

ORDINANCE NO. 10167 (NEW SERIES)

AN ORDINANCE AMENDING TITLE 8, DIVISION 1, CHAPTERS 1, 4, 6, 7 AND 8 OF THE SAN DIEGO COUNTY CODE RELATING TO THE SUBDIVISION OF LAND; TITLE 8, DIVISION 6, CHAPTER 6 OF THE SAN DIEGO COUNTY CODE RELATING TO RESOURCE PROTECTION AND TITLE 6, DIVISION 7, CHAPTER 7 OF THE SAN DIEGO COUNTY CODE RELATING TO GROUNDWATER

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

Section 1. The Board of Supervisors finds and determines that the Subdivision Ordinance, Resource Protection Ordinance and Groundwater Ordinance should be amended to be consistent with the General Plan Update. The amendments made by this ordinance are intended to implement the San Diego County General Plan. The regulation and control of the design and improvement of subdivisions is vested in the legislative bodies of local agencies. The County desires to allow flexibility in the design of subdivisions in order to minimize development impacts, protect environmental resources and preserve open space. This Ordinance will implement a Conservation Subdivision Program which is intended to accommodate planned growth while ensuring that the essential elements of surrounding communities, such as community character, sensitive environmental resources, farmlands, groundwater supplies, unique topography, historical and cultural resources, scenic resources, recreational resources and park lands are undisturbed. This Ordinance allows for a review of the design of subdivisions in order to achieve a balance between impacts to open space, steep slope areas and effects of development on surrounding communities. This Ordinance provides that where lands proposed to be developed are constrained by environmental resources, reduced minimum lot sizes will be permitted to avoid the resources and locate the development in less sensitive areas while preserving community character through site and building design standards. Avoided areas will be preserved as open space and will not be developed.

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

SEC. 81.102. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

(k) "DEH" means the Department of Environmental Health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(dd) "San Diego County Standards" refers to those standards and specifications on file in the Office of the Clerk of the Board of Supervisors (Clerk) as Attachment C with

Resolution No. 99-186 (6-30-99 (8)) (San Diego County Standards for Private Roads) and Document Number 767412 (5-18-05 (14)) (Public Road Standards); provided, however, that with respect to development within the "Country Town" area of the Borrego Springs Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Area of the Borrego Springs Planning Area" on file with the Office of the Clerk as Document Number 740149 (4-10-91 (6)), and with respect to development within the San Dieguito Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Sphere of the San Dieguito Planning Area" on file with the Office of the Clerk as Document Number 750029(a) (6-6-92 (9)), and with respect to development within the Fallbrook Community Development Area, the standards and specifications contained in the "Fallbrook Community Right-of-Way Development Standards for Public Roads" on file with the Office of the Clerk as Document Number 761748 (12-14-94 (1)), and with respect to development within the Julian Community Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards: Julian Historic District and Julian Community Planning Area" on file with the Office of the Clerk as Document Number 0768777 (3-6-02 (17)), shall also apply and shall supersede the aforementioned documents to the extent of any conflict between them.

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

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

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

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

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

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

Section 3: Section 81.306 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.306. PLANNING COMMISSION AUTHORITY AND DUTIES FOR TENTATIVE MAPS.

(a) The Planning Commission's authority, as the advisory agency for tentative maps, shall be as follows:

(1) The Planning Commission is not authorized to approve, conditionally approve or disapprove a tentative map that is: (A) filed for concurrent processing with a General Plan amendment, specific plan, specific plan amendment or an application for a property rezone, that is required to be approved before the tentative map shall be approved or (B) proposing connection to the Rancho San Diego interceptor sewer line for the provision of sewer service and is not within the Village Regional Category as shown by the San Diego County General Plan, Land Use Element. For a tentative map covered by this subsection, the Planning Commission shall make a written report to the Board as provided in Government Code section 66452.1(a).

(2) For any tentative map not included in subsection (1) above, the Planning Commission is authorized to approve, conditionally approve or disapprove the tentative map and shall act pursuant to Government Code section 66452.1(b). In granting the authority under this subsection to the Planning Commission to approve, conditionally approve or disapprove these tentative maps, the Board, pursuant to Government Code section 66474.7, assigns its responsibilities under Government Code sections 66473.5, 66474, 66474.1 and 66474.6 to the Planning Commission for these maps.

(b) Before any public hearing on an application for a tentative map, a revised tentative map or an extension for a previously approved tentative map, the Planning Commission shall provide notice that complies with the public notice requirements in Government Code section 66451.3.

(c) For each tentative map that comes before the Planning Commission for action, the Commission shall investigate the map and the improvements proposed to be constructed and installed in the subdivision or to serve the subdivision.

(d) As part of its investigation of the map and the proposed improvement the Planning Commission shall obtain and review the recommendations of: (1) the Director, the

Director DEH and the Director DPW, with respect to the "design," as that term is defined in Government Code section 66418, of the proposed subdivision and the kind, nature and extent of the proposed "improvements," as that term is defined in Government Code section 66419, and (2) the chief of the local fire district where the proposed subdivision is located, or if there is no local fire district, the County fire official, with respect to fire hydrants, connections to be installed, fire control measures, improvements and compliance with SRA Fire Safe Regulations, 14 CCR sections 1270 et seq., or sections of a fire district's code or County Fire Code, related to subdivisions, when the State Board of Forestry has certified the applicable fire code as equaling or exceeding the State regulations.

(e) Whenever the Planning Commission approves or conditionally approves a tentative map pursuant to this section, it may prescribe the kind, nature and extent of the improvements to be constructed, installed or funded to serve the subdivision for the approved or conditionally approved tentative map. Where the Planning Commission does not prescribe the kind, nature or extent of the improvements to be constructed or installed, the improvements shall be constructed and installed in accordance with the San Diego County Standards.

Section 4. Section 81.308 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.308. WAIVER OR MODIFICATION OF REGULATIONS.

Whenever the Planning Commission or the Board finds with respect to a proposed major subdivision that because: (a) the real property to be subdivided : (1) is of a size or shape, (2) is subject to title limitations of record, (3) is affected by topographical location or conditions, (4) is subject to environmental constraints, (5) is to be devoted to a use that makes it impracticable for the subdivider to fully conform to the requirements of this division, (6) does not meet the requirements of 81. 401 (r) (conservation subdivision), or (b) imposition of the requirements of this division would constitute an unconstitutional taking of property, the decision making body may waive or modify the requirements of this division as long as approving the subdivision with the waiver or modification does not result in an inconsistency with the County General Plan, any provision in the Zoning Ordinance or any federal, State or local law or regulation in effect at the time the application for the map was deemed complete, and does not increase the County's risk of exposure to tort liability. The decision making body granting the waiver or modification may also impose conditions related to the waiver or modification.

Section 5: Section 81.401 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.401. DESIGN OF MAJOR SUBDIVISIONS.

All major subdivisions shall conform to the following design requirements:

- (a) No lot shall include land in more than a single tax rate area.
- (b) Every lot shall contain the minimum lot area specified in the Zoning Ordinance for the zone in which the lot is located at the time the final map is submitted to the Board of Supervisors (Board) for approval, but if the Zoning Ordinance does not establish a minimum lot area for a zone, every lot shall contain a lot area of at least 6,000 square feet.
- (c) Every lot shall front on a dedicated road, a road offered for dedication or a private road easement, whichever is required by section 81.402 or the conditions of approval of the tentative map.
- (d) A lot shall have at least 50 feet of frontage, exclusive of side yard setbacks required in the zone in which the lot is located, measured at the right-of-way line, but shall also have at least 60 feet of frontage measured at the right-of-way line.
- (e) A lot that fronts on a cul-de-sac, whose side lines are approximately radial to the center of the cul-de-sac or a lot that fronts at the intersection of two dead end roads, shall have at least 33 feet of frontage measured at the right-of-way line.
- (f) A panhandle-shaped lot shall have a minimum frontage of 24 feet on a dedicated road or private easement road, except where the panhandle portion of two panhandle-shaped lots are adjacent to one another, in which case each shall have a minimum frontage of 20 feet on a dedicated road or private easement road. Panhandles may not serve as access to any lot except the lot of which the panhandle is a part. The panhandle portion of a lot shall not be longer than two-thirds of the distance from the road on which the panhandle fronts to the rear lot line.
- (g) A through lot shall not be allowed unless the property owner relinquishes vehicular access rights to one of the abutting roads. To relinquish access rights to a private road, the property owner shall dedicate a one foot access restriction easement to the County that runs the entire width of the lot fronting the private road easement. For a relinquishment of access rights to a public road, the property owner shall provide a "relinquishment of access rights" on the final map.
- (h) The side lines of each lot shall be at approximately right angles or radial to the road upon which the lot fronts with a maximum deviation of up to 10 degrees for a minimum distance of 1/3 of the lot depth.
- (i) A lot shall be designed so the lot is at least 90 feet deep and the average lot depth, excluding any areas encumbered by any open space, drainage, flood control or right-of-way easement, shall not be greater than three times the average lot width.
- (j) Whenever practicable, a major subdivision of property approved for residential use shall be designed so that the front of any lot in the subdivision shall not be facing a

railroad right-of-way, a utility transmission line, an open flood control channel or a road shown on the Mobility Element of the County General Plan.

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

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

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

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

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

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

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

(1) Topographical or other physical constraints.

- (2) Conditions that would result in a significant impact on the environment.
- (3) Utility easements or other similar title constraints.
- (4) Existing or planned adjacent uses that are incompatible with a road connection.

(f) In addition to the foregoing requirements, subdivisions located in SR-10 and Rural lands (RL-20 through RL-80) designations shall be designed as conservation subdivisions (subdivisions in all other land use designations may be designed as conservation subdivisions) using the following criteria:

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

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

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

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

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

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

- i. The largest blocks of unfragmented and interconnected open space shall be conserved.
- ii. Surface open space area to perimeter ratios shall be maximized by avoiding the creation of slivers or fingers of open space that extend in and around development.

- iii. Open space shall be located in areas with the maximum amount of connectivity with off-site open space.
- iv. Multiple habitat types, varying topography, agriculture, etc. shall be conserved to the maximum extent practicable.
- v. Unique and/or sensitive resources shall be protected in the core of open space areas to the maximum extent practicable or suitable buffers shall be provided to protect these resources.
- vi. Resources shall be avoided and placed in open space pursuant to the percentage indicated in Table 81.401.1. The avoided lands shall be protected with an easement dedicated to the County of San Diego or a conservancy approved by the Director. Land used for mitigation for project impacts may be used to satisfy the requirements of Table 81.401.1 below. The required open space shall be maintained as open space for as long as the lots created through this provision of the Ordinance remain, except in circumstances where a need to vacate is required for public health, safety or welfare.

Table 81.401.1

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

- vii. As part of the processing of a conservation subdivision, the following uses may be allowed in the avoided area: passive recreation, trails for non-motorized uses, native landscaping, resource preservation, project mitigation and buffers, MSCP preservation/mitigation, agriculture, wells, water storage tanks, utilities, pump stations, water and sewer facilities, or infrastructure and access roads necessary for any of these uses. In addition to these uses, leach fields and brush clearing may be allowed in SR-10 and RL-20 designations only. All uses to be allowed in the avoided area shall be specified in the open space or conservation easement document and shall be evaluated as part of the conservation subdivision approval process.

Section 6: Section 81.402 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.402. DEDICATION AND ACCESS.

No tentative map filed pursuant to this division shall be approved unless the map and its proposed conditions satisfy the following requirements:

(a) Where the property to be subdivided is located in an area identified in the County General Plan Land Use Element as Village Residential 2.9, 4.3, 7.3, 10.9, 15, 20, 24 or 30, a major subdivision shall provide access by one of the following:

(1) Public roads dedicated in accordance with the San Diego County Standards.

(2) Private road easements at least 40 feet wide in accordance with the San Diego County Standards for Private Roads, if the Director DPW determines the roads will ultimately serve no more than an estimated 100 ADT or will not feasibly provide a current or future connection to another public road or another subdivision.

(b) Where the property to be subdivided is located in an area identified in the County General Plan Land Use Element as Village Residential 2, a Semi-Rural Residential designation, Rural Lands designation, a Public/Semi-Public designation, a Federal/State Lands designation or an Open Space-Recreation designation, a major subdivision shall provide access by one of the following:

(1) On-site roads and off site roads in areas designated for 2 du/acre or fewer by the County General Plan and which will ultimately serve an estimated 750 to 2500 ADT. The subdivider shall offer these roads for dedication or obtain offers for dedication, in accordance with San Diego County Standards. When the County has not accepted a dedication for the road prior to approval of the final map or parcel map, the County may instead accept a private road easement not less than 40 feet wide, centered within the offered right-of-way, in accordance with San Diego County Standards for Private Roads.

(2) On-site and off-site roads that will ultimately serve more than an estimated 2500 ADT. The subdivider shall dedicate these roads or obtain offers for dedication in accordance with San Diego County Standards.

(3) In cases where subsections (1) or (2) do not apply, on-site or off-site private road easements at least 40 feet wide in accordance with San Diego County Standards for Private Roads if the Director DPW determines the roads will ultimately serve no more than an estimated 100 ADT and will not feasibly provide a current or future connection to another public road or subdivision. If the Director DPW is unable to make this determination based on the evidence available, the subdivider shall provide access by public roads dedicated in accordance with San Diego County Standards.

(c) For subdivision access roads, the property owner shall: (1) enter into a private road maintenance agreement with the County, on a form provided by the Director DPW, that requires the property owner to perform maintenance in perpetuity for each private

road that is a subdivision access road and provides that the obligation to repair and maintain the roads shall be a covenant that runs with the land and is enforceable against all subsequent property owners or (2) when required by the Director DPW, dedicate for public use all subdivision access roads that meet San Diego County Standards for Private Roads. In that case, the roads shall be maintained by a permanent road division zone established pursuant to Streets and Highway Code section 1162.6.

(d) Where the property to be subdivided is located in an area subject to a major use permit or a specific plan, streets providing on-site and off-site access shall be designed to those standards necessary to implement the development density design and objectives of the applicable adopted major use permit or specific plan.

(e) Where the property to be subdivided is located in an area identified in the County General Plan Land Use Element as a commercial or industrial designation, streets providing on-site and off-site access shall be dedicated in accordance with San Diego County Standards.

(f) Notwithstanding subsections (a) through (e) above, where the property to be subdivided abuts property that could be further subdivided under the density allowed by the General Plan or could feasibly provide access to a property that could be further subdivided, the subdivider shall provide an analysis of the public road system within the proposed subdivision and that road system shall, where feasible and practicable, be public and be designed so as to extend roads to the boundaries of the property to provide through access from the subdivision to existing or future offsite roads, with the goal of improving circulation in the vicinity.

(g) Each dedicated road which a subdivider proposes on the subdivision boundary shall be at least 40 feet wide together with a strip of land one-foot wide on its outer edge which shall be offered to the County for road purposes and over which the property owner relinquishes access rights.

(h) Each dedicated road which a subdivider proposes to terminate at the subdivision boundary shall include a one-foot wide strip of land extending across the road at its point of termination at the subdivision boundary and shall extend across portions of the adjacent lots. The subdivider shall offer the one-foot strip to the County for road purposes and over which the property owner relinquishes access rights.

(i) Each dead-end public road easement shall include a cul-de-sac that complies with San Diego County Public Road Standards. Each dead end private road easement shall include a cul-de-sac that complies with San Diego County Private Road Standards.

(j) Where it is necessary to extend a road beyond the boundaries of a subdivision to provide adequate circulation or fire protection for residents of the subdivision, the subdivider shall acquire the necessary easements at the subdivider's expense. The subdivider shall dedicate or offer these easements for dedication to the County when required by this section and shall improve the easements in accordance with San Diego

County Standards for Public Roads or with San Diego County Standards for Private Roads, whichever is applicable.

(k) Where the property to be subdivided is bounded by any water body such as a lake, estuary, lagoon or river, the subdivider shall provide a street along the water body or other public access.

(l) Where the Director DPW determines a drainage facility or flood control facility is necessary for the use of lot owners or for the protection of lots, the subdivider shall provide adequate rights-of-way for these facilities and shall offer the rights-of-way for dedication to the County or other public entities. These facilities and rights-of-way shall be shown on the tentative map.

(m) Where the Director DPW determines it is necessary to extend a drainage facility or flood control facility beyond the boundaries of a subdivision for adequate drainage or flood control needs, the subdivider shall acquire the rights-of-way necessary to construct and install these facilities at the subdivider's expense and dedicate them to the County or the San Diego County Flood Control District. These rights-of-way shall provide for construction and installation of these facilities in accordance with San Diego County Standards.

(n) Where the Director DPW determines it is necessary to extend a sewer system beyond the boundaries of the subdivision, the subdivider shall acquire and provide all necessary easements and rights-of-way to accommodate the sewer system extension.

(o) The subdivider shall offer to dedicate land for park purposes, pay fees in lieu of dedication or do a combination of both, pursuant to sections 810.101 et seq.

(p) The subdivider shall offer to dedicate the necessary rights-of-way for bicycle routes in accordance with San Diego County Standards, under either of the following circumstances:

(1) When bicycle routes shown on the County General Plan pass through or abut the subdivision and the routes are reasonably related to the traffic caused by the subdivision.

(2) When a subdivider is required to dedicate rights-of-way for streets in subdivisions containing 200 or more lots and one or more bicycle routes are necessary and feasible for the use and safety of the residents.

(q) If a tentative map is subject to a condition that the subdivider dedicate an interest in real property outside the boundaries of the subdivision, the tentative map shall also be subject to the condition that the County shall not issue a grading permit pursuant to the tentative map unless one of the following occurs:

(1) Interests in real property have been acquired by the subdivider or the public agency concerned, in a form satisfactory to the Director DPW.

(2) The Board has agreed to acquire the interests in the real property.

(r) Where an off-site access road to a residential subdivision will not provide access to an on-site road to be maintained by the County or a permanent road division zone and the Planning Commission has determined that the cost to acquire the off-site access is unwarranted considering the location, traffic volume or use of the proposed subdivision, the subdivider may in lieu of dedication or an offer of dedication, obtain access via a private road easement at least 40 feet wide. In that case, before map approval, the subdivider shall obtain a certificate from a Title Insurance Company acceptable to the County, certifying that the subdivider and the subdivider's successors have a permanent road easement for access to the subdivision.

(s) In an area referred to in subsection (b) above, the subdivider shall offer to dedicate to the County, any private off-site or on-site road proposed to be private when the Director DPW determines that a high probability exists that the private road may need to be brought into the County-maintained system at some future date.

(t) All utility easements which the subdivider acquires after the tentative map has been approved shall be subordinated to any dedications to the County that the subdivider is required to make as a condition of the tentative map approval, except for major transmission facilities, mains and lines, as determined by the Director DPW.

(u) If any part of a trail corridor, as that term is defined in the Community Trails Master Plan (CTMP) appendix H, is located on the property to be subdivided, the subdivider shall prepare a trail route study to determine the specific location of the trail or pathway within the trail corridor and the type of trail or pathway to be constructed. The trail route study shall be prepared to the satisfaction of the Director DPR. The route study shall apply the trail design and locational criteria and the design and construction guidelines in the CTMP. The subdivider shall offer to dedicate a trail or pathway easement on the alignment specified in the trail route study if: (1) the trail route study the County approves concludes that all or part of the trail or pathway should be located in the trail corridor or portion thereof that is on the property to be subdivided and (2) there is the necessary rough proportionality between the required dedication and the impacts of or benefits to the proposed subdivision. The trail or pathway shall be for pedestrians, equestrians and bicycles.

Section 7: Section 81.605 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.605. MASTER PARCEL PLAN REQUIRED.

An application for a minor subdivision located in an area designated in the Land Use Element of the County General Plan as Village Residential 2, 2.9, 4.3, 7.3, 10.9, 15, 20,

24, 30 or Semi-Rural Residential 1 classification that proposes the creation of three or more parcels and which could, under applicable General Plan requirements, be further divided into five or more parcels, shall be accompanied by a master parcel plan (MPP) unless the MPP is waived by the Director pursuant to section 81.606. The MPP shall provide, in concept, the design of the future lots allowed by the General Plan for the area of the proposed minor subdivision and the general location of future on-site and off-site streets and improvements for the initial subdivision of land and all successive subdivisions. Only those improvements and dedications of right-of-way necessary for the initial division of land, however, shall be required to be shown on the MPP.

Section 8: Section 81.610 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.610. AUTHORITY TO APPROVE A TENTATIVE PARCEL MAP.

(a) The Board shall have the authority to approve, conditionally approve or disapprove a tentative parcel map that proposes connection to the Rancho San Diego interceptor sewer line for the provision of sewer service and is not within the Village Regional Category as shown by the San Diego County General Plan, Land Use Element.

(b) The Director shall have the authority to approve, conditionally approve or disapprove all other applications for a tentative parcel map and for these applications, the Board assigns its responsibilities under Government Code sections 66473.5, 66474, 66474.1 and 66474.6 to the Director.

Section 9: Section 81.614 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.614. MODIFICATION OF REGULATIONS.

(a) Whenever the decision making body finds with respect to a proposed tentative parcel map that (1) the land to be subdivided : (A) is of a size or shape, (B) is subject to title limitations of record, (C) is affected by topographical conditions, (D) is in a location, (E) is to be devoted to a use that make it impossible or impracticable for the subdivider to fully conform fully to the requirements of this division, (F) does not meet the requirements of 81. 401(r) (conservation subdivision), or (2) the imposition of the requirements of this division would constitute an unconstitutional taking of property, the decision making body may waive or modify the requirements as long as approving the subdivision with the waiver or modification does not result in an inconsistency with the County General Plan, any provision of the Zoning Ordinance or any federal, State or local law or regulation in effect at the time the application for the tentative parcel map was deemed complete, and does not increase the County's exposure to tort liability.

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

parcel map application. A request to waive or modify a condition of an approved tentative parcel map shall be decided pursuant to section 81.617.

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

Section 10: Section 81.701 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.701. DESIGN OF MINOR SUBDIVISION.

Except as otherwise provided in this chapter a minor subdivision shall conform to the lot design requirements in section 81.401. Section 81.401(q) shall only apply to a minor subdivision in a "Rural Development AreaRegional Category," as that term is used in the County General Plan.

Section 11: Section 81.703 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.703. DEDICATION REQUIREMENTS FOR STREETS SHOWN ON THE COUNTY GENERAL PLAN MOBILITY ELEMENT.

A subdivider's offer of dedication for a minor subdivision for each right-of-way for a street shown as prime arterial, major road, boulevard, community collector, light collector or minor collector on the County General Plan Mobility Element shall comply with the following requirements:

(a) The subdivider shall dedicate 30 feet of right-of-way from the centerline of a street governed by this section to the boundary line of each lot of the subdivision which abuts the street. The dedicated right-of-way shall be shown on the parcel map.

(b) The specific location of the centerline of every street governed by this section, as established by the Director DPW, shall be shown on the parcel map.

(c) The full width of every street regulated by this section shown on a parcel map shall be identified by a line drawn at the appropriate location and labeled "limit of proposed street widening." The distance in feet on each side of the centerline of a street shall be as provided in the County Public Road Standards, based on the type of street required.

(d) A street setback line as defined in section 51.302(p) is established on each side of and parallel to the centerline of every street shown on the County General Plan Mobility Element, except in multiple residence zones, commercial zones and manufacturing zones. The distance in feet from the centerline of the highway to the street setback line shall be 20 feet plus the distance in feet referenced in subsection (c), above.

(e) Whenever any street is shown on a parcel map, the street setback line shall be shown at the appropriate location and labeled "street setback line."

Section 12: Section 81.805 of Title 8, Division 1 of the County Code is amended to read as follows:

SEC. 81.805. CENTER LINES, RIGHT-OF-WAY LINES, PROPOSED ROAD WIDENING LINES AND BUILDING LINES.

If a street designated as a major road or a prime arterial highway on the County General Plan Circulation Element is shown on a parcel map and a: (a) centerline, as defined in section 51.302(b), (b) right-of-way line, (c) proposed road widening line or (d) street setback line, as defined in section 51.302(p), has been established with respect to that street pursuant to section 51.301 et seq., section 75.101 et seq. or this division, each of those lines shall be shown at the appropriate location on the parcel map and clearly labeled to identify its function.

Section 13. Section 86.603 of Title 8, Division 6 of the County Code is amended to read as follows:

SEC. 86.603. Resource Protection Study and Findings.

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

Tentative Parcel Maps

Tentative Maps

Revised Tentative Parcel Maps and Revised Tentative Maps

(Review shall exclude areas unaffected by the proposed revisions)

Expired Tentative Parcel Maps and Expired Tentative Maps

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

Major Use Permits

Major Use Permit Modifications

(Review shall exclude areas unaffected by the proposed Modifications)

Certificates of Compliance filed pursuant to Sections 81.616.1 or 81.616.2 of this Code (Excluding condominium conversions)

Site Plans (Excluding those Statutorily or Categorically Exempt from review under the CEQA and those required by a Sensitive Resource Area Designator)

Administrative Permits (Excluding those Statutorily or Categorically Exempt from review under the CEQA and those for clearing)

Vacations of Open Space Easements

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

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

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

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

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

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

- (c). Actions to Protect Environmentally Sensitive Lands. If the Resource Protection Study identifies the presence of environmentally sensitive lands, one or more of the following actions may be required as a condition of approval for the discretionary permit:
- (1). Apply open space easements to portions of the project site that contain sensitive lands;
 - (2). Rezone the entire project site through the application of a special area designator for sensitive lands; or
 - (3). Other actions as determined by the decision-making body.

Section 14. Section 86.604 of Title 8, Division 6 of the County Code is amended to read as follows:

SEC 86.604. Permitted Uses and Development Criteria.

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

[(a). thru (d)., no change]

(e). Steep Slope Lands.

- (1). Density Formula. When a parcel is located within a plan designation which bases lot size on slopes, the number of lots and/or number of dwelling units shall be in conformance with the General Plan Land Use Element.

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

Projects obtaining a density bonus, pursuant to Section 4120 of the Zoning Ordinance, are subject to the above density formula.

- (2). Project Design and Open Space to Protect Steep Slopes. In designing lot configuration on steep slope lands in all land use designations, parcels shall be created in a manner which minimizes encroachment onto steep slope lands. Where 10% or more of a lot contains steep slope lands, that portion of the lot containing such lands shall be placed in an open space easement unless the lot is equal to or greater than 40 acres or a sensitive resource area designator has been applied to that lot pursuant to the Zoning Ordinance.

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

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

Twenty-Five Percent
Slope Encroachment Allowance

Percentage of Lot in
Steep Slope Lands
Slope Lands

Maximum Encroachment
Allowance as Percentage of Area in Steep

75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

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

- (i) All public roads identified in the 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.
- (ii) Local public streets or private roads and driveways which are necessary for primary or secondary access to the portion of the site to be developed on steep slope lands of less than 25%, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Director of Planning and Land Use based upon an analysis of the project site.
- (iii) Public and private utility systems, provided that findings are made that the least environmentally damaging alignment has been selected. However, septic systems are not included in this exemption unless Department of Health Services has certified that no grading or benching is required.
- (iv) Areas with native vegetation, which are cleared or trimmed to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or orders of fire safety officials and that such slopes retain their native root stock or are planted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
- (v) Trails for passive recreational use according to approved park plans.

- (vi) On any lot created on or before August 10, 1988, a maximum disturbed area of 20% of the entire lot, or sufficient area to accommodate 3,000 square feet of building footprint (whichever is greater) shall be permitted to provide for reasonable use of existing lots.
 - (vii) Any on-going existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to four years shall be considered to be an existing agricultural operation. An on-going existing agricultural operation does not include uses located within the agricultural operation that are not in themselves related to agriculture.
 - (cc) Additional encroachment into steep slopes may be permitted for tentative maps and tentative parcel maps which propose a Planned Residential Development, lot area averaging, conservation subdivision or cluster development when design considerations include encroachment into steep slopes in order to avoid impacts to significant environmental resources that cannot be avoided by other means, provided no less environmentally damaging alternative exists. The determination of whether or not a tentative map or tentative parcel map qualifies for additional encroachment shall be made by the Director of Planning and Land Use based upon an analysis of the project site.
- (3). Waiver of Open Space Easement. The steep slope open space easement requirement may be waived when the authority considering an application listed at Section 86.603 (a) above makes the following findings:
- (aa). The slope is an insignificant visual feature and isolated from other landforms, or surrounding properties have been developed on steep slopes such that this project would be considered “infill”; and
 - (bb). The property is zoned for .5 acre lots or smaller at the time the application was made, or a concurrent Rezone has been filed; and
 - (cc). The greater encroachment is consistent with the goals and objectives of the applicable community plan; and
 - (dd). Site Plan review is required to ensure consistency of design with these regulations.
- (f). Sensitive Habitat Lands. Development, grading, grubbing, clearing or any other activity or use damaging to sensitive habitat lands shall be prohibited. The authority considering an application listed at Section 86.603(a) above may allow development when all feasible measures necessary to protect and preserve the sensitive habitat lands are required as a condition of permit approval and where mitigation provides an equal or greater benefit to the affected species.

- (g). Significant Prehistoric or Historic Sites. Development, trenching, grading, clearing and grubbing, or any other activity or use damaging to significant prehistoric or historic site lands shall be prohibited, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists.

Section 15. Section 86.605 of Title 8, Division 6 of the County Code is amended to read as follows:

SEC. 86.605. Exemptions

This Chapter shall not apply to the following:

- (a). Any project for which and to the extent that a vesting Tentative Map approved prior to August 10, 1988, or a Public Benefit Agreement approved prior to June 30, 1989, confers vested rights under County ordinance or State or Federal law to proceed with development notwithstanding the enactment of this Chapter, or its predecessor Ordinances Nos. 7521, 7549, 7595, 7596, 7631, 7685, 7739, 7968 and 9842_(all N.S.).

[(b). thru (m)., no change]

Section 16. Section 86.608 of Title 8, Division 6 of the County Code is amended to read as follows:

SEC. 86.608 Relationship to Previous Ordinances.

- (a) This Chapter is a represents a codification of previously existing regulations, which were enacted, amended, repealed or superseded by several Ordinances, including Ordinances Nos. 7521, 7549, 7595, 7596, 7631, 7685, 7739, 7968 and 9842 (all N.S.) .
- (b) Ordinance No. 7631 (N.S.), adopted on May 31, 1989, enacting regulations entitled, "Resource Protection Ordinance", contained the following text explaining its relationship to previously existing regulations:

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

"... This Ordinance intends to carry forward many of the regulations contained within Ordinance No. 7521 (N.S.), 7549 (N.S.), 7595 (N.S.), and 7596 (N.S.), with further modifications. Therefore, the application provisions of this Ordinance (at Article III, Section 1 above) [see now Section 86.603 (a) above] relate back to

dates when said prior Ordinances were enacted or amended. Any decision on a project subject to the Interim Sensitive Lands Ordinance made on or after June 30, 1989 shall be based upon the regulations in the Resource Protection Ordinance."

Section 17. Section 67.722 of Title 6, Division 7 of the County Code is amended to read as follows:

Sec. 67.722 All Other Projects.

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

A. Residential Density Controls.

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

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

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

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

- B. Groundwater Investigations. Any application listed in Section 67.711 and not subject to Sections 67.720, 67.721 or Paragraph A above, shall be accompanied by a Groundwater Investigation. The application shall not be approved unless the approving authority finds, based upon the Groundwater Investigation or other available information, either: (1) for a water intensive use, that groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan; or (2) for all other projects, that groundwater resources are adequate to meet the groundwater demands of the project.
- C. Well Tests. For any application for a Tentative Map, Specific Plan or Specific Plan Amendment, Tentative Parcel Map, Adjustment Plat or a Certificate of Compliance, well tests shall be performed for the number of lots shown in the following table. Tests shall be on lots which appear to have the least access to a viable groundwater supply as determined in advance of testing by the Director, who shall also specify nearby wells to be monitored while the testing is being conducted. If any well does not pass the requirements for Well Tests stated in Section 67.703 above, the Director may require additional well tests beyond what is required in the following table:

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

* Excluding remainder parcels and "not a part" areas

Section 18. Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 14th day of September, 2011.