# PART FIVE: SPECIAL AREA REGULATIONS

## GENERAL PROVISIONS

### 5000 GENERAL INTENT OF THE SPECIAL AREA REGULATIONS.

The provisions of Section 5000 through Section 5999, inclusive, shall be known as the Special Area Regulations. The purpose of these provisions is to set forth specialized regulations which have limited application within San Diego County and which assure that consideration is provided areas of special interest or unusual value.

### 5010 MODIFICATIONS IMPOSED BY SPECIAL AREA REGULATIONS.

The provisions of individual special area regulations shall be in addition to regulations imposed by the Use Regulations, Animal Regulations or Development Regulations. When more than one regulation is applicable to the same subject matter within a zone, the most restrictive regulation shall apply.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

### 5015 APPLICATION AND DESIGNATION.

a. Application. A Special Area Regulation shall be deemed applicable when conditions or purposes specified within individual Special Area Regulations are found present within San Diego County and a Special Area Designator is included within a zone.

b. Location of Designator. Designators for Special Area Regulations shall follow the designators for the Development Regulations.

c. Notation. Special Area Regulations applicable within a zone shall be indicated by a letter pursuant to the table at Section 5025.

A dash ("-") shall indicate that there are no Special Area Regulations applicable to the property.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

### 5020 USE PERMITS.

When Special Area Regulations require the issuance of a Minor Use Permit or a Major Use Permit, such permits shall only be issued when the proposed use satisfies all conditions and requirements of the Special Area Regulations and is found consistent with the intent and purpose of the applicable Special Area Regulations.

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5025 LISTINGS OF DESIGNATORS.
The following shall be used as appropriate.

| Designator | Special Area Designator | (See Section) |
|---|---|---|
| A | Agricultural Preserve | 5100-5110 |
| B | Community Design Review Area | 5750-5799 |
| C | Airport Land Use Compatibility Plan Area | 5250-5260 |
| D | Design Review | 5900-5910 |
| E | Fault Displacement | 5400-5406 |
| F | Flood Plain | 5500-5522 |
| G | Sensitive Resource | 5300-5349 |
| H | Historic/Archaeological Landmark or District | 5700-5747 |
| J | Specific Historic District | 5749 |
| P | Planned Development | 5800-5806 |
| R | Coastal Resource Protection Area | 5950-5957 |
| S | Scenic | 5200-5212 |
| T | Unsewered Area | 5960-5964 |
| V | Vernal Pool Area | 5850-5856 |
| W | Flood Channel | 5450-5472 |
| FCI | Former Forest Conservation Initiative Properties | 5970-5972 |

(Amended by Ord. No. 5330 (N.S.) adopted 12-13-78)
(Amended by Ord. No. 6186 (N.S.) adopted 11-18-81)
(Amended by Ord. No. 6236 (N.S.) adopted 2-17-82)
(Amended by Ord. No. 6240 (N.S.) adopted 2-17-82)
(Amended by Ord. No. 6743 (N.S.) adopted 1-11-85)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 7127 (N.S.) adopted 5-07-86)
(Amended by Ord. No. 7630 (N.S.) adopted 5-23-89)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)
(Amended by Ord. No. 10661 (N.S.) adopted 2-26-20)

5030 SPECIFIC PLANS.

If a Specific Plan has been adopted for property which is also subject to the S88 Specific Planning Area Use Regulations, any provisions of the Specific Plan relating to subjects contained in the Special Area Regulations in this part shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them.

(Added by Ord. No. 8581 (N.S.) adopted 9-20-95)

AGRICULTURAL PRESERVE AREA REGULATIONS

5100 TITLE AND PURPOSE.
The provisions of Section 5100 through Section 5149, inclusive, shall be known as the Agricultural Preserve Area Regulations. The purpose of these provisions is to aid in the implementation of the California Land Conservation Act of 1965 (Government Code Sec. 51200 et seq.), intended to encourage the preservation of productive agricultural lands.

5102 APPLICATION OF AGRICULTURAL PRESERVES DESIGNATOR.
An agricultural preserve designator shall be applied to those lands in the County of San Diego which are subject to agricultural use regulations or the S80 Use Regulations and which have been designated as being within an agricultural preserve in accordance with the California Land Conservation Act of 1965.

5105 RESTRICTIONS ON USES.

a. Lands Under Contract. The uses of land subject to a Land Conservation Act contract shall be restricted to those uses as set forth in the contract.

   A groundwater extraction operation which is a legal nonconforming use or approved by a major use permit shall be considered as a use authorized by a Land Conservation Contract.

b. Lands Not Under Contract. The uses of land not subject to a Land Conservation Act contract shall be as set forth in the applicable use regulations except that:

   1. All uses subject to a Minor Use Permit or a Major Use Permit shall be approved only if a finding is made that the use complies with the provisions of Section 5110.

   2. The Postal Services use type and the Parking Services use type are not permitted.

(Amended by Ord. No. 8050 (N.S.) adopted 4-8-92)

5110 REQUIRED FINDINGS.
No use permit shall be granted unless the following findings are made:

a. State Statute. The proposed use complies with all provisions of the California Land Conservation Act of 1965; and

b. Compatibility with Agricultural Use. The proposed use would not be incompatible with the continued agricultural use of any land within the agricultural preserve. This determination shall include a consideration of the following:

1. Possible increase in vandalism;

2. Possible damage from pets;

3. Possibility that use will lead to restrictions on agricultural spraying, noise or smell; and

4. Possible interference with the movement of farm machinery or agricultural products.

SCENIC AREA REGULATIONS

5200 TITLE AND PURPOSE.
The provisions of Section 5200 through 5299, inclusive be known as the Scenic Area Regulations. The purpose of these provisions is to regulate development in areas of high scenic value both to assure exclusion of incompatible uses and structures and to preserve and enhance the scenic resources present in adjacent areas. These regulations constitute recognition of important social, recreational, and economic values obtained from preservation and enhancement of the scenic qualities of County areas for the benefit of residents and visitors.

5202 APPLICATION OF THE SCENIC AREA REGULATIONS.
The Scenic Area Regulations shall be applied to areas of unique scenic value including but not limited to scenic highway corridors designated by the San Diego County General Plan, critical viewshed and prime viewshed areas as designated on the Local Coastal Program Land Use Plan, and to areas adjacent to significant recreational, historic or scenic resources, including but not limited to Federal and State parks.

(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)

5203 DESIGNATED AREA.
The area having unique scenic value and any adjacent areas having significant recreational, historic or scenic resources shall be known as the designated area for purposes of these regulations.

5204 LIMITATION ON USES.
Notwithstanding the provisions of the applicable use regulations and Enclosure Matrix (Section 6816), all Use Regulations shall comply with the enclosure provisions of the Scenic Area Regulations.

5205 SITE PLAN REQUIRED.
No permit of any type shall be issued for any development, nor shall any outdoor commercial or industrial use be established, in areas subject to the Scenic Area Regulations until a Site Plan has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150 unless a Site Plan permit exemption is granted pursuant to section 5214. The following projects are exempt from the Site Plan requirements of the Scenic Area Regulations:

a. A one or two family dwelling on a single lot.

b. Attached accessory structures associated with a. above.

c. Detached accessory structures associated with a. above which are both 1,000 square feet or less in area and 12 feet or less in height.

d. Alterations to the interior of a structure which are not visible from the outside provided that there is no change in use.

e. Electrical, gas or other utility improvements where no associated discretionary permits are required, provided that any visible portion of such improvement does not exceed 24 inches in any dimension. The Director may require the applicant to submit an affidavit stating that the proposed utility improvement will not serve a use other than those uses presently occurring legally on the site.

f. Temporary improvements associated with construction activities authorized by building permit. Said improvements shall include, but not be limited to, trailers, fences, and signs which do not require discretionary approval by other applicable sections of The Zoning Ordinance.

g. Temporary special purpose off-premise signs pursuant to Section 6207.

h. Exterior alteration or new construction not otherwise exempt under this section, which is not visible from any street, excluding alleys, within the designated scenic area. Eliminating said visibility through screening techniques such as landscape, walls, fences or grading shall not qualify such exterior alterations or new construction for this exemption. The Director shall determine if a project meets this exemption standard and may require any necessary information including drawings, photographs and/or other graphic exhibits.

i. Small antennas (i.e., satellite earth station receiving antennas or similar antennas for video programming and television signals) exempted by Federal Communications Commission rules from local design review regulations. This exemption applies to antennas that are one meter (39 inches) or less in diameter or diagonal measurement. Such antennas mounted on masts exceeding 12 feet in height are not included in this exemption.

Any decision by the Director to exempt a project pursuant to this section shall be final.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

5206 CONTENT OF SITE PLAN.

The required Site Plan shall include such maps, plans, drawings, and sketches as are necessary to show:

a. View Points. An accurate representation of the development as viewed from at least 3 separated and critical points exterior to the development site and which show the treatment of the scenic resources present on the site as related to those resources which are adjacent to the site. The 3 exterior view points shall be proposed by the developer and approved by the Director prior to the preparation and submission of the Site Plan; however, in the area covered by the California Coastal Zone view points shall include

any and all pertinent vista points shown on the Local Coastal Program Land Use Plan. This proposal shall include photographs of the development site taken from each of the proposed view points and a map showing the location of these view points with respect to the development site. At his discretion, the Director may require additional view points to be included in the Site Plan;

b. The placement, height and physical characteristics of all existing and proposed buildings and structures located on the development site;

c. The existing vegetation and all proposed landscaping with heights at maturity indicated.

d. The location and dimensions of existing and proposed ingress and egress points, interior road and pedestrian walkways, parking and storage area;

e. The size and location of existing and proposed utilities;

f. The existing and finished topography of the development site, including the existing natural drainage system and its proposed treatment;

g. The number, size, location and design of existing and proposed signs; and

h. The exterior lighting plan, the interior lighting of buildings and structures which will have a visual impact on the exterior appearance of the development.

(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)

5210 SITE PLAN REVIEW CRITERIA.

The general criterion of site plan review is that the proposed development shall not, to the maximum extent feasible, interfere with or degrade those visual features, natural or man-made, of the site or adjacent sites which contribute to its scenic attractiveness, as viewed from either the scenic highway or the adjacent scenic, historic, or recreational resource. In addition, consideration shall be given to any scenic preservation goals, policies or recommendations set forth in the applicable Community or Subregional Plan. In applying this general criterion, the following specific criteria shall be evaluated when they are applicable.

a. Building Characteristics. All development shall be compatible with the topography, vegetation and colors of the natural environment and with the scenic, historic and recreational resources of the designated areas.

b. Building and Structure Placement.

1. The placement of buildings and structures shall not detract from the visual setting or obstruct significant views, and shall be compatible with the topography of the site and adjacent areas.

2. In prime viewshed areas designated on the Local Coastal Program Land Use Plan in the California Coastal Zone, building and structures should not be placed along bluff-top silhouette lines or on the adjacent slopes within view from a lagoon area, but should be clustered along the bases of the bluffs and on the mesa tops set back from the bluff-top silhouette lines. Buildings and structures should be sited to provide unobstructed view corridors from the nearest scenic highway, or view corridor road. These criteria may be modified when necessary to mitigate other overriding environmental considerations such as protection of habitat or wildlife corridors.

c. Landscaping. The removal of native vegetation, especially timber, shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the designated area. Landscaping and plantings shall be used to the maximum extent practicable to screen those features listed in subsections "d", "e", and "f" of this section. Landscaping and plantings shall not obstruct significant views, either when installed or when they reach mature growth.

d. Roads, Pedestrian Walkways, Parking and Storage Areas. Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, from either the scenic highway or the adjacent scenic, historic, or recreational resource by existing topography, by the placement of buildings and structures, or by landscaping and plantings which harmonize with the natural landscape of the designated area.

e. Above Ground Utilities. Utilities shall be constructed and routed underground except in those situations where natural features prevent undergrounding or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where it is practical, above ground utilities shall be screened from view from either the scenic highway or the adjacent scenic, historic, or recreational resource by existing topography, by the placement of buildings and structures, or by landscaping and plantings which harmonize with the natural landscape of the designated area.

f. Grading. The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view from either the scenic highway or the adjacent scenic, historic, or recreational resource by landscaping and plantings which harmonize with the natural landscape of the designated area, except when such alterations add variety to or otherwise enhance the visual setting of the designated area.

g. Signs. Off-site signs shall be prohibited in areas subject to the Scenic Area Regulations. The number, size, location, and design of all other signs shall not detract from the visual setting of the designated area or obstruct significant views. Subsequent to the Site Plan review and approval, any alteration to signs other than general maintenance shall be subject to an Administrative Permit.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

h. Lighting. The interior and exterior lighting of the buildings and structures and the lighting of signs, roads and parking areas shall be compatible with the lighting employed in the designated area.

(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

5212 NONCONFORMING USE.
Any development which was permitted by or conformed to the requirements of the Zoning Ordinance in effect prior to the effective date of this section and which has not been subject to a Site Plan review as provided by the Scenic Area Regulations, shall be considered to be a nonconforming use subject to the provisions of the Nonconforming Use Regulations commencing at Section 6850, until such plan review has been secured and an approval given.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

5214 SITE PLAN PERMIT EXEMPTION
An exemption from the requirement to process a Site Plan permit pursuant to this section may be granted by the Director under either of the following circumstances:

a. If it is determined, based upon substantial evidence, that the proposed project is not visible from any scenic highway corridors designated by the San Diego County General Plan, critical viewshed and prime viewshed areas as designated on the Local Coastal Program Land Use Plan, and from any areas adjacent to significant recreational, historic or scenic resources, including but not limited to Federal and State parks and if it is determined that the Site Plan review process would not materially contribute to the attainment of the stated purpose or objectives of the Scenic Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a Site Plan permit exemption, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. Site Plan permit exemption requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation.

b. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

No building permit or grading permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the Scenic Area Regulations to the subject property shall be permitted without prior recommendation of the appropriate Community Planning or Sponsor Group.

(Added by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

5250 TITLE AND PURPOSE.
The provisions of Section 5250 through Section 5270, inclusive, shall be known as the Airport Land Use Compatibility Plan Area Regulations. The purpose of these provisions is to regulate land uses within portions of the unincorporated territory of the County of San Diego located in Airport Influence Areas (AIAs) surrounding airports for which the San Diego County Regional Airport Authority (Authority) has adopted Airport Land Use Compatibility Plans (ALUCP or ALUCPs).

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

5252 APPLICATION OF AIRPORT LAND USE COMPATIBLITY PLAN DESIGNATOR.
The Airport Land Use Compatibility Plan Area Regulations shall be applied to properties located in unincorporated County territory with AIAs set forth in the ALUCPs adopted for the following airports: Agua Caliente Airport, Borrego Valley Airport, Brown Field, Fallbrook Community Airpark, Gillespie Field, Jacumba Airport, Montgomery Field, Oceanside Municipal Airport, Ocotillo Airport, McClellan-Palomar Airport, MCAS-Miramar, MCAS-Pendleton, Ramona Airport and San Diego International Airport.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

5254 USE OF AIRPORT LAND USE COMPATIBILITY PLANS
ALUCPs provide compatibility policies and criteria applicable to properties located within AIAs. New development, redevelopment, expansions, conversions and other uses of land located within the AIA of an adopted ALUCP for which County approval or permit are required shall be reviewed against the established criteria and policies of the ALUCP. Unless the property is already devoted to the proposed incompatible use or the ALUCP is overridden by the County in a manner which renders the use compatible with the ALUCP, the proposal, must comply with the established policies and criteria of the applicable ALUCP. ALUCPs are available at the Department of Planning and Development Services and from the Authority.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)
(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

5256 PROJECTS SUBJECT TO AUTHORITY REVIEW
Land use actions within the scope of California Public Utilities Code (PUC) Sections 21661.5, 21664.4, 21676(c), 21675.1 and 21676.5 or any successor or supplementing statutes thereto must be submitted to the Authority. The PUC currently requires Authority review for the following actions:

(i) adoption or amendments to general and specific plans;

(ii) adoption or amendment of zoning, building, and other land use ordinances and regulations within the AIA;

(iii) adoption and amendment of Airport Master Plans;

(iv) construction plans for new airports;

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(v) any airport expansion plans (including the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of Runway Protection Zones);

(vi) all actions, regulations and permits when the Authority has not adopted an ALUCP for an airport; and

(vii) all actions, regulations and permits when a local agency has not modified a general or specific plan to bring it into conformance with an adopted ALUCP or overruled the Authority in the manner required by PUC Section 21676.5.

The County may, in its discretion, require submittal of projects to the Authority for review when review is not required by the PUC.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

5257 AIRPORT OVERFLIGHT NOTIFICATION REQUIREMENTS
All owners of properties within an Airport Overflight Notification Area, as shown on an adopted ALUCP, shall record an Overflight Agreement prior to issuance of a building permit for any new residential development, including new single-family dwellings, duplexes, multi-family dwellings and second dwelling units. Note: not all properties within an Airport Influence Area (AIA) are within an Airport Overflight Notification Area.

(Added by Ord. No. 10204 (N.S.) adopted 3-28-12)

5258 OVERRIDING AIRPORT COMPATIBILITY PLANS
The County consistent with the PUC may overrule land use policies and criteria in the adopted ALUCPs that would otherwise be applicable to unincorporated territory over which the County retains land use authority by taking the following steps:

(i) holding a public hearing;

(ii) making specific findings that the proposed action is consistent with the requirements of the State Aeronautics Act, PUC Section 21670, et seq; and

(iii) approval of the proposed action by a two-thirds vote of the County Board of Supervisors. (See, for example, PCC Section 21676 and 21676.5.)

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)

5260 DEVELOPMENT OF LAND DEVOTED TO INCOMPATIBLE USE
Land devoted to an incompatible use prior to approval of an ALUCP may be used in accordance with this pre-existing use even if inconsistent with the ALUCP. To ascertain whether or not an incompatible use was established prior to the adoption of an ALUCP requires a careful review of the status of development entitlements, the scope and nature of development or redevelopment, and Authority policies which may be applicable to infill, reconstruction and other activities that may be deemed an existing incompatible use. Incompatible use determinations are fact sensitive and will be made on a case by case basis by the Director, Department of Planning and Development Services, with input from the Authority when required.

(Added by Ord. No. 10162 (N.S.) adopted 8-3-11)
(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

# SENSITIVE RESOURCE AREA REGULATIONS

## 5300 TITLE AND PURPOSE

The provisions of Sections 5300 through 5349, inclusive, shall be known as the Sensitive Resource Area Regulations. The purpose of these provisions is to increase the protection and preservation of the County's unique topography, ecosystems, and natural beauty, diversity, and environmentally sensitive lands and natural resources, including wetlands, floodplains, prehistoric and historic sites and sensitive habitat lands.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

## 5301 APPLICATION OF THE SENSITIVE RESOURCE AREA DESIGNATOR

The Sensitive Resource Area designator shall be applied based upon the presence of one or more of the following resources on the property: wetlands, wetland buffers, floodplains, significant habitat lands, and prehistoric and historic sites. The Sensitive Resource Area Designator shall also be applied to steep slope areas when at least one of the following criteria are met: 1) at least one of the resources in the preceding paragraph is also present on the site; or 2) it is required as a condition of a discretionary permit approval.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

## 5302 SITE PLAN REQUIRED

On property subject to the Sensitive Resource Area Regulations, a site plan shall be required for the following activities, unless expressly exempted by Section 5303:

a. The erection, construction, conversion, establishment, alteration, enlargement, or demolition of any building, improvement or portion thereof;

b. Excavation or grading of, or deposit of soil or other material upon, any lot or premises; or

c. Clearing and grubbing of any natural vegetation.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

## 5303 EXEMPTIONS

The following uses and activities are exempt from the Sensitive Resource Area Regulations:

a. Minor building permits, such as any of the following:

   1. Demolition (except for a significant prehistoric or historic site);

   2. Reinspection;

   3. Plan changes, provided no increase in parking or floor area is involved;

   4. Additions or alterations of not more than 1,000 square feet;

   5. Accessory buildings of not more than 1,000 square feet;

   6. Replacement of existing structures, provided no increase in parking is involved and no more than a 1,000 square foot increase in floor area is involved;

   7. Interior remodels;

   8. Residential garage conversions;

   9. Fences and free standing walls;

   10. Patios, patio covers, decks, balconies and stairs;

   11. Electrical, plumbing, gas and mechanical permits;

   12. Other minor permits as authorized by the Director.

b. Clearing for fire protection purposes within 100 feet of a dwelling unit and other permitted structures. Any additional clearing for fire prevention, control or suppression purposes is exempt when required in writing by a fire prevention or suppression agency. This exception does not apply in riparian habitats.

c. Limited clearing as necessary for the purpose of surveying, geotechnical exploration and access of percolation tests and wells.

d. Clearing and minor grading which does not require a grading permit, either or which conforms to the location, extent and purpose expressly authorized by an approved plan accompanying a discretionary development permit.

e. Limited clearing to provide access to property to perform activities that are listed in b through d above.

f. Any essential public facility or project, or community recreational facility, which includes public use, when the authority considering an application listed at Article III, Section 1 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 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.

g. Any project for which a final subdivision map has been recorded or a major use permit has been approved where such map or permit bears the certification that all requirements of the Resource Protection Ordinance have been met.

h. Any project for which the Director has determined in writing that it can be seen with certainty that no environmentally sensitive lands exist on the property.

i. Any ongoing, existing agricultural operations, such as cultivation, growing and harvesting of crops and animals performed on the site. Land left fallow for up to three years shall be considered to be existing agricultural operations.

j. Any project for which the Board of Supervisors has determined that application of these special area regulations 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.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

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5304 CONTENT OF SITE PLAN

The Site Plan shall include such maps, plans, drawings and sketches as are necessary to show:

a. The placement and size of all existing and proposed buildings and structures located on the development site;

b. The dimensions of the following: exterior boundary, structures, setbacks of structures to property lines and between structures, parking areas and driveways;

c. The existing vegetation to be removed or retained and all proposed landscaping. Any existing non-agricultural trees with trunk dimensions of six inches (6") or greater shall be shown, and those that are proposed to be removed shall be labeled;

d. The location and dimensions of existing and proposed ingress and egress points, interior road and pedestrian walkways, parking and storage areas, contiguous streets and all easements;

e. The location of the 100 year floodplain as shown on both Department of Public Works 100 year Floodplain Maps and FEMA Flood Insurance Rate Maps;

f. The location of any natural drainage (including intermittent streams) and any proposed drainage systems;

g. All preliminary grading, including incidental grading related to site preparation; and

h. The slope categories for the entire property in acres, based on a slope analysis prepared pursuant to Section 5305.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

5305 SLOPE ANALYSIS REQUIRED

A slope analysis shall be required for each application for a Site Plan. This analysis shall 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, using the following categories:

(a) less than 15% slope
(b) 15% and greater up to 25% slope
(c) 25% and greater up to 50% slope
(d) 50% and greater slope

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

5306 FINDINGS REQUIRED

Prior to the approval of the Site Plan, the following findings shall be made:

a. The site is physically suitable for the design and siting of the proposed development.

b. The proposed development will result in minimum disturbance of environmentally sensitive lands.

c. The proposed development conforms to the requirements contained in Section 5307.

d. The proposed development is in conformance with the General Plan.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

5307 USE REGULATIONS AND DEVELOPMENT STANDARDS

In addition to any applicable use regulations, development standards and review criteria contained in The Zoning Ordinance or other County ordinances, the following regulations shall apply to development subject to the Sensitive Resource Area Regulations:

a. Wetlands.

1. Uses in wetlands shall be restricted to the following uses, not involving grading, filling, construction or placement of structures:

i. Aquaculture, provided that it does not harm the natural ecosystem.

ii. Scientific research, educational or recreational uses provided that they do not harm the natural ecosystem.

iii. Wetland restoration projects where the primary function is restoration of the habitat.

2. Wetland Buffer:

A buffer area of an appropriate size to protect the environmental and habitat values of the wetland shall be maintained around all identified wetland areas. Maps and supplemental information submitted as part of the application shall be used to determine the specific boundaries of the wetland and buffer. The California Department of Fish and Game and the United States Fish and Wildlife Service shall be consulted in such buffer determinations.

In the wetland buffer areas, permitted uses shall be limited to:

i. Access paths.

ii. Other improvements necessary to protect adjacent wetlands.

iii. All uses permitted in wetland areas.

b. Floodway. The development of permanent structures for human habitation or as a place of work shall not be permitted in a floodway.

1. In the floodway, permitted uses shall be limited to:

i. 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; and

ii. Mineral extraction subject to an approved major use permit and reclamation plan, provided that mitigation measures were required which produce any net gain in functional wetlands and riparian habitat, and that the reclamation plan restores the site to its natural state, which would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction.

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

i. 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 enactment of this ordinance shall not be the basis for permitting such channels.

ii. 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.

iii. In high velocity streams where it is necessary to protect existing houses or other structures, minimize stream scour, or avoid 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.

c. Floodplain Fringe. All uses permitted by zoning and those that are allowable in the floodway are allowed in the floodplain fringe. Prior to granting a site plan required by this section for development, including permanent structures, grading, fill, deposit of soil or other material, or removal of natural vegetation within a 100-year floodplain fringe, all of the following criteria shall be 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 incorporates the findings and recommendations of a site-specific hydrologic study to assure that the development (a) will not cause significant adverse water quality impacts related to quality or quantity of flow or increase in peak flow to downstream wetlands, lagoons and other sensitive habitat lands; and (b) neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands, lagoons, or other sensitive habitat lands.

4. The proposed development shall be set back from the floodway boundary a distance equal to 15 percent 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 Paragraph 5.

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

   i. Practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Ordinance would result from application of the setback; and

ii. 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

iii. The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity; and

iv. 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

v. The reduction in setback will not be incompatible with the San Diego County General Plan.

5. 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 be allowed in the Erosion/Sedimentation Hazard Area only 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.

6. Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain.

7. If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, sensitive habitat lands or significant prehistoric or historic site lands, the use restrictions herein applicable to such areas shall also apply.

d. Steep Slope Lands. No development, grading, excavation, or deposit of soil or other material, on Steep Slope Lands shall be permitted except as follows:

1. 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 slopes. Where 10 percent 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.

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

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

Twenty-five Percent
Slope Encroachment Allowance

| Percent of Lot in Slopes of Twenty-five Percent Grade and Greater | Maximum Encroachment Allowance As Percentage of Area in Slopes of Twenty-five Percent or Greater |
|---|---|
| 75% or less | 10% |
| 80% | 12% |
| 85% | 14% |
| 90% | 16% |
| 95% | 18% |
| 100% | 20% |

ii. Notwithstanding the provisions of paragraph (i) above, the following types of development shall be allowed on steep slopes and shall not be subject to the encroachment limitations set forth above:

a) All public roads identified in the Mobility 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.

b) Local public streets or private roads and driveways which are necessary for access to the portion of the site to be developed on slopes of less than twenty-five percent, 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 Development Services based upon an analysis of the project site.

c) Public utility systems, provided that findings are made that the least environmentally damaging alignment has been selected.

d) 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 replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.

e) Trails for passive recreational use according to approved park plans.

f) A minimum disturbed area of (i) twenty percent of the entire lot, or (ii) 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.

g) Any ongoing existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to three years shall be considered to be existing agricultural operations.

2. Waiver of Open Space Easement. The steep slope open space easement requirement may be waived when the authority considering the site plan application makes the following findings:

i. The slope is an insignificant visual feature and isolated from other land forms, or surrounding properties have been developed on steep slopes such that this project would be considered "infill;" and

ii. 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

iii. The greater encroachment is consistent with the goals and objectives of the applicable community plan.

iv. Site Plan review is required, to ensure consistency of design with these regulations.

e. Sensitive Habitat Lands. Development, grading, grubbing, clearing or any other activity or use damaging to sensitive habitat lands shall be prohibited. The Board of Supervisors 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.

f. Significant Prehistoric and 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.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)
(Amended by Ord. No. 7967 (N.S.) adopted 9-11-91)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)
(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

# FAULT DISPLACEMENT AREA REGULATIONS.

## 5400 TITLE AND PURPOSE.

The provisions of Section 5400 through Section 5449, inclusive, shall be known as the Fault Displacement Area Regulations. The purpose of these provisions is to regulate new development in areas subject to potential loss of life and property from earthquake fault displacement in order to mitigate such losses.

## 5402 APPLICATION OF FAULT DISPLACEMENT AREA REGULATIONS.

The Fault Displacement Area Regulations shall be applied to all those properties within San Diego County which are located within the special studies zones defined by State Geologist pursuant to the Alquist-Priolo Special Studies Zone Act. These regulations may be additionally applied to all those properties for which application is recommended by the Regional Seismic Safety Committee and approved by the Board of Supervisors.

## 5404 PROHIBITED DEVELOPMENT.

Development for the following uses is prohibited in areas subject to the Fault Displacement Area Regulations:

a. Uses Containing Structures With a Capacity of 300 Persons or More. Any use having the capacity to house, serve, entertain or otherwise accommodate 300 or more persons at any one time.

b. Uses With the Potential to Severely Damage the Environment or Cause Major Loss of Life. Any use having the potential to severely damage the environment or cause major loss of life if destroyed, such as dams, reservoirs, petroleum storage facilities, and electrical power plants powered by nuclear reactors.

c. Specific Civic Uses. Police and fire stations, schools, hospitals, rest homes, nursing homes, and emergency communication facilities.

## 5406 PERMITTED DEVELOPMENT.

Development for uses other than those listed in Section 5404 shall be permitted in areas subject to the Fault Displacement Area Regulations, subject to the provisions of this section.

a. Major Use Permit. No permit of any type shall be issued for the construction or alteration of any building or structure, nor shall any person construct or alter a building or structure for which a permit is required unless pursuant to a major use permit approved in accordance with the Use Permit Procedure commencing at Section 7350.

b. Geologic Report Required. In addition to the documents required by Section 7354.b, the application for a use permit shall include a soil and geologic report prepared by a registered soils engineer and registered geologist certified in engineering geology.

1. The soils and geologic report shall be directed to determining the presence or absence of an active known fault on the development site and to determine appropriate structural design recommendations. Sub-surface exploration shall be required if a lack of distinguishable fault features in the vicinity prevents the geologist from determining by a site examination, review of available aerial photographs, or by other means that the fault trace does or does not underlie or exist within 50 feet of any structures proposed for the development site.

2. A more detailed and extensive investigation and report by the geologist may be required (as evidence to the absence of a known active fault trace) for applications proposing development of Group A, E, I, H, and R-1 occupancies, and B occupancies over one story in height (such occupancies as set forth in the Uniform Building Code).

3. The geologic report may be waived, with the approval of the State Geologist, if the County determines that no active known fault exists on the development site or, in the case of applications for developments containing a maximum of 2 dwelling units, that sufficient information regarding the site is available from previous reports filed concerning the same development area.

c. Construction Limitations. No building or structure to be used for human occupancy shall be constructed over or within 50 feet of the trace of an active known fault. For the purpose of these regulations, a building or structure to be used for human occupancy is one that is regularly, habitually, or primarily occupied by humans. Buildings and structures shall be designed to resist the earthquake forces prescribed by the Uniform Building Code and to incorporate the design recommendations contained in the soils and geologic report required by subsection "b" of this section.

d. Exceptions to this Section. The provisions of this section shall not apply to:

1. Buildings and structures not intended or used for human occupancy.

2. Alterations or repairs to an existing structure provided that the aggregate value of the work performed does not exceed 50 percent of the value of the existing structure and does not adversely affect the structural integrity of the existing structure.

3. A single-family wood frame dwelling not exceeding 2 stories in height which is built or located as part of a development of less than 4 such dwellings.

4. A mobilehome whose body width exceeds 8 feet.

5. Swimming pools, decorative walls, fences, and minor work of a similar nature.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

FLOOD CHANNEL AREA REGULATIONS

5450 TITLE AND PURPOSE.
The provisions of Section 5450 through Section 5499, inclusive, shall be known as the Flood Channel Area Regulations. The purpose of these provisions is to protect the public health, safety and welfare by restricting the construction of buildings and structures within areas as set forth in Section 5452 until such time as adequate flood protection or control works or facilities are constructed to protect persons and property.

5452 APPLICATION OF FLOOD CHANNEL DESIGNATOR.
A flood channel designator shall be applied to those properties within San Diego County which are subject to inundation under 100-year frequency flood conditions. A determination of such flood conditions shall be reached by the Board of Supervisors after considering available reports of the Federal Government, appropriate State and County agencies and consultants. These regulations shall be applied only to watercourses, or portions thereof, for which the Board of Supervisors has, by resolution adopted after a public hearing, approved a plan for channelizing the watercourse or portion thereof by the construction of a flood control structure of facility, or because of existing construction and development, it has been determined by the Board of Supervisors that channelization is appropriate.

5454 REMOVAL OF FLOOD CHANNEL DESIGNATOR.
If the Director of Public Works determines, based on written certification from a registered civil engineer, that a parcel is no longer subject to inundation due to the construction of flood control structures or facilities in accordance with Section 5462 and any adopted flood control plan, the Director of Public works shall waive the application of Sections 5464 through 5472 as to that parcel.

(Amended by Ord. No. 9246 (N.S.) adopted 8-9-00)

5456 USES PERMITTED.
The following uses are permitted in areas subject to the Flood Channel Area Regulations:

a. Uses permitted by the Use Regulations.

b. Any irrigation structure; and

c. Flood control structures and facilities subject to the provisions of Section 5462.

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5458 RELATIONSHIP TO NONCONFORMING USE REGULATIONS.
In any case of conflict between the provisions of the Flood Channel Area Regulations and the provisions of the Nonconforming Use Regulations, the provisions of the Flood Channel Area Regulations shall apply.

5460 BUILDING AND STRUCTURES SUBJECT TO COUNTY CODE.
No building or structure shall be placed, erected or constructed within the area subject to the Flood Channel Area Regulations except in accordance with such regulations, all provisions of the San Diego County Code, including but not limited to the provisions of the Building Code (Chapter 1 of Title 5 of the San Diego County Code) applicable to areas subject to inundation, and Division 8 of Title 8 of the San Diego County Code applicable to drainage and watercourses.

5462 FLOOD CONTROL FACILITIES.
All flood control structures and facilities are subject to the following conditions:

a. Adopted Plan. Concrete flood control channels shall be constructed only in accordance with a plan adopted by the Board of Supervisors.

b. Construction Without Adopted Plan. If a plan for channelizing a watercourse has not been adopted, earth, sack cement, rip rap or similar flood control structures or facilities shall include plans satisfactory to the Director of Public Works, to connect to future compatible flood control structures or facilities upstream and downstream.

(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)

5464 REPAIR, RECONSTRUCTION OR IMPROVEMENT.
Repair, reconstruction or improvement to any existing building or structure within the floodway is permitted, provided such repair, reconstruction or improvement is not substantial improvement and would not result in any increase in flood levels during the occurrence of a 100- year flood.

5466 STRUCTURES FOR HUMAN HABITATION OR EMPLOYMENT.
Except as provided in Section 5464, no building or structure designed or used for human habitation, or as a place of work, or by the public shall be constructed, erected, placed or maintained in a floodway.

5468 STANDARDS FOR APPROVAL OF OTHER STRUCTURES.
Except as provided in Section 5464, no building or structure may be placed, erected, constructed or expanded in a floodway unless the facility is not designed or used for human habitation or as a place of work or by the public and unless the Director of the Department of Public Works determines such building or structure will not adversely affect or unduly hinder, restrict or alter the water- carrying capacity of the floodway and will not result in any increase in flood levels during the occurrence of a 100-year flood.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

5470 TEMPORARY STRUCTURES PERMITTED IN FLOODWAY.
The restrictions of Section 5466 and Section 5468 shall not preclude the Director from authorizing the construction, erection or placement and maintenance of a temporary structure within the floodway during the period from the beginning of May to the end of October.

(Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)

5472 STORAGE OF MATERIALS IN FLOODWAY.
With the exception of parking operating motor vehicles incidental to residential or business use or except as may be specifically authorized by a use permit issued in accordance with the provisions of this ordinance, no materials, vehicles or equipment shall be stored within the floodway and outside of a building, except those materials that will not create a hazard to the health or safety of person or property in the event the storage area is inundated.

FLOOD PLAIN AREA REGULATIONS

5500 TITLE AND PURPOSE.
The provisions of Section 5500 through Section 5549, inclusive, shall be known as the Flood Plain Area Regulations. The purpose of these provisions is to protect the public health, safety and welfare and reduce the financial burden on the County and its inhabitants and property owners by eliminating or reducing the need for the construction of flood control channels, dikes, dams and other flood control improvements that would be required if scattered and unplanned development is permitted to occur.

5502 APPLICATION OF FLOOD PLAIN DESIGNATOR.
A flood plain designator shall be applied to properties within San Diego County not planned for channelization which are subject to inundation under 100-year frequency flood conditions. A determination of such flood conditions shall be reached by the Board of Supervisors after consideration of reports available from the Federal Government, appropriate State and County agencies, and consultants.

5504 REMOVAL OF FLOOD PLAIN DESIGNATOR.
Pursuant to a public hearing initiated by the County, the flood plain designator shall be removed from any property no longer subject to inundation as a result of grading, landscaping, clearing or the construction of flood control structures or facilities in accordance with the provisions of Section 5512. The floodway will be adjusted in accordance with any changes therein resulting from such construction.

5506 USES PERMITTED.
In addition to the uses permitted by the Use Regulations, any irrigation structure is permitted.

5508 RELATIONSHIP TO NONCONFORMING USE REGULATIONS.
In any case of conflict between the provisions of the Flood Plain Area Regulations and the provisions of the Nonconforming Use Regulations, the provisions of the Flood Plain Area Regulations shall apply.

## 5510 BUILDINGS AND STRUCTURES SUBJECT TO COUNTY CODE.

No building or structure shall be placed, erected, constructed, altered or enlarged within the area subject to the Flood Plain Area Regulations except in accordance with such regulations, with provisions of the San Diego County Code including but not limited to the Building Code (Chapter 1 of Title 5 of the San Diego County Code) applicable to areas subject to inundation, and Division 8 of Title 8 of San Diego County Code applicable to drainage and watercourses.

## 5512 FLOOD CONTROL FACILITIES.

No drainage or flood control channel or facility shall be placed, erected, constructed, reconstructed, altered or enlarged, provided, however, existing flood control structures or facilities may be repaired and maintained; and the following facilities may be placed, erected, constructed, reconstructed, altered or enlarged if such a facility would not unduly accelerate or increase the flow of water so as to create a condition which would be detrimental to the health or safety of persons or property.

a. Flood Control Channels and Levees. Natural grass-lined or similarly vegetated flood control channels.

b. Dams and Reservoirs. Dams and reservoirs designed primarily for water conservation, recreation, or debris control.

c. Erosion Control Works. Erosion control incidental to agricultural land use and natural resource extraction operations.

d. Ground Water Replacement Works. Ground water replenishment works, such as, but not limited to diversion dams, percolation beds, spreading grounds and injection wells.

e. Other Structures or Facilities. Any similar drainage or flood control structure or facility which the Director of the Department of Public Works determines would not unduly accelerate or increase the flow of water so as to create a condition which would be detrimental to the health or safety of persons or property.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

## 5514 REPAIR, RECONSTRUCTION OR IMPROVEMENT.

Repair, reconstruction or improvement to any existing building or structure within the floodway is permitted, provided such repair, reconstruction or improvement is not a substantial improvement and would not result in any increase in flood levels during the occurrence of a 100-year flood.

5516 STRUCTURES FOR HUMAN HABITATION OR EMPLOYMENT.
Except as provided in Section 5514, no permanent building or structure designed or used for human habitation or as a place of work or by the public shall be constructed, erected, or placed in a floodway.

5518 STANDARDS FOR APPROVAL OF OTHER STRUCTURES.
Except as provided in Section 5514, no building or structure shall be placed, erected, constructed or expanded in a floodway unless the facility is not designed to be used by human habitation or as a place of work or by the public and unless the Director of the Department of Public Works determines such buildings or structures will not adversely affect or unduly hinder, restrict or alter the water- carrying capacity of the floodway and will not result in any increase in flood levels during the occurrence of a 100-year flood.

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

5520 TEMPORARY STRUCTURES PERMITTED IN FLOODWAY.
The restrictions of Section 5516 and Section 5518 shall not preclude the Director from authorizing the construction, erection or placement and maintenance of a temporary structure within the floodway during the period from the beginning of May to the end of October.

5522 STORAGE OF MATERIALS IN FLOODWAY.
With the exception of parking operable motor vehicles incidental to existing residential uses except as may be specifically authorized by a use permit issued in accordance with the provisions of this ordinance, no materials, vehicles or equipment shall be stored within the floodway.

HISTORIC/ARCHAEOLOGICAL LANDMARK AND DISTRICT AREA REGULATIONS:
General Provisions.

5700 TITLE AND PURPOSE.
The provisions of Section 5700 through Section 5749, inclusive, shall be known as the Historic/Archaeological Landmark and District Area Regulations. The purpose of these provisions is to identify, preserve and protect the historic, cultural, archaeological and/or architectural resource values of designated landmarks and districts and encourage compatible uses and architectural design. To that end, the Board of Supervisors has appointed the San Diego County Historic Site Board for the purpose of advising the Director on historical/archaeological matters. In addition, in certain specific historic districts, it is intended that resource values be protected through the use of specific design review criteria reviewed by a specific historic district review board appointed by the Board of Supervisors.

(Amended by Ord. No. 5330 (N.S.) adopted 12-13-78)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

5703 APPLICATION OF HISTORIC/ARCHAEOLOGICAL AREA DESIGNATORS.
A historic/archaeological area designator shall be applied to properties or portions thereof in accordance with the stated purpose of the Historic/Archaeological Landmark and District Area Regulations at Section 5700. Designated areas indicated by the Historic/Archaeological Landmark or District (H) and the Specific Historic District (J) special area designators shall be subject to the regulations of Section 5700 through 5747, inclusive. Designated areas indicated by the Specific Historic District (J) area designator shall also be subject to the regulations applicable to the particular district as specified in Section 5749.

(Renumbered and amended by Ord. No. 5330 (N.S.) adopted 12-13-78. Formerly 5702)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

5706 DESIGNATED LANDMARK AND DISTRICT.
Areas having historic, cultural, archaeological and/or architectural resource value that have been identified by the application of a historic/archaeological area designator, shall be known as designated historic and/or archaeological landmarks or districts for purposes of these regulations. Historic and/or Archaeological Landmarks and Districts shall be designated pursuant to the procedures found in Section 7550 of this Ordinance. Historic designators may be removed upon the making of findings found in Section 7586 of this Ordinance.

(Renumbered and amended by Ord. No. 5330 (N.S.) adopted 12-13-78. Formerly 5705)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)
(Amended by Ord. No. 9702 (N.S.) adopted 10-31-01)

5708 LIMITATIONS ON USE AND CONSTRUCTION WITHIN DESIGNATED LANDMARKS AND DISTRICTS.

a. Archaeological Landmarks or Districts. No salvage mitigation, undergrounding of utilities, trench excavation, grading, clearing, grubbing, removal of archaeological features or artifacts, or any other activity or use potentially damaging to a designated Archaeological Landmark or District protected under this Ordinance shall be permitted, except by site plan review pursuant to Section 5709(c.) and/or 5710.

b. Historic Landmarks or Districts. No construction or alteration of any building or structure, grading, removal of historic features or artifacts, or any other activity or use potentially damaging to a designated Historic Landmark or District protected under this Ordinance shall be permitted, except by site plan review pursuant to Section 5709(a. or b.) and/or 5710.

Defacement, vandalism, or unauthorized disturbance of any designated Landmark or District is prohibited.

(Added by Ord. No. 8114 (N.S.) adopted 7-29-92)

5709 SITE PLAN REQUIRED.

a. Designated Historic District. No permit of any type shall be issued for the construction or alteration of any building or structure, or movement of earth nor shall any person construct or alter a building or structure in areas subject to these regulations until a site plan which conforms to the criteria established pursuant to these regulations has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150.

b. Designated Historic Landmarks. No permit of any type shall be issued for any alteration to, or construction or earth movement on a parcel containing a designated historic landmark nor shall any person alter, or do any construction on a parcel containing a designated historic landmark until a site plan which conforms to the criteria and procedures established pursuant to these regulations has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150.

c. Designated Archaeological Landmarks or Districts. No permit of any type shall be issued for the construction or alteration of any building or structure, or movement of earth, nor shall any activities described in Section 5708 occur, in areas designated as Archaeological Landmarks or Districts until a site plan which conforms to the criteria established pursuant to these regulations has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150.

d. The following projects are exempt from the Site Plan requirements of the Historic/Archaeological Landmark and District Area Regulations:

1. Alterations to the interior of a structure which the Director finds do not degrade or distract from the historic, cultural, or architectural resource values which qualify the site as a designated landmark or district.

2. Electrical, gas or other utility improvements where no associated discretionary permits are required, provided that any visible portion of such improvement does not exceed 24 inches in any dimension, except that no excavation shall be exempted on sites designated with the Historic/Archaeological Landmark and District Area Regulations for archaeological resource values. The Director may require the applicant to submit an affidavit stating that the proposed utility improvement will not serve a use other than those uses presently occurring legally on the site.

3. Temporary improvements associated with construction activities authorized by building permit. Said improvements shall include, but not be limited to, trailers, fences, and signs which do not require discretionary approval by other applicable sections of The Zoning Ordinance.

Any decision by the Director to exempt a project pursuant to this section shall be final.

(Renumbered and amended by Ord. No. 5330 (N.S.) adopted 12-13-78. Formerly 5710)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)

5710 SITE PLAN PERMIT EXEMPTION- HISTORIC/ARCHAEOLOGICAL LANDMARKS AND DISTRICTS.

An exemption from the requirement to process a Site Plan permit pursuant to Sections 5709, 5721 or 5724 may be granted by the Director under either of the following circumstances:

a. If it is determined that the nature of the proposed project is such that subjecting it to the Site Plan review process would not materially contribute to district or landmark preservation objectives. In making a decision on such a Site Plan permit exemption due consideration shall be given to the recommendation of the applicable Historic District Review Board or the San Diego County Historic Site Board or both, as is specified in Section 5745. Such recommendation shall be in writing,

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signed by the Chairperson of said Advisory Board, and shall be accompanied by a copy of the project plans upon which the recommendation was based. Site Plan permit exemption requests shall be transmitted by the applicant to the Advisory Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Advisory Board within 45 days following the Advisory Board's receipt of the request, the Director may make a decision without the Advisory Board's recommendation.

b. If all of the purposes and requirements of the Site Plan have been or will be fulfilled by another required discretionary permit which has been or will be reviewed by the Historic Site Board or other applicable Historic District Board.

No building, grading or clearing permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to historic and/or archaeological preservation, such as materials, colors, architectural details, grading, excavation, paving, landscaping, and site design, shall be permitted without prior recommendation of the appropriate Board and approval of the Director.

(Added by Ord. No. 7432 (N.S.) adopted 1-06-88)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

5715 CONTENT OF SITE PLAN.
The Site Plan shall include such textual description and plans, sketches, and drawings as are necessary to show:

a. Use. The existing or proposed use and design of the premises, building or structure, including areas to be paved, graded, excavated, landscaped or otherwise improved or disturbed; and

b. Value. The historic, cultural archaeological or architectural resource value or significance of a building, structure or site based upon research of historic archives, archaeological and/or ethnographic data, photographs and other documents; and

c. Relationship to the designated landmark or district. The relationship of the proposed use, activity, building or structure to the historic, cultural, archaeological or architectural resources present at the designated landmark or in the surrounding designated district.

(Amended by Ord. No. 5330 (N.S.) adopted 12-13-78)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

5718 CRITERIA FOR SITE PLANS AND OTHER APPLICATIONS.

The general criterion for review of site plans or other concurrent applications is that the construction, alteration, demolition, or relocation of any building or structure or earth movement shall enhance to the maximum extent feasible, and not interfere with, detract from or degrade the historic, cultural, architectural or archaeological resource values of the designated landmark or district. In applying this general criterion, the following specific criteria shall be evaluated when they are applicable.

a. Compatibility of Use. The use proposed for a building, structure, or parcel of land shall be compatible with the uses predominating in the designated area.

b. Compatibility of Design. All development demolitions, relocations, conversions, or other alterations occurring on designated landmark or district landmark properties shall be in keeping with the architectural style and scale characterizing the period of history in which the structure was built, including the landscaping features, and/or the archaeological features which caused the property to be so designated as a district or landmark. Restoration efforts shall be in keeping with details, materials, textures, colors, and landscape features common to the period of history when the designated landmark or district was constructed. Where necessary, alternative building regulations shall be applied pursuant to part 8 of title 24 of the California Administrative Code, entitled "The Historic Building Code." The Secretary of the Interior's Standards for Historic Preservation Projects shall be the basis for historic design review.

c. Compatibility with Archaeological Resources.

    1. No Site Plan within a designated Archaeological Landmark or District shall be approved until protection of the archaeological resources onsite has been accomplished as follows:

        i. The Director shall approve a research design and monitoring program prepared by an archaeologist certified by The Society of Professional Archaeologists (SOPA) with a field methodology to conduct test units, trenches, or shovel test/auger holes to demonstrate the maximum extent of the buried deposit that distinguishes the boundary of the archaeological landmark or district. The research design shall set a statistical measure for artifact/ecofact counts to quantify the boundary. The analyzed results shall contribute to the cumulative body of research as set forth in the County of San Diego Archaeology/History Report Procedures;

ii. Artifacts, ecofacts, negatives, slides, and site records shall be catalogued and conserved in a public repository designated by the County, as required by the Standards of Research Performance of The Society of Professional Archaeologists (SOPA), and in perpetuity available for public educational purposes;

iii. Implementation of the approved research design test shall result in a scientific technical report in accordance with the County of San Diego Archaeology/History Report Procedures and the report shall be submitted for review and approval by the Director;

iv. Obtain approval from the Director of a preservation plan, said plan to implement a six inch gravel and twenty-four inch soil cap, or equivalent, over buried archaeological resources that might be threatened by unauthorized intrusions. If deemed necessary, the preservation plan shall include dedication of open space easement(s) over the identified landmark or district, or any part thereof, and over a perimeter buffer strip the width of which shall be determined by the Director;

v. The Site Plan shall require implementation of the approved preservation plan and installation of drought resistant native and/or historically appropriate landscaping as needed to retard erosion of any soil cap (landscaping requiring permanent irrigation or fertilization shall be minimized);

vi. Establish a procedure for educational groups, traditional Native American groups, and/or archaeologists to apply for permission from the property owner to view archaeological resources, conduct pilgrimages, or conduct scientific research contingent upon approval from the Director.

vii. If excavation is proposed within areas of an archaeological landmark or district believed to include Native American traditional values or cemetery remains, a Native American observer approved by the County shall be notified and invited to be present during said excavations to evaluate and make recommendations concerning recovered materials.

The Director may administratively waive or modify one or more of these requirements when circumstances or practical difficulties make their strict application infeasible or unnecessary, and upon a finding that the waiver or modification is consistent with the purpose and intent of these regulations.

2. Site Plans shall require that uses allowed within any open space easement(s) or other delineated area over an archaeological landmark or district shall be consistent with terms of the open space easement and/or preservation plan approved by the Director. Uses may include, but not be limited to:

   i. Scientific investigations with a research design and monitoring program prepared by an archaeologist certified by The Society of Professional Archaeologists (SOPA) and approved by the Director of the Department of Planning and Development Services.

   ii. Native American traditional pilgrimages or observations, traditional vegetation harvest and processing, ritual preparation, astronomical solstice observation, by native people approved by elders of the appropriate local Native American community.

   iii. Public educational programs, docent tours and community exhibits by non-profit groups, civic organizations, or educational institutions. Exhibits of excavated features, rock-shelters or cave sites, rock art, milling features, and other elements of scientific or Native American traditional value may be developed with adequate security, conservation procedures, and an educational program.

   iv. Capping of buried archaeological sites with six inches of gravel and twenty-four inches of sterile topsoil, or equivalent, to protect resources from landscaping associated with passive recreational uses or native habitat restoration, in accordance with a plan approved by a SOPA certified archaeologist and, if necessary, a registered geologist or soils engineer, which has been approved by the Department of Planning and Development Services.

   Earth disturbance, grading, well drilling, underground utilities, or construction, shall not be allowed within the buffered archaeological open space easement area unless authorized by terms of the open space easement and/or preservation plan approved by the Director.

(Renumbered and amended by Ord. No. 5330 (N.S.) adopted 12-13-78. Formerly 5720)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 7703 (N.S.) adopted 12-20-89)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)
(Amended by Ord. No. 10222 (N.S.) adopted 9-25-12. Opr. 11-26-12)

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5721 DEMOLITION OR RELOCATION OF DESIGNATED LANDMARKS OR DISTRICTS.

a. No person or organization shall demolish, destroy, or move all or any part of a designated historic landmark or district, nor shall any person or organization demolish, destroy or remove artifacts from all or any part of an archaeological landmark or district, nor shall any permit be issued which would allow such actions unless pursuant to a Major Use Permit. In lieu of a major use permit, a Site Plan may be approved pursuant to Section 5724 for such actions where the Director finds that the building, structure or site involved was not a contributing factor in the designation of the landmark or district, as supported in the documentation submitted to the Board of Supervisors when the site was designated.

b. A Major Use Permit for the above actions on all or any part of a designated landmark or district shall not be approved unless the Approving Authority finds that one or more of the following conditions exist:

1. The structure or site is a hazard to public health or safety, and repairs or stabilization are not physically possible.

2. The site is required for a public use which will be of more benefit to the public than the landmark or district and there is no alternative location for the public use.

3. Retention of such landmark or district, or portion thereof or structure thereon, would cause undue financial hardship to the owner; which is defined as a situation in which there is no use for which the premises can reasonably be utilized which would provide an overall economic benefit or income sufficient to maintain the site or structure. The possibility that another use could bring greater financial return to the owner is not sufficient ground to make this finding. An application for demolition or moving of all or any part of a designated landmark or district on grounds of financial hardship shall include information adequate to justify such hardship.

4. With respect to a Major Use Permit for the relocation of all or any part of a designated historic landmark or district, the relocation will not destroy the historic, cultural or architectural values of the landmark or district and the relocation is part of a definitive series of actions which will assure the preservation of the landmark or district.

c. A Major Use Permit for demolition of all or any part of a designated historic landmark or district shall not be approved unless the site or structure thereon cannot be moved or relocated.

(Added by Ord. No. 5330 (N.S.) adopted 12-13-78)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 7703 (N.S.) adopted 12-20-89)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

5724 DEMOLITION OR RELOCATION OF NONCONTRIBUTING BUILDINGS, STRUCTURES OR SITES.

a. Site Plan Required. Demolition or moving of structures, buildings or sites which are not designated historic landmarks but are within Specific Historic Districts, or are determined by the Director to be non-contributing elements of designated landmarks or districts pursuant to Section 5721, shall be permitted only upon approval of a Site Plan pursuant to Section 5709.

b. Additional Criteria. The historic, cultural, architectural and/or archaeological resource value of an existing building, structure or site, or portion thereof, proposed for demolition or removal shall be evaluated to determine its relationship and contribution to these resource values as they are present in the designated district or landmark. Such determinations shall be consistent with documentation submitted to the Board of Supervisors when the district was designated. When the demolition or removal of a building, structure or site would severely impair the resource values of the surrounding designated district, Site Plan approval shall not be granted unless the Director, after further investigation, finds that there is no reasonable alternative to the demolition or removal. Demolition of a building, structure or site which would impair the resource values of the designated district shall not be approved if the building, structure or site can be relocated. The time period for such investigation shall be limited to 90 days from the date of the submission of the Site Plan, except that such period may be extended by the Director with the concurrence of the applicant, or by the Board of Supervisors.

(Added by Ord. No. 5330 (N.S.) adopted 12-13-78)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

5727 CONCURRENT REVIEW.
The Site Plan required by Sections 5709, 5721, or 5724, unless waived by the Director, or the Major Use Permit required by Section 5721, and any concurrent Tentative Map, Tentative Parcel Map, Zone Reclassification or Major Use Permit applications shall be referred to the appropriate review board pursuant to

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Section 5745 for comment. The officer or body having jurisdiction over the concurrent application shall also have jurisdiction over the initial adoption of the related Site Plan, or Major Use Permit required by Section 5721.

(Added by Ord. No. 5330 (N.S) adopted 12-13-78)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

5730 SIGN REGULATIONS.
Off-premise signs shall be prohibited in areas subject to the Historic and Archaeological Landmark and Historic District Area Regulations. Installation or alteration (other than routine maintenance) of other signs shall be subject to the site plan approval.

(Renumbered and amended by Ord. No. 5330 (N.S.) adopted 12-13-78. Formerly 5725)
(Amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

5745 REVIEW JURISDICTION.
Discretionary permit applications concerning a historic/archaeological landmark or district shall be referred to the San Diego County Historic Site Board pursuant to Section 7157. If a Specific Historic District has been established (Section 5749 et seq.), discretionary permits concerning property within that district shall be referred to the applicable Specific Historic Review Board, instead of the Historic Site Board. In the event of an application involving both types of designations, it shall be referred to both the County Historic Site Board and the applicable Specific Historic Review Board.

(Added by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Added by Ord. No. 8114 (N.S.) adopted 7-29-92)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)

5746 TRANSMITTAL OF HISTORICAL/ARCHAEOLOGICAL APPLICATIONS.

(Added by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)
(Repealed by Ord. No. 8236 (N.S.) adopted 5-5-93)

5747 REVIEW BOARD - ESTABLISHMENT, APPOINTMENT, ETC.
The establishment, appointment, duties, etc. of the San Diego County Historic Site Board and Specific Historic District Review Boards shall be pursuant to Section 396.5 and 396.9 respectively of the San Diego County Administrative Code.

(Added by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

5749 SPECIFIC HISTORIC DISTRICTS.

The purpose of this section is to allow for the establishment of Specific Historic Districts having their own review boards and specific review criteria adopted by the Board of Supervisors.

a. Julian Historic District

1. Applicability. The regulations of this Section apply in the Julian Historic District (Designated "J") in addition to the requirements of Section 5700 through 5747, inclusive, excepting Sections 5708 and 5718(c).

2. Overall Design Criterion: Julian. The external appearance of structures shall resemble as closely as possible the appearance of buildings existing in Julian in the period 1870-1913, as defined in the design manual adopted pursuant to Paragraph "3".

3. Other Criteria. Site plans and concurrent applications shall conform to the Secretary of the Interior's Standards for Historic Preservation Projects criteria set forth in any specific plan adopted for the Julian Historic District, and in a design manual adopted by the Director and approved by the Board of Supervisors. Prior to submitting the manual (or amendments thereto) to the Board of Supervisors for approval, the Director shall submit the manual to the Julian Historic District Architectural Review Board for its review and shall forward the Review Board's recommendation to the Board of Supervisors.

4. Architectural Review Board. Site plans concerning property within the Julian Historic District shall be referred to the Julian Historic District Architectural Review Board pursuant to Section 7157. The Julian Historic District Architectural Review Board shall advise the Director as to the site plan's conformance with applicable ordinances, general and specific plans, and other regulations.

(Added as Sec. 5750 by Ord. No. 5330 (N.S.) adopted 12-13-78)
(Renumbered and amended by Ord. No. 7101 (N.S.) adopted 3-12-86)
(Amended by Ord. No. 7703 (N.S.) adopted 12-20-89)
(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

COMMUNITY DESIGN REVIEW AREA REGULATIONS

5750 TITLE AND PURPOSE.
The provisions of Section 5750 through Section 5799, inclusive, shall be known as the Community Design Review Area Regulations. The purpose of design review is to evaluate site planning, architecture, landscape design, signage and lighting to ensure that new development is compatible with surrounding development and community goals. These regulations provide for the maintenance and enhancement of a Community's individual character and identity.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Amended by Ord. No. 10296 (N.S.) adopted 10-23-13)

5754 DESIGNATED AREA.
An area that has been identified by the application of a Community Design Review Area Designator shall be known as a designated area for the purposes of these regulations. Designated areas shall be subject to the Community Design Review Area Regulations of Section 5750 through 5799 inclusive. In addition, property subject to the Village 1 (FB-V1), Village 2 (FB-V2), Village 3 (FB-V3), Village 4 (FB-V4), or Village 5 (FB-V5) Zones in the community of Fallbrook shall be subject to these regulations, to the Fallbrook Design Guidelines, and to the Fallbrook Design Review Checklist.

In addition, property located within the Ramona Village Center Area, Village 1 (RM-V1), Village 2 (RM-V2), Village 3 (RM-V3), Village 4 (RM-V4), Village 5 (RM-V5), or Civic (RM-CD) Zones in the community of Ramona shall be subject to these regulations, to the Ramona Village Plan, and to the Ramona Village Plan Design Review Checklist.

Property located within the Alpine Village Core Area, Core (AL-V2), Edge (AL-V1), or Civic (AL-CD) Zones in the community of Alpine shall also be subject to these regulations, to the Alpine Village Plan, and to the Alpine Village Plan Design Review Checklist.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
(Amended by Ord. No. 10296 (N.S.) adopted 10-23-13)
(Amended by Ord. No. 10348 (N.S.) adopted 7-30-14)

5756 SITE PLAN PERMIT REQUIRED.
No building permit or discretionary approval pursuant to this ordinance shall be issued, nor shall any person construct or alter a building, structure, or parking area, nor shall any outdoor commercial or industrial use be established, on land subject to the Community Design Review Area Regulations until a plot plan which conforms to the criteria established pursuant to these regulations has been submitted and approved in accordance with the Site Plan Permit Review Procedure commencing at Section 7150. A Site Plan Permit is not required for any of the following:

a. Alterations to the interior of a structure which are not visible from the outside.

b. Zone Reclassifications, subdivisions of land, or other discretionary approvals not involving the design of buildings or structures, except that subdivisions in the I-15 Scenic Corridor shall not be exempt.

c. Electrical, gas or other utility improvements where no associated discretionary permits are

required, provided that any visible portion of such improvement does not exceed 24 inches in any dimension. The Director may require the applicant to submit an affidavit stating that the proposed utility improvement will not serve a use other than those uses presently occurring legally on the site.

d. Temporary improvements associated with construction activities authorized by building permit. Said improvements shall include, but not be limited to, trailers, fences, and signs which do not require discretionary approval by other applicable sections of the Zoning Ordinance.

e. Signs exempt from the Zoning Ordinance pursuant to Section 6203.

f. Temporary special purpose off premise signs pursuant to Section 6207.

g. Any use or development type which according to the applicable design guidelines is not subject to design review pursuant to the Community Design Review Area Regulations.

h. A grading permit pursuant to the Grading Ordinance, except in the I-15 Scenic Corridor.

i. The following types of projects which the Director determines comply with the applicable community design program objectives and design guidelines:

    1. New on-premise signs, except in the I-15 Scenic Corridor, if existing on-premise signs which are under the control of the person requesting the exemption are also in full compliance with applicable Design Guidelines. The Director may require sufficient evidence in the form of drawings, photographs and/or other graphic exhibits.

    2. Replacement, repair or minor modifications to exterior wall or roof finish materials on existing structures.

j. Exterior alteration or new construction not otherwise exempt under this section, which is not visible from any street, excluding alleys, provided the total lot coverage is not increased to more than 75 percent of the net lot area. Eliminating said visibility through screening techniques such as landscape, walls, fences or grading shall not qualify such exterior alterations or new construction for this exemption. The Director shall determine if a project meets this exemption standard and may require any necessary information including drawings, photographs and/or other graphic exhibits.

k. Small antennas (i.e., satellite earth station receiving antennas or similar antennas for video programming and television signals) exempted by Federal Communications Commission rules from local design review regulations. This exemption applies to antennas that are one meter (39 inches) or less in diameter or diagonal measurement. Such antennas mounted on masts exceeding 12 feet in height are not included in this exemption.

l. Certified Farmers' Market pursuant to section 6122.

Any decision by the Director to exempt a project pursuant to this section shall be final.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)

(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 8407 (N.S.) adopted 5-18-94)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 10296 (N.S.) adopted 10-23-13)

5757 SITE PLAN PERMIT EXEMPTION - COMMUNITY DESIGN REVIEW.

a. An exemption from the Site Plan Permit requirement of Section 5756 may be granted by the Director under any of the following circumstances:

1. Existing Permit Exemption. All of the purposes and requirements of the Site Plan Permit process have been fulfilled by an existing approved discretionary permit.

2. Concurrent Permit Exemption. All of the purposes and requirements of the Site Plan Permit process will be fulfilled by a concurrent discretionary permit which will be reviewed the applicable Community Design Review Board.

3. Minor Project Exemption. The Director determines that a proposed project is minor in nature, as defined in Section 7156(b) and that subjecting it to the Site Plan Permit review process would not materially contribute to the attainment of the community design objectives and guidelines as set forth in the applicable Design Guidelines. The applicable Community Design Review Board may recommend to the Director whether to grant a minor project exemption. The recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign Site Plan Permit exemption requests, and shall be accompanied by a copy of the project plans upon which the recommendation was based.

4. Design Review Checklist Exemption. The Director determines that the project complies with the objective standards set forth in the Design Review Checklist for the applicable community in which the project is located. The applicable Community Design Review Board may recommend to the Director whether to grant a Design Review Checklist Exemption. The recommendation shall be in writing, signed by the Chairperson or other authorized member of the Design Review Board and shall be accompanied by a copy of the Design Review Checklist and stamped plot plans on which the recommendation was based.

b. A request for a Site Plan Permit exemption based on compliance with subsections 5757 a.3 or 5757 a.4 shall be transmitted by the Director to the applicable Community Design Review Board using forms approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation.

c. Notwithstanding the above, the Review Board may recommend a Site Plan Permit exemption of entire classes of projects, in which case the Director may exempt projects within these classes without obtaining recommendations from the Review Board on each individual case.

d. No building permit shall be issued for a project for which the Site Plan Permit exemption has been granted pursuant to subsections 5757 a.3 or 5757 a.4 unless the project's plot plans bear the Director's stamp granting the exemption. No deviation from aspects of such approved plot plans pertinent to the Design Guidelines or the Design Review Checklist, such as materials, colors, architectural details, landscaping, and site design, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director incompliance with this Section.

(Added by Ord. No. 7229 (N.S.) adopted 11-05-86)
(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)
(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 8105 (N.S.) adopted 7-15-92)
(Amended by Ord. No. 8185 (N.S.) adopted 12-16-92)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)
(Amended by Ord. No. 10296 (N.S.) adopted 10-23-13)

5758 CONTENT OF PLOT PLAN.

The plot plan shall include such textual descriptions and plans, sketches and drawings as are necessary to provide the information as required by the applicable Community Design Guidelines pursuant to Section 5799.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Amended by Ord. No. 10296 (N.S.) adopted 10-23-13)

5760 DEVELOPMENT STANDARDS AND REVIEW CRITERIA.

In addition to the development standards contained in the Zoning Ordinance and the County Code the standards and criteria contained in the applicable Community Design Guidelines or Design Review Checklist shall apply to any project subject to the Community Design Review Area Regulations.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Amended by Ord. No. 10296 (N.S.) adopted 10-23-13)

5761 SPECIAL PARKING PROVISIONS WITHIN DESIGNATED SPECIAL PARKING DISTRICTS.

a. Purpose and Intent. The intent of this section is to encourage economic revitalization and the maintenance and enhancement of existing zero front yard setback development patterns in certain traditional downtown commercial districts as specified herein, consistent with certain Community Design Guidelines adopted pursuant to the Community Design Review Area Regulations. To achieve this purpose, the design, location and number of automobile, bicycle and loading spaces within these districts may be determined on a case-by-case basis.

b. Special Parking Districts Designated. The following described areas are hereby designated as Special Parking Districts:

1. Parcels with frontage on Main Avenue in Fallbrook, from Mission Road to Elder Street; properties with frontage on Mission Road from Main Avenue to Iowa Street; and Assessor Parcel Number 103-132-06, as said parcel was identified on the County Assessor's maps on June 17, 1994 and any other parcel located in Fallbrook Village Zone 1 or Fallbrook Village Zone 2.

2. Parcels with frontage on Maine Avenue in Lakeside from Mapleview Street to Los Coches Road.

3. Parcels with frontage on Main Street/Highway 67 in Ramona, from Tenth Street to Third Street; and Assessor Parcel Numbers 281-251-01, 281-263-03, 281-444-02, and 281-443-15, as said parcels were identified on the County Assessor's maps on June 17, 1994.

c. Parking Requirements Within Special Parking Districts. Parking requirements for structures or uses located within a Special Parking District may be established in accordance with a Site Plan Permit approved pursuant to these regulations and the applicable Design Guidelines, provided the following conditions are met:

1. The project will not result in any driveway intersecting with the frontage street if the building site has public vehicular access available from an alley or side street, except that an existing driveway may be retained in the following situations: (1) where a structure is involuntarily damaged or destroyed and is reconstructed, repaired, or rebuilt in accordance with the Zoning Ordinance, or (2) where an existing structure is expanded or renovated in accordance with the Zoning Ordinance. If the building site has no public vehicular access available from an alley or side street, any proposed driveway shall be of minimum permitted width and serve on-site parking and/or loading at the rear of the lot or at such other location as may be approved in accordance with these regulations and the applicable Design Guidelines.

2. The number of spaces shall be determined in consideration of the parking generation characteristics of the proposed use and the physical limitations of the site. The number of spaces shall be as close as possible to the number which would be required if the Special Parking District did not exist, except that for buildings constructed pursuant to a building permit issued after June 17, 1994, the number of spaces shall not be reduced to less than 75 percent of the number which would be required if the Special Parking District did not exist.

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3. Notwithstanding any other provision of this section, if a structure in a Special Parking District is damaged or destroyed, any nonconformity as to the applicable off-street parking for said structure may be resumed if the structure is reconstructed, repaired or rebuilt in accordance with the applicable Community Design Guidelines and all other applicable requirements. See also Section 6867.

(Added by Ord. No. 8407 (N.S.) adopted 5-18-94)
(Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)
(Amended by Ord. No. 10296 (N.S.) adopted 10-23-13)

5762 CONCURRENT REVIEW.

The Site Plan Permit required by Section 5756 shall be submitted and reviewed concurrently with an application for a Tentative Map, Tentative Parcel Map, Major or Minor Use Permit or Zone Reclassification. Site Plan Permits and any concurrent applications shall be referred to the appropriate design review board pursuant to Section 5764. The officer or body having jurisdiction over the concurrent application shall also have jurisdiction over the initial adoption of the related Site Plan Permit.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Amended by Ord. No. 10296 (N.S.) adopted 10-23-13)

5764 REVIEW JURISDICTION.

Site Plan Permits concerning property within a designated area shall be referred to the appropriate Community Design Review Board pursuant to Section 7157 or in areas where no such board exists, the Director may consider the input of the applicable Community Planning or Sponsor Group.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 8712 (N.S.) adopted 8-6-96)
(Amended by Ord. No. 10296 (N.S.) adopted 10-23-13)

5766 TRANSMITTAL OF SITE PLANS FOR REVIEW.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Repealed by Ord. No. 8236 (N.S.) adopted 5-5-93)

5798 COMMUNITY DESIGN REVIEW BOARD - ESTABLISHMENT, APPOINTMENT, AND DUTIES.

The establishment, appointment, and duties of the Community Design Review Boards shall be pursuant to Section 396.10 of the San Diego County Administrative Code.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)

5799 COMMUNITY DESIGN REVIEW AREAS.

a. Applicability. The requirements of Section 5750 through 5799, inclusive, apply to the areas that are designated Design Review Areas (Special Area Designator "B"), and to that property within the community of Fallbrook to which the Village 1 (FB-V1), Village 2 (FB-V2), Village 3 (FB-V3), Village 4 (FB-V4), or Village 5 (FB-V5) Zone has been applied and to area within the community of Ramona for which the Village 1 (RM-V1), Village 2 (RM-V2), Village 3 (RM-V3), Village 4 (RM-V4), Village 5 (RM-V5), or Civic (RM-CD) Zones has been applied; and to area within the community of Alpine for which the Core (AL-V2), Edge (AL-V1), or Civic (AL-CD) Zones has been applied. (see Section 8000)

b. Design Criteria. Site Plan permits and concurrent applications shall conform to criteria set forth in the applicable Design Guidelines Manual approved by the Board of Supervisors.

c. Design Review Boards. Site Plan permits concerning property within designated Design Review Areas shall be referred to the Community's Design Review Board for recommendation, if such a board exists for the area. The Design Review Board shall advise the Director as to the Site Plan permit’s conformance with the Community's Design Guidelines Manual. The Review Board's evaluation shall be limited to the design guidelines set forth in the manual, and the Review Board shall cite the specific guideline(s) in instances where a project may be inconsistent with the adopted design manual. The Director may consider the input of the applicable planning or sponsor group in areas where no design review board exists.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Amended by Ord. No. 8712 (N.S.) adopted 8-6-96)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)
(Amended by Ord. No. 10296 (N.S.) adopted 10-23-13)
(Amended by Ord. No. 10348 (N.S.) adopted 7-30-14)

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.

(Amended by Ord. No. 8247 (N.S.) adopted 5-19-93)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

5802 APPLICATION OF PLANNED DEVELOPMENT SPECIAL AREA REGULATIONS.
These regulations shall be applied where appropriate to achieve the purpose set forth in Section 5800 and in accordance with the Planned Development Standards in Section 6600.

(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)

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 in Section 6600 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 Director 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.

d. The Director may waive the application of this section for a parcel of 5 acres or more for the development of one single-family dwelling upon a finding that such waiver is consistent with the General Plan and the purposes of these regulations.

e. The decision of the Director pursuant to subsections c and d above may be appealed pursuant to Section 7200 et seq.

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.

5804

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 5787 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 7191 (N.S.) adopted 9-10-86)
(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)

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.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 8506 (N.S.) adopted 3-1-95)
(Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)

VERNAL POOL AREA REGULATIONS
(Added by Ord. No. 6240 (N.S.) adopted 2-17-82)

5850 TITLE AND PURPOSE.
The provisions of Section 5850 through Section 5856, inclusive, shall be known as the Vernal Pool Area Regulations. The purpose of these provisions is to protect and preserve vernal pools which are rare, unique and of limited distribution by regulating development within or adjacent to these areas. Since an entire ecosystem is associated with vernal pool areas, these regulations are intended to protect the various rare, threatened, or endangered species of plants and animals. A typical example of the type of resource to be protected by these regulations is the mesa mint (Pogognye abramsi).

(Added by Ord. No. 6240 (N.S.) adopted 2-17-82)
(Amended by Ord. No. 6291 (N.S.) adopted 5-18-82)

5852 APPLICATION OF VERNAL POOL AREA REGULATIONS.
These regulations shall be applied where appropriate to achieve the purpose set forth in Section 5850.

(Added by Ord. No. 6240 (N.S.) adopted 2-17-82)
(Amended by Ord. No. 6291 (N.S.) adopted 5-18-82)

5854 LIMITATION ON USE AND CONSTRUCTION.
On property subject to the "V" Vernal Pool Area Regulations, no use or activity is permitted unless authorized by a minor use permit. For purposes of this Section, "use" or "activity" means any activity which is likely to alter, modify, disturb, or destroy a vernal pool or its associated rare, threatened, or endangered species, including but not limited to:

a. Modifying or disturbing the soil surface or existing vegetation by grading (including agricultural grading), filling, ditching, plowing, tilling, cultivating, brushing, grubbing, clearing, burning, or applying any herbicide or other substance injurious to plant or animal life.

b. Draining or filling a vernal pool.

c. Placing an impervious covering on, over, or under the soil or water surface.

d. Construction, expansion, alteration, or installation of a structure.

(Added by Ord. No. 6240 (N.S.) adopted 2-17-82)
(Amended by Ord. No. 6291 (N.S.) adopted 5-18-82)

5856 PERMIT CRITERIA.

No use permit, or other required permit shall be granted for any use, activity, or construction in the area subject to the Ordinance unless the applicant demonstrates to the satisfaction of the officer or body having jurisdiction that:

a. The proposed use, activity, or construction will not have any significant, adverse effects on any identified vernal pool or an associated rare, threatened, or endangered species; or

b. Adequate mitigating measures will be provided to protect the vernal pool or its associated rare, threatened, or endangered species; or

c. There are social and economic benefits which override any adverse effects and there is no reasonably acceptable alternative site which would fulfill the purposes of the proposed use, activity, or construction.

The environmental review documentation prepared and submitted pursuant to Sections 7610 and 7611 shall be used by the officer or body having jurisdiction to the maximum extent possible in administering the provisions of this Section.

(Added by Ord. No. 6240 (N.S.) adopted 2-17-82)
(Amended by Ord. No. 6291 (N.S.) adopted 5-18-82)

DESIGN REVIEW AREA REGULATIONS

(Added by Ord. No. 6186 (N.S.) adopted 11-18-81)

5900 TITLE PURPOSE.
The provisions of Section 5900 through Section 5949, inclusive, shall be known as the Design Review Area Regulations. The purpose of these provisions is to insure that future structures and development of a site will complement not only the site to be developed but also the surrounding areas and existing development.

(Added by Ord. No. 6186 (N.S.) adopted 11-18-81)

5902 APPLICATION OF DESIGN REVIEW DESIGNATOR.
The design review area designator shall be applied in accordance with the stated purpose of the Design Review Area Regulations at Section 5900. The ordinance applying said designator to particular property shall contain a statement of the objective(s) sought to be achieved and the standard(s) by which the required site plan will be judged.

(Added by Ord. No. 6186 (N.S.) adopted 11-18-81)

5905 SITE PLAN PERMIT REQUIRED.

a. No permit of any type shall be issued for any development in areas subject to the Design Review Area Regulations until a Site Plan permit has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150. A Site Plan permit is not required if the Director determines that the proposed project is of such type or character that the stated objectives or review criteria contained in the ordinance applying the design review designator would not be applicable to the proposed project. A Site Plan permit is also not required if said ordinance applying the design review designator specifically exempts the Site Plan permit requirement for the proposed project, and such an ordinance exemption shall be final.

b. The Site Plan permit shall not be required to contain more information than required to satisfy the stated concerns of the Board of Supervisors at the time the design review area designator was applied.

c. An exemption from the requirement to process a Site Plan permit pursuant to this section may be granted by the Director under either of the following circumstances:

    1. If it is determined that the nature of the proposed project is such that subjecting it to the Site Plan permit review process would not materially contribute to the attainment of the stated purpose or objectives of the ordinance which applied the Design Review Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan permit have been fulfilled by an existing approved discretionary permit. In making a decision on such a Site Plan permit exemption, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. Site Plan permit exemption

requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation. Notwithstanding the above, the Community Planning or Sponsor Group may recommend a Site Plan permit exemption of entire classes of projects, in which case the Director may grant an exemption for projects within these classes without obtaining recommendations from the Planning or Sponsor Group on each individual case.

2. If all of the purposes and requirements of the Site Plan permit will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

No building permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the ordinance which applied the Design Review Area Regulations to the subject property shall be permitted without prior recommendation of the appropriate Community Planning or Sponsor Group.

(Added by Ord. No. 6186 (N.S.) adopted 11-18-81)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)
(Amended by Ord. No. 8105 (N.S.) adopted 7-15-92)
(Amended by Ord. No. 8185 (N.S.) adopted 12-16-92)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

## 5906 CONTENT OF SITE PLAN.

The required Site Plan shall specify the dimensions, elevation, color and architectural design of the proposed buildings and structures necessary to be compatible with the architectural theme and character of adjacent developed parcels and the existing neighborhood. In addition, the required Site Plan may, when required pursuant to Section 5905b, include such maps, plans, drawings, and sketches as are necessary to show:

a. The placement, height and physical characteristics of all existing and proposed buildings and structures located on the development site;

b. The existing vegetation to be removed or retained and all proposed landscaping;

c. The location and dimensions of existing and proposed ingress and egress points, interior road and pedestrian walkways, parking and storage area;

d. The existing and finished topography of the development site, including the existing natural drainage system and its proposed treatment;

e. The number, size, location and design of existing and proposed signs; and

f. The exterior lighting plan, which could have a visual impact on the exterior appearance of the development.

(Added by Ord. No. 6186 (N.S.) adopted 11-18-81)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

5910 SITE PLAN CRITERIA.

The statement by the approving authority as required by Section 5902 shall be the general criterion for review of the site plan by the Director. The following specific criteria shall also be reviewed to achieve the objectives of the approving authority.

a. Building Characteristics. The dimensions, color, architectural design of the proposed buildings and structures shall be compatible and in keeping with those existing in the designated area.

b. Building and Structure Placement. The placement of buildings and structures shall not detract from the visual setting or obstruct significant views.

c. Landscaping. The removal of native vegetation shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the designated area and shall harmonize with the natural landscaping. Landscaping and plantings shall be used to the maximum extent practicable to screen those features listed in subsections "d" and "e" of this section and shall not obstruct significant views, either when installed or when they reach mature growth.

d. Roads, Pedestrian Walkways, Parking and Storage Areas. Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, by existing topography, by the placement of buildings and structures, or by landscaping and plantings.

e. Grading. The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view by landscaping and plantings which harmonize with the natural landscape of the designated area, except when such alteration add variety to or otherwise enhance the visual setting of the designated area.

f. Signs. The number, size, location, and design of all signs shall not detract from the visual setting of the designated area or obstruct significant views. Subsequent to the site plan review and approval, any alteration to signs other than general maintenance shall be subject to a new Site Plan or an Administrative Permit.

g. Lighting. The interior and exterior lighting of the buildings and structures and the lighting of signs, roads and parking areas shall be compatible with the lighting employed in the designated area.

(Added by Ord. No. 6186 (N.S.) adopted 11-18-81)
(Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)

COASTAL RESOURCE PROTECTION REGULATIONS

5950 TITLE AND PURPOSE.
The provisions of Section 5950 through 5959, inclusive, shall be known as the Coastal Resource Protection Regulations. The purpose of these provisions is to protect and preserve sensitive resources within the California Coastal Zone and to assure that development, use, or alteration of land within major areas of environmental sensitivity, steep slopes, major drainage ways, and outstanding scenic quality is reviewed and approved in accordance with criteria, standards and limitations that will protect coastal resources.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

5952 APPLICATION OF THE COASTAL RESOURCE PROTECTION REGULATIONS.
The Coastal Resource Protection Regulations shall be applied to the areas identified in the Local Coastal Program Land Use Plan as Coastal Resource Protection Areas.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

5953 EXEMPTIONS.
The following uses and activities are exempt, except as otherwise specified, from the provisions of the Coastal Resource Protection Regulations.

a. Cultivation of land for agricultural purposes that is currently under cultivation, or that is of less than 10% slope and has been impacted by cultivation within the past five years, provided that no such activity shall take place closer than 10 feet from the top or bottom edge of any slope of 25% grade or greater.

b. Minor excavation or placement of soil materials, not otherwise requiring a grading permit, incidental to the planting of trees and shrubs or the construction of other landscape features, provided that such excavations or placement of soil materials does not in itself alter the general overall topographical configuration of the land and does not take place on slopes of 25% grade or greater.

c. Minor excavations or placement of soil materials incidental to installation of minor structural features, and the installation of such features, which are customarily accessory to a permitted use and do not otherwise require a grading permit or building permit, provided such excavation, placement of soil materials, or construction does not in itself alter the general topographical configuration of the land and does not take place on slopes of 25% grade or greater.

d. Except for provisions of Section 5955, the construction of an individual single-family residence on an existing lot which contains no slope or portion of a slope that is more than 10 feet in height and has a grade of 25% or greater.

e. Except for provisions of Section 5955, the construction of structures and establishment of uses customarily accessory to a legally existing principal use.

f. Except for provisions of Section 5955, the construction of roads shown on the Mobility Element of the San Diego County General Plan.

5953

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10162 (N.S.) adopted 8-3-11)

5955 COASTAL ACT PERMIT REQUIRED.
Except as otherwise specified in Section 5953, all uses and development activities are subject to the issuance of a Coastal Act Permit pursuant to the California Coastal Act of 1976.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

5956 PLANNED DEVELOPMENT REQUIRED.
Except as otherwise specified in Section 5953, development of property 10 acres or greater in size is subject to the approval of a major use permit for planned development pursuant to Sections 5800-5849 of this Zoning Ordinance.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

5957 DEVELOPMENT STANDARDS AND REVIEW CRITERIA.
In addition to applicable development standards and review criteria related to approval of a major use permit for planned development or the issuance of a Coastal Act Permit, the following standards and criteria shall apply to development subject to these regulations.

a. Steep Slopes. No development, grading, planting, excavation, deposit of soil or other material, or removal of natural vegetation, except as may be necessary for fire safety or installation of utility lines, shall be permitted on steep natural slopes of 25% grade or greater. This standard may be modified only to the extent that its strict application would preclude the minimum reasonable use of a property, as defined herein; provided that such a modification is consistent with the other provisions of this section and that clustering, setback variances, and other appropriate techniques have been utilized to the maximum extent feasible in order to avoid or minimize alteration of such natural steep slopes. No alteration of such natural steep slopes shall be permitted in order to obtain use of a property in excess of the minimum reasonable use. For purposes of this provision, the term "minimum reasonable use" shall mean a minimum of one (1) dwelling unit per acre. Any encroachment into steep slope areas over 25% shall not exceed 10% of the steep slope area over 25% grade. For parcels one acre or less, with all or nearly all of their area in slopes over 25% grade, an encroachment into the steep slope area may be permitted, provided any area to be disturbed from its natural state shall be limited to 2,000 square feet or 20% of the entire parcel (including areas under 25% slope), whichever is greater. Areas with slopes over 25% grade may be used in order to provide access to flatter areas if there is no less environmentally damaging alternative available.

b. Habitat protection. Development shall be designed, to the maximum extent feasible and giving consideration to adjacent areas and uses, in such a way as to:

    1. Conserve as much existing contiguous area of coastal mixed chaparral and coastal sage scrub habitats as feasible while protecting remaining areas of such habitat from highly impacting uses;

    2. Minimize fragmentation or separation of existing contiguous natural areas;

3. Provide connection of existing natural areas with each other or with other open space areas to maintain local wildlife movement corridors;

4. Maintain the broadest possible configuration of natural habitat area to aid dispersal of organisms within the habitat;

5. Cluster residential or other uses near the edges of the natural areas rather than dispersing such uses within the natural areas;

6. Conserve the widest variety of physical and vegetation conditions to maintain habitat diversity; and

7. Preserve rare and endangered species on the site, rather than by transplantation offsite.

c. Grading.

1. Proposed grading and removal or deposit of soil materials shall not have significant adverse impacts on areas of environmental sensitivity.

2. Building sites at the top of steep slopes shall be graded to direct runoff away from the top of the slope, or drainage shall be handled in another manner that will prevent erosion of the slope.

3. Grading activity is prohibited between October 1 and April 1 of each year.

4. All cut and fill slopes and other graded areas shall be landscaped prior to October 1 with temporary or permanent landscape materials. Such landscaping shall be designed to minimize erosion potential, be adequately maintained and shall be replanted if not established by December 1. Use of drought tolerant native plants is encouraged.

d. Drainage. Drainage and runoff shall be controlled by appropriate measures, such as installation of on-site energy dissipators and siltation basins, and, when necessary, off-site improvements to prevent siltation of lagoons, their tributary streams and drainageways, and other environmentally sensitive areas. All new subdivisions and commercial developments shall control drainage and runoff so as not to exceed the peak rate of runoff associated with the property in its undeveloped state. To comply with this provision, a runoff and sediment control plan shall be prepared by a Registered Civil Engineer. Such plan shall be based, at a minimum, on the intensity of rainfall expected during a six-hour period once every ten years (ten years, six-hour rainstorm).

e. Wetlands. All provisions of Section 2818b are applicable to properties subject to these regulations.

f. Scenic quality. All provisions of Section 5210 are applicable to properties subject to these regulations.

g. Open space. All open space resulting from application of these regulations shall be placed in a permanent open space easement as a condition of permit approval.

5957

h. Except as may be inconsistent with "a" through "g", above, Board of Supervisors Policy I-73, Hillside Development, shall apply to property containing steep slopes.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 7008 (N.S.) adopted 8-07-85)

UNSEWERED AREA REGULATIONS

5960 TITLE AND PURPOSE.
The provisions of Section 5960 through Section 5964, inclusive, shall be known as the Unsewered Area Regulations. The purpose of these provisions is to regulate development in those locations that are planned and zoned for urban use but are not within a sewer district, recognizing that development of these areas without public sewers could have adverse impacts on the level and quality of the groundwater table, coastal bluff erosion, water quality of wetlands, and public health. Development of these areas without public sewers could also result in densities lower than those planned which could inhibit concentration of development and could also lead to increased pressure to develop less appropriate coastal area locations, such as agricultural lands.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

5962 APPLICATION OF UNSEWERED AREA DESIGNATOR.
The Unsewered Area Regulations shall be applied to those areas without sewer service where appropriate to achieve the purpose set forth in Section 5960.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

5964 LIMITATIONS ON USES AND DIVISIONS OF LAND.
Notwithstanding the provisions of the applicable use regulations, no divisions of land which create parcels or lots smaller than one acre, and no development or use of land that requires disposal of domestic waste water on parcels or lots smaller than one acre, shall be permitted unless public sewer is provided and utilized. Legal lots which existed prior to July 21, 1982, and tentative subdivision maps which were approved by the County prior to July 21, 1982, are exempt from these provisions.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

# FORMER FOREST CONSERVATION INITIATIVE PROPERTIES OVERLAY

## 5970 TITLE AND PURPOSE.

The provisions of Section 5970 through Section 5972 inclusive, shall be known as the Former Forest Conservation Initiative Properties Overlay. The purpose of these provisions is to implement the terms of the Settlement Agreement, dated February 26, 2019, between the County of San Diego and the Sierra Club, the Cleveland National Forest Foundation, and Save Our Forest and Ranchlands, and to provide notice to the public and County decision makers that these lands lie within the Cleveland National Forest Administrative Boundary.

## 5971 APPLICATION OF FORMER FOREST CONSERVATION INITIATIVE PROPERTIES OVERLAY.

The Former Forest Conservation Initiative Properties Overlay shall be applied to those non-Federal lands in the County of San Diego which were formerly designated “Forest Conservation Initiative” lands, and which are located outside of the Village and Rural Village boundaries, as of February 26, 2019.

## 5972 REQUIREMENTS.

The Board of Supervisors shall not approve any amendment of a General Plan land use designation for any project within the Former Forest Conservation Initiative Properties Overlay that would increase residential density beyond what the General Plan allows unless it undertakes the analysis and makes the findings as set forth in subsections (a), (b) and (c) below:

a. Analyze the consistency of the proposed project with the County’s Regional Housing Needs Assessment allocation and determine whether there is available development potential within the nearest Village or Rural Village boundary to accommodate the project’s proposed increase in residential density;

b. Find as follows:

   1. The proposed project is supported by adequate access to water supply, consistent with the San Diego County Groundwater Ordinance;

   2. The proposed project will not exacerbate wildfire risks;

   3. The proposed project is compatible with the environmental resources of the National Forest and will not adversely affect the stability of land use patterns in the area;

4. The proposed project employs “carbon neutral” principles, such as integrating passive design strategies, specifying energy efficient air handling systems, lighting and appliances; and installing on-site renewable energy; and

5. The proposed project will not constitute part of, or encourage a piece-meal conversion of a larger forest area to residential or other non-open space uses; and

c. Analyze whether there is capacity in the nearest Village or Rural Village to accommodate the project’s proposed increase in residential density. The Board of Supervisors may approve a proposed project, notwithstanding such capacity, provided an explanation is made as to why the project is being approved instead of utilizing such capacity.

These requirements shall be in addition to all other requirements of the General Plan Amendment Process.

(Amended by Ord. No. 10661 (N.S.) adopted 2-26-20)