarding planning related issues should have been identified during the pre-application process.

3.1.3 California Environmental Quality Act (CEQA) Review

Also during the scoping process, the project will be reviewed for compliance with CEQA. The Project Manager will complete a CEQA Initial Study questionnaire from the information provided with the project submittal including the project description. The Initial Study identifies environmental resource areas which may be impacted as a result of the project. Although many if not all these issues should have been identified during the pre-application process, additional needed information will be identified in the scoping letter. Further, an appropriate CEQA processing track will be identified (Notice of Exemption, Negative Declaration or Environmental Impact Report).

3.1.4 Scoping Letter

Once the project analysis and CEQA review have been completed, a scoping letter will be drafted which will identify unresolved major project issues as well as other project issues needed to bring the project into compliance with applicable codes and ordinances. The scoping letter will also request, if needed, additional information and/or extended studies to address potential impacts identified in the Initial Study questionnaire. Any comments, conditions and recommendations received from internal and external reviewers would also be incorporated into the scoping letter. The scoping letter will request a date when the applicant would need to resubmit the requested information. Lastly, the scoping letter will include an estimated project schedule and cost estimate as well as request additional fees to complete the project.

3.2 Iteration Review

Upon project resubmittal, the County staff will review the submitted information and provide additional comments and input as necessary. The assigned County project manager will also contact the applicant, as necessary, to discuss the content of the letter. This iterative process may be repeated until project issues have been rectified and the CEQA documentation has been deemed completed. The pre-application process initiated prior to formal project submittal should ultimately lead to iteration reviews.

3.3 Public Review

Pursuant to CEQA, environmental documents prepared for projects may be required to be circulated for public review for a period of 45 days depending on the type of CEQA

document prepared. At the end of public review, public comments are reviewed and addressed. Public comments may necessitate design changes or lead to recirculation of the environmental document depending on the nature of the comments received. Projects determined to qualify for a Notice of Exemption or which rely on a previously approved environmental document do not need to be circulated for public review.

3.4 Decision

After completion of project and environmental review, a subdivision project may be approved or disapproved by the appropriate decision maker. Tentative parcel maps are approved by the Director of Planning and Land Use and can be appealed to the County Planning Commission and Board of Supervisors. Tentative Maps are approved by the Planning Commission and can be appealed to the Board of Supervisors. If a subdivision map is linked to a legislative action (Rezone, Specific Plan Amendment), the Board of Supervisors has final jurisdiction over the subdivision map.

Subdivision maps are approved by decisions. The decision will contain a number of conditions which need to be satisfied prior to the map being recorded. Such conditions may include requirements for on and off-site improvements and environmental mitigation. Furthermore, the decision will contain appropriate findings needed to support approval of the map as well as information on the maps expiration date if the map is not recorded in a timely manner.

3.5 Post Approval

3.5.1 Recordation Process

Following discretionary approval, the recordation process for subdivision maps is managed by the Department of Public Works. The Department of Planning and Land use will continue to work with applicants to assure that DPLU imposed conditions of approval are signed off and coordinated through the Department Public Works. Final Maps are approved at the Board of Supervisors, although this process rarely initiates discussion at the Board.

3.5.2 Building Permits

Building permits for individual homes may be issued once all applicable conditions are satisfied, improvement/grading plans are accepted and bonded and the subdivision map has been recorded.

4.0 REGULATIONS AND STANDARDS

The following sections describe the primary County regulations and standards that affect subdivision design and approval.

4.1 General & Community Plans

General Plan Conformance

The County of San Diego's General Plan sets forth goals and policies that may affect density, lot size, and or design of a project. The plan is broken in to elements including

Open Space, Circulation, and Noise. The General Plan should be reviewed and applicable element identified to ensure they are consistent with the proposed project. Further information can be obtained at: www.sdcounty.ca.gov/dplu/generalplan.html

Specific Plans

Several communities in the County have adopted Specific Plans. The Plans are applicable within specific geographic boundaries. The Plans set forth a community's vision for the future. Specific Plan should be reviewed to ensure a project complies with applicable design standards. Further information can be obtained at: www.sdcounty.ca.gov/dplu/gpupdate/comm.html

Design Review Guidelines

Several communities in the County have adopted Design Review Guidelines. The guidelines are applicable within specific geographic boundaries. The guidelines encourage development that contributes to a community's character and identify through quality site planning, architecture and landscape design. Design Review Guidelines should be reviewed to ensure a project complies with applicable design standards. Further information can be obtained at: www.sdcounty.ca.gov/dplu/DesignReview.html

4.2 Applicable Processing Regulations

Zoning Ordinance

The County's Zoning Ordinance should be reviewed at the onset of a site analysis. The ordinance lays out use regulations, development regulations and general regulations that shape development in the unincorporated areas of the County. Applicants should review the use regulations to ensure the proposed project is compatible with the uses permitted in the project site's zone. The development regulations contain standards, such as density, setbacks, height, etc. The general regulation covers topics such as accessory uses, landscaping and parking. Procedures and standards applicable to Lot Area Averaging and Planned Residential Developments are also found within the Zoning Ordinance. Project applicants should review the Zoning Ordinance and determine which regulations are applicable to their project and in turn be factored into the project's design. Further information can be obtained at: www.sdcounty.ca.gov/dplu/docs/444.pdf

Subdivision Ordinance

The County's Subdivision Ordinance establishes the requirements and procedures for subdividing land within the unincorporated area of San Diego County. In addition, the ordinance sets forth lot design criteria, roadway and trail requirements as well as other design consideration. The Subdivision Ordinance also contains provisions for modifying and or waiving requirements of the ordinance. Project applicants should review the ordinance to ensure the project complies with the applicable requirements. Further information can be obtained at: <http://www.sdcounty.ca.gov/dplu/docs/SubDivOrd.pdf>

California Environmental Quality Act (CEQA)

The CEQA review process requires development projects submit documentation of their potential environmental impact. During the scoping stage of processing a subdivision map, the County Project Manager as part of completing the required CEQA Initial Study questionnaire, will determine whether additional studies are needed to obtain information on whether a project will have an adverse impact to the resources identified in the initial study. These include but are not limited to such resources areas as: biology, archeology, aesthetics, hydrology and water quality, noise, and traffic. The studies will identify whether no impact exists or whether an impact does exist and whether the identified adverse effect could be mitigated. CEQA recognizes both direct impacts resulting from a project and cumulative impacts – impacts to the environment from the subject project along with other reasonably foreseen projects in the development area. The sections below identify some of the more common resources areas that are potentially affected when processing a subdivision map and which consequently may affect overall project design.

4.3 Biology

Multiple Species Conservation Program (MSCP)

The overall goal of the MSCP is to provide large, connected preserve areas that address a number of species at the habitat level rather than species by species, and area-by-area. This creates a more efficient and effective preserve system as well as better protection for the rare, threatened and endangered species in the region. The existing boundaries of the MSCP apply to land that is served by the City of San Diego Metro Wastewater Sewer System (South County Subarea Plan). These boundaries extend from the southern portion of Ramona and the San Dieguito River; east to Poway, Lakeside and Alpine and south to the border with Mexico. The County is currently working on a plan for the northern part of the unincorporated area (North County Subarea Plan) that extends from the area around the incorporated cities of Oceanside, Encinitas, San Marcos, Vista, and Escondido east to the Cleveland National Forest and north to the County line. The third phase will involve all of the land not included within the first two phases. This East County Subarea Plan will cover the land from Alpine east to the County boundary.

The existing South County Subarea Plan is divided into “segments”. Two of the segments contain mostly “hard line” areas in which the landowners have negotiated with the Wildlife Agencies and County, for areas that will be set aside as preserve lands in perpetuity. In return, there are also areas approved for development. The third segment of the South County Subarea Plan is not a “hard line” preserve area, but does include land that has been identified for its biological importance. In this area, an ordinance for addressing biological mitigation provides incentives to develop within the less important habitat areas and preserve lands identified as biologically important (Biological Mitigation Ordinance). There are also specific provisions that address the need to protect important populations of rare and endangered species. Certain areas within the MSCP have been defined as Pre-Approved Mitigation Areas (PAMA). Subdivision projects within PAMA will need to conform to preset criteria and guidelines in order to

conform to the MSCP. Further information can be obtained at: www.sdcounty.ca.gov/dplu/mscp/index.html

Biological Mitigation Ordinance (BMO)

The BMO sets forth the criteria for avoiding impacts to biological resource core areas and to plant and animal population within those areas, and the mitigation requirements for all projects requiring a discretionary permit. It is the County's policy to promote the preservation of biological resources by directing preservation toward land which can be combined into contiguous areas of habitat or linkages. It is further the policy of the County to give a greater value to preservation of large contiguous biological resource core areas or to linkages when formulating avoidance and mitigation requirements. Further information can be obtained at: <http://www.sdcounty.ca.gov/dplu/mscp/bmo.html>

Habitat Loss Permit (HLP)

Project sites which contain Coastal Sage Scrub on any portion of the subject property must be reviewed by a staff Biologist to determine if the project requires a Habitat Loss Permit. A HLP is subject to specific findings, the state resource agency must concur with the County's findings prior to permit issuance and grading and clearing on a project site.

Potential impacts to biology as a result of a subdivision which would require submission of a biological study could include: loss of critical habitat needed for the protection of endanger species, impacts or loss of wetlands and interference with wildlife movement.

4.4 Critical Resources

Resource Protection Ordinance (RPO)

Project sites which contain wetlands, floodplains, steep slopes, sensitive biological resources and pre-historic and historic sites are subject to the RPO. These additional regulations are due to these resources being identified as fragile, irreplaceable resources that are vital to the general welfare of all residents. The ordinance sets forth the criteria to protect the five resource areas indicated above and prevent their degradation and loss by requiring a Resource Protection Study for certain discretionary projects. The RPO also preserves the ability of affected property owners to make reasonable use of their land subject to the conditions established by Ordinance. Further information can be obtained at: http://www.sdcounty.ca.gov/dplu/docs/res_prot_ord.pdf.

4.5 Water Quality

Stormwater

The County's Watershed Protection, Stormwater Management and Discharge Control Ordinance consists of several requirements which may impact a projects design, including the following: prohibit polluted non-stormwater discharges to the stormwater conveyance system and receiving waters; establish requirements for development project site design to reduce stormwater pollution and erosion; establish requirements for the management of stormwater flows from development projects to prevent erosion and to protect and enhance existing water dependent habitats: and, establish standards

for the use of off-site facilities for stormwater management to supplement on-site practices at new development sites. Project applicants should review the ordinance during the site analysis to ensure the project's design is consistent with the County's requirements. Further Information can be obtained at: www.sdcounty.ca.gov/dpw/watersheds/ordinance.html

Hydrology

Drainage plans are typically required to be submitted as part of review of subdivision maps. As indicated above, the development of a site must not adversely affect the on-site and off-site conveyance of water. The County Department of Public Works Hydrology Manual and Drainage Design Manual can be obtained at the DPW Flood Control website at: <http://www.sdcounty.ca.gov/dpw/flood.html>

Additionally, the County's Guidelines for Determining Significance-Hydrology details a number of flood and erosion considerations a project applicant must consider including; existing drainage patterns, creating or contributing to run-off water, placing housing in a flood plain and soil erosion. The guide also outlines standard mitigation measures that may be required. Potential impacts to hydrology as a result of a subdivision which would require submission of a hydrology study could include: whether the project will substantially alter the existing drainage pattern of a site or area. Further information can be viewed at: http://www.sdcounty.ca.gov/dplu/docs/Hydrology_Guidelines.pdf

Low Impact Design (LID)

The Goal of the County of San Diego's LID Program is to protect water quality by preserving and mimicking nature through the use of stormwater planning and management techniques on a project site. The Purpose of the LID Handbook is to provide a comprehensive list of LID planning and stormwater management techniques for developers, builders, contractors, planners, landscape architects, engineers, and government employees to reference as guidance prior to developing a project site. Further Information can be obtained at: <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

4.6 Infrastructure and Services

Fire Safety

County fire safety requirements play a critical role during project design. Several factors must be analyzed to determine their impact on a projects overall design including: is the project in an Urban-Wildland Interface area or Hazardous Fire area, is the project area known to have a substandard fire response travel time, and is secondary access to the site required? Submission of a Fire Protection Plan completed by a County approved consultant (see below) is a typical requirement of most subdivision map applications. Further information can be obtained at: <http://www.sdcounty.ca.gov/dplu/docs/Fire-Guidelines.pdf>

Water, Sewer, Fire, and School Service Availability

It is advisable to coordinate with service providers during the site analysis phase of a project. Obtaining "will serve" letters from service providers such as sewer districts,

water districts, fire districts and school districts will ensure service providers have the capacity to absorb a project and flush out potential design constraints. The requirement to obtain will serve letter is part of a County Board Policy. The requirements of the Board Policy prohibit the DPLU from approving any project in which an affirmative will service letter has not been obtained from the service provider. Further information can be obtained at <http://www.sdcounty.ca.gov/cob/docs/policy/I-84.pdf>

Septic

Projects which intend to utilize on-site septic treatment facilities must consider a number of factors during site analysis including: soil permeability, peak daily flow and net usable land areas. Each of these factors can impact a septic system design and in turn impact the overall design of a project. Verification of septic system approval is required from the Department of Environmental Health as part of submission of a tentative map application to DPLU. Projects which intend to utilize a septic system should consult with DEH during the site analysis to ensure septic regulations including size and location are incorporated into the project's overall design. Further information can be obtained at: http://www.sdcounty.ca.gov/deh/water/docs/lu_osws_design.pdf

Groundwater

San Diego County overlies a complex groundwater resource that varies greatly throughout the entire County. This resource provides the only source of water for approximately 35,000 residents. Development has occurred and will continue to occur within this area, impacting the safe utilization of this valuable, finite and yet renewable resource. The County's Groundwater Ordinance was established for the protection, preservation, and maintenance of this resource. The purpose of the ordinance is to ensure that development will not occur in groundwater-dependent areas of the County unless adequate groundwater supplies are available to serve both the existing uses within the affected groundwater basin and the proposed uses. Groundwater Ordinance regulations may impact the minimum lot size and or density of a project and should be reviewed carefully during the site analysis phase. Further information can be obtained at: <http://www.co.san-diego.ca.us/dplu/docs/GROUNDWATER-ORD.pdf>

Private Wells

The Department of Environmental Health, Land and Water Quality Division (DEH) regulate the design, construction, modification, and destruction of water wells throughout San Diego County. Water Wells are commonly used as the only potable water supply in the rural areas of San Diego County. Projects which intend to utilize private wells should consult with DEH during the site analysis to ensure well regulations are incorporated into the project's overall design. Further information can be obtained at: http://www.sdcounty.ca.gov/deh/water/lu_water_wells.html

Water Systems

In addition to private wells, DEH regulates Small Water Systems and Community Water Systems. A Small Water System is a public water system that has 5 to 14 service connections, and does not regularly serve potable water to more than 25 individuals for more than 60 days out of the year. An example would be a small residential community with 10 homes served by a single water supply. A Community Water System is a public

water system that has 15 to 199 service connections used by year-long residents, or regularly serves at least 25 year-long residents. Water systems that have 200 or more service connections used by year-long residents are regulated by the State of California Department of Public Health. An example would be a community with residential homes served by a single water system. Projects intending on utilizing a water system to provide potable water should consult with DEH during the design phase to ensure the water system regulations are incorporated into the projects overall design. Further information can be obtained at: http://www.sdcountry.ca.gov/deh/water/lu_sws.html

4.7 Transportation

Circulation

Circulation issues may impact a project's overall design and must be considered during a site analysis. Issues such as sight distance, secondary access, public vs. private, street lights and road classifications must all be factored into a project's design. Potential impacts to circulation as a result of a subdivision which would require submission of a traffic study could include an analysis of whether a project is directly or cumulatively impacting roadway intersections and/or segments proposed for use by future residents of the subdivision. Mitigation of such impacts may result in physical off-site road improvements, installation of street lights and parking restrictions. Project applicants should review the County's Circulation Element, Street Standards, significance Guidelines for Traffic and Fire Safety Guidelines carefully and if necessary, consult with the Department of Public Works during the site analysis to ensure the projects circulation system complies with County Standards. Further information can be obtained at:

- a. Public street standards can be viewed at:
<http://www.sdcountry.ca.gov/dpw/docs/pbrdstds.pdf>
- b. Private street standards can be viewed at:
<http://www.sdcountry.ca.gov/dpw/docs/PRRDST.pdf>
- c. Traffic guidelines can be viewed at:
<http://www.sdcountry.ca.gov/dpw/docs/trficguide.pdf>

Trails

The County's Department of Park and Recreation maintains and administers the Community Trails Program. The Trails Program involves both trail development and management on public, semi-public, and private lands. The Community Trails Master Plan is the implementing document for the trails program and contains adopted individual community trails and pathways plans. Project applicants should review the Community Trails Master Plan to determine if it is applicable and incorporated correctly into a projects design. Further information can be obtained at: www.sdcountry.ca.gov/parks/trails.html

4.8 Other Considerations

Moratoria

Several areas of the County are subject to development moratoriums. The County Code of Regulatory Ordinance prohibits acceptance of applications for projects located in

moratorium areas. Call Zoning/Subdivision Information (858) 565-5981 to determine if project site is subject to a moratorium.

Board Policies

The County Board of Supervisors has adopted several policies regarding planning and land use. Policies address a number of topics ranging from infrastructure to steep slopes. The Board policies should be reviewed to determine which policies may be applicable to a project and in turn affect the projects design. Further information can be obtained at: <http://www.sdcounty.ca.gov/cob/policy/>

Noise

It is the County's policy to regulate noise at both the source and receiver site. Projects which may be exposed to noise levels in excess of 60dBA CNEL should consult the noise element and noise contour maps as they may be subject to regulations that impact a project's overall design. Potential impacts to a subdivision as a result of a off-site noise would require submission of a noise study. This could result if a proposed subdivision a located adjacent to or within close proximity of a County circulation roadway or freeway. Further information can be obtained at: [www.sdcounty.ca.gov, /dplu/docs/NoiseGPElement.pdf](http://www.sdcounty.ca.gov/dplu/docs/NoiseGPElement.pdf)

Hazardous Materials

The County's Guidelines for Determining Significance-Hazardous Materials and Existing Contamination details Federal, State and Local regulations related to hazardous material and contaminated sites. A proposed subdivision could be subject to completing a Hazards Study if information obtained during review of the project initial study indicates that the project site is contaminated or if the project site is within proximity of a site which was known to use hazardous materials or which has stored hazardous materials and is known to be contaminated. The guide also outlines standard mitigation measures that may be required. Further information can be viewed at: www.sdcounty.ca.gov/dplu/docs/Hazardous_Guidelines.pdf

Agriculture

Project sites with agricultural resources on-site or within one-mile of the project site may be subject to design criteria which limit development of important agricultural soils. Agricultural resources include active agricultural operations or sites with a history of agricultural land use based on aerial photography or other data sources. Project applicants should consult with an agricultural resource specialist to ensure compliance with agricultural regulations. Potential impacts to agriculture as a result of a subdivision which would require submission of an agricultural study could include: whether the project would impair the ongoing viability of a site for agricultural use. Further information can be obtained at: www.sdcounty.ca.gov/dplu/docs/ag-screening-flow-chart.pdf

Cultural and Historical Resources

Cultural Resources are found throughout the County of San Diego and are reminders of the County's 10,000 year old historical record. Although cultural resources are typically

located in protected areas near water sources and multiple ecoregions, the potential exists to site proposed subdivisions in areas that may have significant cultural and historic resources. Subdivisions should be designed to avoid identified cultural or historical areas and/or preserve such significant areas. A cultural study may be required in conjunction with a subdivision application if cultural or historical resources are identified on a site or when a project site is within close proximity of a known cultural resource. Further information can be obtained at: www.sdcounty.ca.gov/dplu/procguid..html#arch

Airports

Projects located within close proximity to an airport may be subject to design criteria to ensure compatibility. Project applicants should review the adopted Airport Land Use Compatibility Plans to determine if a proposed subdivision would be located within an airport's Airport Influence Area (AIA). Projects located within an AIA may be subject to density limitations or noise restrictions which may be more restrictive than those required pursuant to the County's General Plan, zoning and noise ordinance. Additionally, projects located within AIA are subject to aviation easements and disclosure requirements which notify future potential buyers of their proximity to an airport. Further information can be obtained at: www.san.org/airport_authority/landuse/compatibility/alucp_documents.asp

4.9 CEQA Consultant List

A proposed subdivision application may trigger the need for extended studies, based on the above factors, and others, to determine whether an environmental impact exists as a result of the project. Pursuant to the County CEQA Guidelines, the Department of Planning of Land Use selects lists of individuals (not firms) that are approved to prepare CEQA documents for the County for privately initiated projects through a Request for Qualifications (RFQ) and selection process. Consultant lists are reestablished periodically. Applicants are responsible for selecting and directly contracting with specific consultants from the County's list to prepare CEQA documents for private projects. Prior to the first submittal of a CEQA document prepared by a listed consultant for a private project, the applicant, consultant, consultant's firm (if applicable) and County shall execute a Memorandum of Understanding (MOU) or similar agreement that addresses payment, communications, confidentiality of information, and report preparation and handling. Consultants that prepare CEQA documents for County initiated projects will continue to be selected through the standard County procurement process. Further information can be obtained at: www.sdcounty.ca.gov/dplu/docs/CONSULTANT.xls

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