

**ORDINANCE NO. 10222 (NEW SERIES)**

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO  
REPLACE THE TERM DEPARTMENT OF PLANNING AND LAND USE WITH THE TERM  
DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES**

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

**Section 1.** The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending various sections to replace the term "Department of Planning and Land Use" with the term "Department of Planning and Development Services" and the term "DPLU" with the term "DPDS". The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

**Section 2.** Section 1110 of the Zoning Ordinance is amended to read as follows:

1110           GENERAL TERMS.

- a. "Permitted" means permitted without the requirement for a use permit but subject to all other applicable regulations.
- b. "Department" means the Department of Planning and Development Services.
- c. "Board" or "Board of Supervisors" shall have the same meaning.
- d. "Commission" or "Planning Commission" shall have the same meaning.
- e. "City" means any city in the County of San Diego.
- f. "County" shall mean the County of San Diego.
- g. "Federal" shall mean the Government of the United States of America.
- h. "State" shall mean the State of California.
- i. "Used" includes "arranged for," "designed for," "occupied," or "intended to be occupied for."
- j. "General Plan" means the San Diego County General Plan.
- k. "Director" means the Director of Planning and Development Services.
- l. "Section" means a section of the Zoning Ordinance unless otherwise indicated. Sections of this Ordinance are identified by a four digit number (excluding any suffix or decimals) except that each term defined in the Definitions constitutes a separate section.

**Section 3.** Section 2574 of the Zoning Ordinance is amended to read as follows:

2574            **REVIEW OF APPLICATION BY THE DESIGNATED REVIEW BODY.**

The Department of Planning and Development Services, upon receipt of an application for administrative design review, shall provide a copy of said application to the designated review body for their comments. The review body shall have 30 days to review the application and respond with their recommendations.

**Section 4.** Section 3115 of the Zoning Ordinance is amended to read as follows:

3115            **ANIMAL RAISING PROJECTS.**

In addition to the regulations imposed by Section 3112, animal raising projects shall be subject to the following regulations:

- a.        **Limits.** Such project is limited to the keeping, raising and breeding of domesticated animals for 4-H, FFA or other similar youth organization projects. Animal raising projects are a permitted use (by-right) provided the total number and the type(s) of animals on the premises are allowed by the applicable zone animal designator.
- b.        **Minor Use Permit.** If the total number of animals on the premises would exceed the number allowed by the zone animal designator a Minor Use Permit shall be obtained to permit the animal raising project as provided in the Animal Schedule in Section 3100 (or a waiver may be obtained pursuant to subsection e. below). The use permit application fee is waived pursuant to Section 7602 d.2.
- c.        **Under Auspices of Youth Organizations.** The keeping of said animals shall be in connection with animal raising projects under auspices of 4-H, FFA or other similar youth organizations.
- d.        **Other Conditions.** A Minor Use Permit for an animal raising project may impose other conditions pertaining to the type, number, and locations of animals as are reasonable and necessary for the protection of the public health and welfare and for the protection of the health and welfare of the animals. A use permit time limit may also be imposed.
- e.        **Waiver of Minor Use Permit.** The Director may waive the requirement for a Minor Use Permit for animal raising projects upon submittal of written consent to the granting of the waiver. Such consent shall be signed by all owners of each developed lot or parcel that is wholly or in part within a 300 foot radius of the perimeter of the property where the animal raising project is to be conducted. Such consent and any other material required, including plot plan and the number and types of animals, shall be on the forms or in the format required by the Department. The waiver may be granted for a period not to exceed five years and may be revoked by the Director if the animal raising project does not comply with the requirements specified in the granting of the waiver or is in violation of any applicable County ordinances. At the end of five years an additional waiver may be applied for.

**Section 5.** Section 5254 of the Zoning Ordinance is amended to read as follows:

**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.

**Section 6.** Section 5260 of the Zoning Ordinance is amended to read as follows:

**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, with input from the Authority when required.

**Section 7.** Section 5303 of the Zoning Ordinance is amended to read as follows:

**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.

**Section 8.** Section 5307 of the Zoning Ordinance is amended to read as follows:

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. through b. no changes]

- 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. through f. no changes]

**Section 9.** Section 5718 of the Zoning Ordinance is amended to read as follows:

**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.

**Section 10.** Section 6516 of the Zoning Ordinance is amended to read as follows:

6156

RESIDENTIAL AND AGRICULTURAL USE TYPES.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

[a. through t. no changes]

- u. Farm Employee Housing. In the RR, A70, A72, S80, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:
  - 1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.
  - 2. Consideration shall be given to surrounding land uses when determining the location, size and design of Farm Employee Housing.
  - 3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor and shall not be otherwise occupied or rented.
  - 4. If Commercial Agriculture is not in progress at the time of application for an Administrative Permit, the Permit shall be conditioned to require review to ensure that bona-fide commercial agriculture commences within a reasonable time.
  - 5. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months-following the date of occupancy on the building permit issued for the farm employee housing.
  - 6. Contract. For any application for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval issuance of the Administrative Permit, the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.
  - 7. On an annual basis, the property owner must file a certificate with the Director of the Department of Planning and Development Services stating that the commercial agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the certificate will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.
  - 8. Contract. Prior to the issuance of a Building Permit, the property owner shall enter into a contract with the County agreeing to specific terms and conditions limiting farm employee housing to bona-fide farm employees and their families in

conjunction with on-going agricultural operations. The form of the contract shall have been approved by the Board of Supervisors.

9. Evidence of Commercial Agriculture. Prior to submittal of the Building Permit application for Farm Employee Housing the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Development Services of an active Commercial Agricultural Operation.
10. In the RS, RD, RM, RV, RU, RMH, RRO, RC, C32, C34, C35, C36, C37, C38, C40, C42, C44, C46, M50, M52, M54, M58, S82, S86, and S94 Use Regulations, farm employee housing is allowed upon issuance of an Administrative Permit, provided that it complies with the provisions of 6156 u. 1 through 8, and before an Administrative Permit may be granted or modified, it shall be found:
  - a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - 1) Harmony in scale, bulk and coverage;
    - 2) The availability of public facilities, services and utilities;
    - 3) The harmful effect, if any, upon desirable neighborhood character;
    - 4) The generation of traffic and the capacity and physical character of surrounding streets;
    - 5) The suitability of the site for the type and intensity of use or development which is proposed; and to
    - 6) Any other relevant impact of the proposed use.
  - b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - c. That the requirements of the California Environmental Quality Act have been complied with.
  - d. That notice shall be pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

[v. through gg. no changes]

- hh. Agricultural Homestay. An Agricultural Homestay is a permitted accessory use upon issuance of a Minor Use Permit provided the following criteria are met:
  1. Located in a zone subject to the A70, A72 or S92 Use Regulations.

2. A maximum of three bedrooms in a farmer or rancher occupied residence shall be made available for rent. If a detached cabin is used in lieu of the ranch or farmhouse, it shall not exceed 500 square feet. Mobile homes and trailers are not permitted to be used for guest bedrooms.
3. The facility shall be on a working farm or ranch. Proof of a continuous agricultural enterprise on the property shall be provided to the satisfaction of the Department of Agricultural Weights and Measures and the Department of Planning and Development Services.
4. The working farm or ranch shall be located on a parcel or adjoining parcels totaling at least 10 acres in size and under the same ownership. The Agricultural Homestay activity shall cease if a subdivision or conveyance of land results in a reduction of the site to less than 10 acres or if agricultural activity ceases.
5. No Agricultural Homestay shall be located on a site containing a Bed and Breakfast or Host Home operation.
6. The farmer or rancher shall reside on the site of the agricultural operation or on an adjoining parcel under the same ownership.
7. One off-street parking space for each room rented shall be provided in addition to adequate off-street parking for the permanent residents and full-time employees.
8. Services shall be limited to the rental of rooms, activities traditionally associated with farms and ranches and the optional provision of meals for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom or cabin made available for rent.
9. Signs shall be limited to one on-premise sign not to exceed two square feet.
10. An adequate water well and sewage disposal system shall be available, satisfactory to the County Department of Environmental Health, for use by the proposed Agricultural Homestay or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.
11. The owner of the facility shall keep records of the number of guests and lengths of stay and shall retain said records for five (5) years.
12. All Minor Use Permits shall be subject to review by the Department at five (5) year intervals.

[ii. through zz. no changes]

**Section 11.** Section 6158 of the Zoning Ordinance is amended to read as follows:

6158           CIVIC, COMMERCIAL, INDUSTRIAL, OR EXTRACTIVE USE TYPES.  
Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic, commercial, industrial or extractive uses shall

be permitted where the principal civic, commercial, industrial or extractive uses are permitted. As provided for in Section 6152, the Director shall determine whether proposed accessory uses and structures conform to the Accessory Use Regulations, and said determinations are subject to appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Civic, Commercial, Industrial, or Extractive Use Types are permitted:

[a. through d. no changes]

e. Recycling of salvaged concrete, asphalt and rock.

It has been recognized by the County of San Diego and the State of California that recycling of materials such as used concrete, asphalt and rock is essential to effective solid waste management and protection of public and private open space from illegal disposal of solid waste. Because of the high priority the public assigns to recycling of these materials, the following special procedure has been created to assist in the expansion of this activity in conjunction with related mining and processing land uses.

Persons having an approved Major Use Permit for a mining and processing land use, or having an established mining and processing land use that is legally nonconforming and located in a zone where it could be permitted by Major Use Permit, as of March 26, 1992, may apply for the Administrative Permit described below, provided the application and required fees have been submitted to the Department not later than March 27, 1997.

In conjunction with mining and processing use types, where rock crushing, asphalt production and/or concrete batching are occurring, recycling and processing of salvaged concrete, asphalt and rock shall be a permitted accessory use upon issuance of an Administrative Permit, pursuant to the following:

1. A plot plan showing existing and proposed operations onsite shall be approved by the Director.
2. All proposed operations shall conform to the restrictions and conditions of the use permit regulating the project site, if one is present, except as otherwise specified herein.
3. No increase in the size of the mining and processing site shall be authorized by this permit.
4. Environmental review of the proposed accessory use shall be required, except that said review may be waived by the Director if it is determined that no additional traffic, noise, stockpiling of materials, or mechanical processing, at the site, is requested.
5. Upon determination pursuant to environmental review of no significant environmental impact, or that such impact(s) will be mitigated to below a level of significance, the following increases or changes in operational limitations may be authorized in connection with the recycling operation:

- a) Additional average daily one-way truck trips up to 10 percent of the number authorized under the Major Use Permit, or when unspecified in the use permit or when there is no use permit, up to 10 percent of the average daily one-way truck trips of the existing operation;
- b) Additional onsite stockpiling of material of up to 25 percent of that authorized under the Major Use Permit, or when unspecified in the use permit or when there is no use permit, up to 25 percent of the amount typical to the existing operation; and
- c) Replacement or additional equipment, only as may be necessary to adapt the existing operation to the recycling function.

Any changes or increases in the existing authorized operations beyond those specified above shall require modification of the existing Major Use Permit or approval of a new Major Use Permit.

[f. through i. no changes]

**Section 12.** Section 6212 of the Zoning Ordinance is amended to read as follows:

6212           ISSUANCE OR DENIAL

The Director or whomever is charged with permitting a particular sign shall, within sixty (60) days of the filing of a complete permit application, approve and issue the permit if the standards and requirements of this part have been met, unless the time is mutually extended by the parties. No action by the Director within 60 days shall constitute a denial.

**Section 13.** Section 6279 of the Zoning Ordinance is amended to read as follows:

6279           ISSUANCE OR DENIAL.

The Director or whomever is charged with permitting a particular sign shall, within sixty (60) days of the filing of a complete permit application, approve and issue the permit if the standards and requirements of this part have been met, unless the time is mutually extended by the parties. No action by the Director within 60 days shall constitute a denial.

**Section 14.** Section 6506 of the Zoning Ordinance is amended to read as follows:

6506           REQUIREMENTS FOR PLACING A CERTIFIED MOBILEHOME ON A PRIVATE LOT.

- a. Eligibility. A mobilehome that was constructed after September 15, 1971, and was issued an insignia of approval by the California Department of Housing and Community Development or a mobilehome that has been certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) may be located on a private lot only upon compliance with the requirements set forth below.
- b. Requirements. An eligible mobilehome shall comply with the following requirements when located on a private lot:

1. Has not been altered in violation of applicable codes.
  2. Is occupied only as a residential use.
  3. Is in conformance with all provisions of this Ordinance, The Subdivision ordinance and the Health and Safety Code applicable to residential structures. Subject to the foregoing regulations, mobilehomes may be located on the same lot containing conventionally constructed dwellings.
  4. If attached to a permanent foundation system it shall comply with the provisions of Section 18551 of the Health and Safety Code.
  5. Is covered with an exterior wall material customarily used on conventional dwellings. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
  6. Roofs shall have a pitch of not less than 2 inch vertical rise for each 12 inches of horizontal run and consist of shingles or other material customarily used for conventional dwellings, unless waived by the Director under 8. or 9. below.
  7. All roofs shall include roof overhangs of not less than one foot measured from the vertical side of the mobilehome, except where the location of attached structures, such as carports, garages, porches, or similar structures precludes the continuation of the overhang, or unless waived by the Director under 9. below.
  8. The Director may waive the roof pitch and eave requirement for attached accessory portions of the structure such as carports, porches, or similar canopy structures not enclosed by solid walls. Roof parapet walls are not required for such canopy structures.
  9. The Director may waive the roof pitch and/or the roof overhang requirement if the roof for the main structure is concealed from view by parapet walls consistent with a commonly recognized architectural style such as Santa Fe or Mission style.
- c. **Building Permit.** Prior to installation of a mobilehome on a permanent foundation system, the mobilehome owner or a licensed contractor shall obtain a building permit from the Department of Planning and Development Services. To obtain such a permit, the owner or contractor shall comply with all requirements of Section 18551(a) of the Health and Safety Code.
- d. **Cancellation of Registration.** The owner shall comply with the regulations established pursuant to Section 18551(b) of the Health and Safety Code for cancellation of registration of a mobilehome. The owner shall also comply with the provisions of Section 18550(b) of the Health and Safety Code.
- e. **Approval for Occupancy.** The Director shall determine that the proposed project is in compliance with all applicable requirements and conditions prior to issuing final approval for occupancy.



- f. Modification of Requirements. Unless otherwise specified, no modification may be granted from these requirements or from the requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.

**Section 15.** Section 6514 of the Zoning Ordinance is amended to read as follows:

6514 PRE-APPLICATION CONFERENCE.

Prior to submitting an application for a use permit for a mobilehome park, a prospective applicant should consult with the Department to obtain information and to inform the Department of the applicant's intentions. If requested by the applicant, the Department will schedule a conference to be attended by the applicant and representatives of the Departments of Planning and Development Services, Public Works, Environmental Health, and other agencies as the Department considers necessary. Such a conference shall provide an opportunity to review the applicant's intended plan and to identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys, and other data. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access.

**Section 16.** Section 6534 of the Zoning Ordinance is amended to read as follows:

6534 PRE-APPLICATION CONFERENCE.

Prior to submitting an application for a use permit for a mini-mobilehome park, a prospective applicant should consult with the Department to obtain information and to inform the Department of the applicant's intentions. If requested by the applicant, the Department will schedule a conference to be attended by the applicant and representatives of the Departments of Planning and Development Services, Public Works, Environmental Health, and other agencies as the Department considers necessary. Such a conference shall provide an opportunity to review the applicant's intended plan and to identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys, and other data. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access.

**Section 17.** Section 6549 of the Zoning Ordinance is amended to read as follows:

6549 SUBDIVISION OF EXISTING MOBILEHOME PARKS, ADDITIONAL REQUIREMENTS. A standard mobilehome park or mini-mobilehome park may be subdivided in accordance with the applicable provisions of Division 1, Title 8 of the County Code of Regulatory Ordinances relating to subdivisions and shall also comply with the following additional requirements.

- a. Parks Established by Use Permit. Prior to approval of a Final Map for a standard mobilehome park or mini-mobilehome park, the owner shall apply for modification of the related use permit to add a condition to require reservation and maintenance of all common areas for common use and enjoyment of the residents in a manner which makes

the County or a public district or a public agency a party to and entitled to enforce the reservation. Such reservation shall include arrangements, satisfactory to County Counsel, to assure maintenance of all buildings, structures, streets and landscaping located within said common areas.

- b. Parks Established Without Use Permit. An existing mobilehome park which was not established pursuant to the Mobilehome Park Regulations may be subdivided only upon determination by the Director that such mobilehome park was legally established in accordance with the Nonconformity Regulations. In addition, prior to approval of a Final Map for such mobilehome park, the owner shall obtain a major use permit which includes a condition to require reservation and maintenance of all common areas in the manner specified in "a" above.
- c. All Existing Mobilehome Parks. All applications to subdivide an existing mobilehome park shall be accompanied by the following additional information and/or documents.
  1. The number of spaces within the existing park.
  2. A list of names and addresses of all tenants within the park for use by the Department in giving notice.
  3. The date of manufacture and size of each mobilehome and the current replacement value affected by the relocation. The replacement value shall be determined in the same manner as used by standard insurance replacement criteria.
  4. The estimated cost of relocation of each mobilehome affected by the proposed change of use.
  5. The length of tenancy by each tenant.
  6. The estimated income, age and number of tenants affected by the proposed change of use.
  7. The number of alternative sites available to the tenants including written commitments from the owners of those parks to accept the relocated units and tenants.
  8. A time table for vacating the existing park.
  9. A statement and concept plan indicating what use the park site is intended to accommodate.
  10. Evidence satisfactory to the Director that mutually acceptable agreements have been reached on the part of the park owner and all tenants to vacate the park upon recording of a Final Map. Such evidence may include, but is not limited to, the following:
    - i. Written agreements to relocate mobilehomes; and

- ii. Assistance of low- and moderate-income tenants in the form of payment by the park owner of 80%, up to a maximum of \$2,000, of the cost of relocating the mobilehome to another mobilehome park within 100 miles.
11. If such evidence specified in "10" above is not included in the application for subdivision, then the Director of Planning and Development Services shall recommend reasonable conditions to mitigate any adverse impact on tenants of the mobilehome park to the approving authority to be included as a condition in the resolution of conditional approval for said subdivision.
- d. Notwithstanding the provisions of Subsection c. above, a park owner who elects to give a 5-year notice to subdivide may file a tentative map if evidence is provided that the following provisions will be completed before approval of the Tentative Map:
- 1. The mobilehome park owner shall provide evidence that a notice to vacate pursuant to Section 798.56(f) of the Civil Code has been issued, and
  - 2. Informed each tenant of the rent and location of a number of available spaces equal to the number of occupied units to be displaced, and
  - 3. Assisted each tenant in relocating the tenant's mobilehome to any new space within 100 miles in accordance with the following schedule:

<u>IF TENANT VACATES BEFORE END OF</u>	<u>PORTION OF EXPENSES PAID BY OWNER</u>	<u>UP TO A MAXIMUM OF</u>
1st year	80%	\$2,000
2nd year	60%	1,500
3rd year	40%	1,000
4th year	20%	500
5th year	-0-	-0-

**Section 18.** Section 6904 of the Zoning Ordinance is amended to read as follows:

**6904 EXPLOSIVE STORAGE.**

All explosive storage shall comply with the following provisions.

- a. **Conformance to Federal and State Law.** Explosive storage shall conform to all applicable provisions of federal and state law, including the tables of quantity and distance criteria, except where requirements of this section or conditions of the Major Use Permit are more stringent, in which case such requirements and conditions shall apply.
- b. **Location.** The area in which explosive storage is proposed shall be open in character and essentially free of development.
- c. **Setbacks.** Explosive storage shall not be located closer than 1,000 feet from any building or structure not on the same site as the explosive storage facility and which is used continuously or intermittently for human occupancy; except that storage in Class II magazines, as authorized in state law, shall not be located closer than 400 feet from any such building or structure.

- d. **Buffering.** Explosives storage shall be effectively screened by a natural land form or artificial barricade either surrounding the entire site or surrounding each magazine located thereon, which land form or barricade shall be of such height that:
1. A straight line drawn from the top of any side wall of all magazines to any part of the nearest building or structure will pass through said land form or barricade; and
  2. A straight line drawn from the top of any side wall of all magazines to any point 12 feet above the centerline of a railroad or a street traversable by the public will pass through said land form or barricade.

Artificial barricades shall be a mound or revetted wall of earth with a minimum thickness of 3 feet.

- e. **Compliance Review.** A Major Use Permit for storage of explosives shall be conditioned to require the submittal of a compliance report to the Department once every 5 years (from the date of approval of the Use Permit) demonstrating, to the satisfaction on the Director, that the use meets the requirements of this section and all applicable conditions of the Major Use Permit. As a result of such review, the Director may determine that the use is in compliance with the Major Use Permit or may determine that the Major Use Permit shall be subject to review by the Approving Authority. As the result of such review, or at any time, if said Approving Authority finds that circumstances or conditions have changed so that the use no longer meets the requirements of this section or the conditions of the Major Use Permit, said permit may be modified, or revoked, whichever is more appropriate.

**Section 19.** Section 6906 of the Zoning Ordinance is amended to read as follows:

6906            **REQUIREMENTS FOR FARM LABOR CAMPS.**

- a. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval of the Minor Use Permit the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.
- b. Farm labor camp housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months following the date of occupancy on the building permit issued for the farm labor camp housing.
- c. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602 d.7, prior to the submittal of the Minor Use Permit application the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.

- d. Prior to submitting an application for a building permit for a farm labor camp project, the property owner shall enter into a contract with the County agreeing to specific terms and conditions. The form of the contract shall have been approved by the Board of Supervisors.
- e. Evidence of Commercial Agriculture. Prior to approval of the Minor Use Permit for a Farm Labor Camp the property owner shall provide appropriate evidence to the satisfaction of the Director of an active Commercial Agricultural Operation.
- f. On an annual basis, the property owner shall file a certificate with the Director stating that the Commercial Agricultural operation to which the housing is related is still active and that the tenants are employed as Farm Employees. Failure to file the certificate will indicate the Commercial Agriculture has ceased.

**Section 20.** Section 6909 of the Zoning Ordinance is amended to read as follows:

6906           REQUIREMENTS FOR FARM LABOR CAMPS.

- a. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval of the Minor Use Permit the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.
- b. Farm labor camp housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months following the date of occupancy on the building permit issued for the farm labor camp housing.
- c. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602 d.7, prior to the submittal of the Minor Use Permit application the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.
- d. Prior to submitting an application for a building permit for a farm labor camp project, the property owner shall enter into a contract with the County agreeing to specific terms and conditions. The form of the contract shall have been approved by the Board of Supervisors.
- e. Evidence of Commercial Agriculture. Prior to approval of the Minor Use Permit for a Farm Labor Camp the property owner shall provide appropriate evidence to the satisfaction of the Director of an active Commercial Agricultural Operation.
- f. On an annual basis, the property owner shall file a certificate with the Director stating that the Commercial Agricultural operation to which the housing is related is still active and that the tenants are employed as Farm Employees. Failure to file the certificate will indicate the Commercial Agriculture has ceased.

**Section 21.** Section 6951 of the Zoning Ordinance is amended to read as follows:

6951 WIND TURBINE SYSTEM, LARGE.

Large wind turbine systems, shall be permitted on a parcel of at least five acres and considered a Major Impact Services and Utilities use type requiring a major use permit approved in accordance with the Use Permit Procedure commencing at Section 7350 and the following requirements:

- a. Setbacks. The wind turbines shall observe the following setbacks measured from the closest point on the base or support structure. For purposes of calculating setbacks, height of the wind turbines shall mean the distance from ground to the top of blade in vertical position:
  1. From property lines or public road setback 4 times the height.
  2. From all existing residences or buildings occupied by civic use types setback 8 times the height.
  3. From the furthestmost property line of adjacent parcels which are vacant setback 9 times the total height.
  4. Setbacks for experimental wind turbines (those which are not produced by an established wind turbine manufacturer on a production basis) may be greater than those specified above based on the discretion of the permit granting authority.
  5. Setbacks may be reduced up to a maximum of 50% with the written consent to the granting of a setback reduction signed by the owner or owners of each lot or parcel affected by the proposed setback reduction.
- b. Fencing. Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
- c. Signs. Suitable warning signs containing a telephone number and an address for emergency calls and informational inquiries shall face all approaches to the project. Individual signs shall be between 5 and 16 square feet.
- d. Noise. The project shall meet the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).
- e. Height. For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. The system shall not exceed 80 feet.
- f. Visual. The following measures should be followed whenever possible in order to minimize the visual impact of the project:
  1. Removal of existing vegetation should be minimized.
  2. Internal roads should be graded for minimal size and disruption.

3. Any accessory buildings should be painted or otherwise visually treated to blend with the surroundings.
  4. The turbines and towers should be painted with non-reflective paint to blend with the surroundings.
- g. Turbine Description. The following information shall be specified as part of the permit:
1. The wind turbine manufacturer, model, power rating and blade dimensions.
  2. The tower manufacturer and model.
- h. Non-Operational Wind Turbines. It shall be a condition of the permit that non-operational wind turbines shall be removed:
1. The project owner shall insure that a copy of all prospectuses shall be placed in the County's permit file.
  2. County staff may, at any time in the future, compare the amount of power stated (in kilowatt hours) in the appropriate prospectus with the actual power sold to the utility (as reported in the California Energy Commissions' "Wind Project Performance Reporting System") and determine if any wind turbine systems meet the definition for "wind turbine non-operational."
  3. County staff may collect other data as necessary to determine if any wind turbine systems meet the definition for "wind turbine non-operational."
  4. Applicant may propose alternate methods to monitor the "non-operational" status of wind turbines.
- i. Removal Surety. The project owner shall post a bond, lien contract agreement, cash deposit, or other form of surety acceptable to the Director, sufficient to allow for the removal of non-operational wind turbines. If a bond surety is provided, such bond shall comply with Section 7612, and shall be for a minimum of 10 years (unless the permit is for a shorter period of time). Posting of bond(s) and/or other surety may be phased with the installation of wind turbines.
- j. Existing Administrative Permits for Wind Turbine Projects - Modification or Revocation. Administrative permits for wind turbine projects granted pursuant to Section 7060 prior to January 1, 1986, shall be treated for all purposes as if they are major use permits shall be subject to all the provisions of the Zoning Ordinance which apply to Major Use Permits for purpose of modification or revocation.

**Section 22.** Section 6983 of the Zoning Ordinance is amended to read as follows:

6982

#### DEFINITIONS

For the purpose of the Wireless Telecommunications Facilities regulations contained in Sections 6980 through 6991, certain abbreviations, terms and words shall be used, interpreted and

defined as set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural indicate the singular.

[A. through T. no changes]

- W. Whip Antenna – An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 3 inches in diameter and measure up to 6 feet in length, including the mounting. Also called omni-directional, stick or pipe antennas.

Wireless Community Master Plan – a Master Plan of preferred sites and designs for wireless facilities for a defined geographic area prepared in cooperation with one or more wireless service providers; formally submitted by the community planning group or sponsor group or by a homeowners association representing at least 4,000 residents and at least 5,000 acres to the Director; reviewed by the Director for such issues as aesthetics and community compatibility; and following public review, approved by the Director. A Community Master Plan can be applicable to all providers or to selected providers as defined in the Plan.

Wireless Telecommunications Facility – Any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development. Also known as a wireless communications facility. This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission’s Rules nor to TV and radio transmission facilities.

**Section 23.** Section 6984 of the Zoning Ordinance is amended to read as follows:

6984 APPLICATION REQUIREMENTS

In addition to meeting standard application submittal requirements for discretionary permits, all applicants for wireless telecommunications facilities shall provide 3 copies of the information listed below. One copy shall be distributed by the Department to the appropriate Planning or Sponsor Group. When a facility meets all requirements for processing under Tier 1, the requirements of Sections B and C 1 shall not be required. The Director may waive any of the submittal requirements listed below or require additional information based upon specific project factors:

- A. Geographic Service Area. Identify the geographic service area for the subject installation, including a map showing all the applicant’s existing sites in the local service network associated with the gap the facility is meant to close. Describe how this service area fits into and is necessary for the company’s service network.
- B. Visual Impact Analysis. A visual impact analysis shall be provided showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility. A map depicting where the photos were taken shall be included.



C. Narrative.

1. Height. Show the height of the facility. Carriers must provide evidence that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site. If the tower will exceed the maximum permitted height limit, as measured from grade, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary shall be required.
2. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment and landscaping.
3. Noise/Acoustical Information. As part of the Application for Environment Initial Study, provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.
4. If the site is not a preferred site as described in Section 6986, provide the information required in Section 6986 B.
5. Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.
6. Fire Service. Provide evidence of compliance with Fire Policy FP-2 or a service letter from the applicable fire district.
7. Hazardous Materials. Listing of all hazardous materials to be used onsite.
8. For all applications for facilities located in the public right of way, include on the plot plan the location of parking for maintenance personnel.
9. A letter stating the applicant's willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable.
10. The lease area of the proposed facility on the plot plan.
11. For all applications for wireless facilities operating below 1200 megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4, Schedule A, Page 1, Schedule D, Page 1 and Schedule H, Pages 1 through 3. The application shall be reviewed by the Sheriff's Wireless Services Unit to determine potential interference with the Regional Communication System. Interference with that system may be grounds for denial.

**Section 24.** Section 6985 of the Zoning Ordinance is amended to read as follows:

Although a tier may be assigned at project intake, a re-evaluation of the project tier may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Hearing Officer.

[A. through B. no changes]

### C. General Regulations

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones.
2. All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.
3. No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director if a finding is made that co-location of more facilities is consistent with community character.
4. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).
5. No tower or equipment shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.
6. Noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.
7. The Director may grant an exemption from the requirement to process a Site Plan permit pursuant to Section 7156 of this Ordinance if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit, or where the Director finds the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan permit would normally be required will not be harmed by granting a Site Plan permit exemption. The Director's decision may be appealed pursuant to Section 7200 of this Ordinance.
8. All facilities located on a utility pole shall be promptly removed at the operator's expense at the time a utility is scheduled to be undergrounded.
9. Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.

10. Equipment cabinets and antenna structures shall be secured to disallow unauthorized access.
11. Use Permits for high visibility facilities shall have a maximum term of 6 years for facilities valued at less than \$10,000; 10 years for facilities valued from over \$10,000 to \$500,000; and 15 years for facilities valued at \$500,000 or more. This may be extended for an additional period of time by modifying the permit if it is found that no smaller or less visible technology is available or feasible to replace the facility.
12. As a condition of approval, prior to use of the facility, submit evidence, such as photos, to the satisfaction of the Director to show proof that the facility is in conformance with photo simulations provided pursuant to Section 6984 (B) of this Ordinance.

**Section 25.** Section 6986 of the Zoning Ordinance is amended to read as follows:

6986            PREFERRED SITES

- A. The County has determined that certain zones and locations are preferable to others for siting wireless facilities due to aesthetics and land use compatibility.
  1. The preferred zones are as follows:

PREFERRED ZONES	NON-PREFERRED ZONES
(a.) C32, C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, M56, M58, S82, S86, S94, and S88 when the facility would be located in a commercial or industrial component of the Specific Plan.  (b.) Upon approval by the Director of a Wireless Community Master Plan, the Preferred Zones for that defined geographic area shall be replaced by the locations shown in that Plan for the provider or providers covered by the plan.	All other zones

2. The preferred locations are as follows:

PREFERRED LOCATIONS	NON-PREFERRED LOCATIONS
(a.) (1) Existing structures, including, but not limited to, water tanks, utility towers and poles, traffic lights, "cobra-style" street lights, and roadway overpasses in non-residential zones when the size and scale are compatible. (2) Commercial and industrial buildings.	All other locations.

<p>(3) County or other government facilities (e.g., fire district buildings, road stations, freeway park and ride lots), excluding Elementary and Middle schools and County parks.</p> <p>(4) Co-location in zones other than residential to a total of three (3) towers each.</p> <p>(b.) Upon approval by the Director of a Wireless Community Master Plan, the Preferred Locations for that defined geographic area shall be replaced by the locations shown in that plan for the provider or providers covered by the plan.</p>	
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- B. Each application shall identify the zone and location preference that the proposed facility is meeting. If the proposed facility is not in a preferred zone identified in 6986 A (1) or if it is not in a preferred location identified in 6986 A (2), the applicant shall provide a map of the geographical area and a discussion of preferred sites that could potentially serve the same area as the proposed site and describe why each preferred site was not technologically or legally feasible. Facilities proposed to be located in County parks are excluded from this requirement when the Director of the Department of Parks and Recreation has issued a letter of concurrence.
- C. Projects in a non-preferred zone or non-preferred location shall not be approved when siting in a preferred zone or preferred location is feasible unless a finding is made that the proposed site is preferable due to aesthetic and community character compatibility.

**Section 26.** Section 7168 of the Zoning Ordinance is amended to read as follows:

7168            EXPIRATION AND EXTENSION.

- a. Any approval of a Site Plan shall expire within two years of such approval except where construction or use of the property in reliance on such Site Plan approval has commenced prior to its expiration. Any Minor Deviation pursuant to Section 7609, or any modification pursuant to Section 7169, shall not extend the expiration and extension dates otherwise specified in this section.
- b. If prior to the expiration of such Site Plan the applicant files a written application with the Department for an extension of time, the period within which construction or use of the property in reliance on the Site Plan must be commenced, may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of 24 months each, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.
- c. Notwithstanding the above, if the Site Plan is issued to satisfy a condition of approval of a subdivision map pursuant to the County Subdivision Ordinance, the Site Plan shall remain in full force and effect for the duration of the tentative approval for that

subdivision map, and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the Site Plan shall expire one year after recordation of the Final or Parcel Map unless construction and/or use of the property in reliance of the Site Plan has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7168.

**Section 27.** Section 7366 of the Zoning Ordinance is amended to read as follows:

**7366 APPEAL.**

Use permit decisions pursuant to Sections 7360, 7376, 7378 or 7382 may be appealed as follows:

- a. Appeals Authorized.
  1. A Major Use Permit decision of the Planning Commission may be appealed to the Board of Supervisors.
  2. A Minor Use Permit decision of the Director may be appealed to the Planning Commission, except that (a) a decision concerning a Minor Use Permit application filed concurrently with a tentative subdivision map, reclassification or Major Use Permit application may be appealed to the same appeal authority and pursuant to the same procedures as apply to such concurrent application; and (b) a decision concerning a Minor Use Permit for a mini-mobilehome park may be appealed to the Planning Commission; and (c) a decision concerning a Minor Use Permit for a nonconforming use within an adopted Redevelopment Area pursuant to Section 6878 may be appealed to the Board of Supervisors.
  3. A concurrent use permit decision by the Planning Commission may be appealed to the Board of Supervisors.
- b. Resubmittal of Revised Application. If upon appeal an application for a use permit is revised so as to require the submittal of a revised plot plan, all appellate proceedings shall be terminated and the application resubmitted to the authority having original jurisdiction for further consideration and decision. The decision of the revised application may thereafter be appealed as provided in this Section.
- c. Persons Authorized to Appeal. No person may appeal except the applicant for the granting or modification of a use permit; a County officer acting pursuant to paragraph "d" of this section; and those persons who protest the granting, revocation, or modification of a use permit either by written protest filed in the office of the Planning Commission or the Director, whoever has jurisdiction over the use permit, prior to the time of the hearing or consideration of the matter by said authority; or by appearing and protesting the granting, revocation or modification of the use permit at the hearing or consideration of the matter by said authority.
- d. County Officer May Appeal. Notwithstanding any other provision of this Ordinance, any County officer, Board, Commission, or other County body, other than the authority having jurisdiction over the appeal, may appeal a decision of the Planning Commission, or the Director made pursuant to Section 7360, without fee.

- e. Manner and Time of Filing. An appeal shall be in writing, shall be accompanied by the fee referenced in Section 7602 and shall be filed as follows:
  - 1. If filed personally, the appeal shall be filed in the Department of Planning and Development Services by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision.
  - 2. If mailed, the appeal shall be postmarked by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision, Department of Planning and Development Services, 5510 Overland Avenue, Suite 310, San Diego, CA 92123.
- f. Effect of Filing the Appeal. An appeal of a decision within the time specified in paragraph "e" of this Section shall stay the proceedings and effective date of the decision of the Planning Commission, or Director, as provided by Section 7366, until such time as the appeal has been acted on as hereinafter set forth in the Ordinance.
- g. Forwarding of Record. Upon the filing of an appeal, the authority having made the decision being appealed shall transmit to the appeal authority the records concerning the decision.
- h. Public Hearing. Following the filing of an appeal, the authority having appellant jurisdiction shall hold a public hearing on the matter scheduled and noticed as required by Sections 7603 and 7605, respectively. The public hearing shall be a hearing de novo and all interested persons may appear and present evidence.
- i. Decision and Notice. Following the hearing on an appeal, the authority having appellate jurisdiction may sustain the decision which is being appealed; or may grant or modify the use permit subject to specified conditions it imposes pursuant to Section 7362; or may revoke or deny the use permit, as is appropriate. The authority shall adopt findings, which specify all facts relied upon by it in reaching its decision and their relation to the requirements of Section 7358, and which state the reasons for any conditions imposed by it; provided, however, findings shall be deemed waived unless expressly requested in writing by the applicant or appellant at the time of the hearing on the appeal and prior to decision by the authority. Notice of the decision of the authority together with a copy of any findings adopted by said authority shall be mailed to the appellant and applicant, or to both if they are different parties, and a copy thereof shall be attached to the Planning Commission's, or the Director's file in the matter and said file returned to the Planning Commission, or Director, whoever rendered the decision which was appealed.
- j. Finality and Effective Date. Subject to the provisions of Chapter 4 (commencing with Section 86.401) of Division 6 of Title 8 of the San Diego County Code, relating to appeals of environmental determinations, the decision of the authority having jurisdiction over an appeal shall be final, conclusive, and effective immediately.
- k. No Decision Reached. Whenever the Board of Supervisors holds a hearing on an appeal from a decision on an application for a use permit, the proceedings shall be governed by the Board of Supervisors' Rules of Procedure and Section 375.13 of the

San Diego Administrative Code. Whenever the Planning Commission holds a hearing on an appeal from a decision on an application for a use permit and thereafter fails to reach a decision because a motion on the item failed to carry by the required vote, the secretary of the Commission shall set the matter for a noticed public hearing de novo if such hearing is requested by the Commission. Such request must be made within 30 days of the date when the motion on the item failed to carry. If no such request is made within such period, the decision from which the appeal has been taken shall be deemed sustained.

**Section 28.** Section 7405 of the Zoning Ordinance is amended to read as follows:

7405 JURISDICTION.

- a. Applications for granting or modifying a density bonus permit, any associated incentive, or a waiver or modification of development standards that are filed concurrently with any other discretionary project application shall be under the same original jurisdiction as the other discretionary project application.
- b. If no other discretionary project application is required, a density bonus permit application shall be under the original jurisdiction of the Director.

**Section 29.** Section 7410 of the Zoning Ordinance is amended to read as follows:

7410 APPLICATION FOR THE GRANTING OF A DENSITY BONUS PERMIT.

- a. Persons Eligible. The following persons shall be eligible to apply:
  1. A property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.
  2. A lessee upon written approval of the property owner, in which case the application shall be signed by all property owners or agents, as provided in Section 7017.
- b. Required Documents.

The applicant shall submit an application for a density bonus permit in accordance with the following requirements:

1. Application. A density bonus permit application shall include the following information:
  - i. A description of the requested density bonus, incentive, waiver or modification.
  - ii. Identification of the base project without the density bonus, number and location of all reserved units qualifying the project for a density bonus, level of affordability of all reserved units, and identification of the bonus units.

- iii. In phased housing projects, for each construction phase, the density bonus application shall specify, at the same level of detail as the application for the residential development: the number, unit type, tenure, number of bedrooms and baths, approximate location, size, and design, construction and completion schedule of all reserved units, phasing of all reserved units in relation to market rate units, marketing plan, and intended rent or sale price and basis for calculation.
    - iv. If a density bonus or incentive is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the requirements for eligibility given above can be met.
    - v. If a density bonus or incentive is requested for a child care facility, the application shall show the location and square footage of the child care facility and provide evidence that the requirements for eligibility and the necessary qualifications can be met.
    - vi. If a mixed-use building or development is proposed, the application shall provide evidence that the eligibility requirements can be met.
  2. Financial Pro Forma. If the applicant requests one or more incentives under the Density Bonus Program, a financial pro forma shall be submitted that meets the requirements of this section. It shall demonstrate that the requested incentives result in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units.  
The financial pro forma shall address:
    - i. The actual cost reductions achieved through each incentive.
    - ii. That the actual cost reduction achieved through each incentive is needed to achieve the economic feasibility that allows the developer to provide the reserved units.
  3. An application for a density bonus permit shall be submitted prior to or concurrently with the submittal of the application, if any, for a related discretionary permit (e.g., a tentative map, parcel map, or design review). The application shall be processed concurrently with all other applications required for the development.
  4. No discretionary project application that includes an application for a density bonus permit shall be deemed complete unless a density bonus application is submitted, including a financial pro forma if required, that conforms to the requirements of this section.
  5. Upon submittal, the Director shall determine if the density bonus permit application is complete and conforms to the provisions of this section.
- c. Application Form, Filing and Fee.



1. An application for the granting or modifying of a density bonus permit shall be made on the prescribed form and shall be filed with the approving authority and shall be accompanied by the fee referenced in Section 7602.
2. The cost of reviewing any required financial pro forma data submitted in support of a request for an incentive including, but not limited to, the cost to the County of hiring a consultant to review the financial pro forma, shall be borne by the applicant.
3. The granting of a density bonus permit shall not be interpreted, in and of itself, to require a general plan amendment, coastal plan amendment, zoning amendment, or other discretionary approval.

**Section 30.** Section 7430 of the Zoning Ordinance is amended to read as follows:

**7430 DENSITY BONUS HOUSING AGREEMENT.**

The provisions contained within a density bonus housing agreement shall be enforceable by the County, and a violation of the agreement shall constitute a violation of this Ordinance.

- a. Agreement Required. The applicant shall enter into a contract with the Department of Housing and Community Development, to the satisfaction of the Director of Planning and Development Services, agreeing to the specific terms and conditions of the Density Bonus Program and to periodic inspections of the housing by County employees. The property owner shall execute a density bonus housing agreement prior to any of the following:
  1. A ministerial action by the County with regard to the project.
  2. A discretionary permit issued in conjunction with a density bonus application, including tentative maps. The permit shall contain a condition detailing the actions required for compliance with the Density Bonus Program and with the terms of the density bonus application.
  3. Each final map or parcel map shall bear a note indicating the method of compliance with the requirements of the Density Bonus Program and stating that an affordable housing agreement shall be recorded prior to issuance of a building permit with respect to each parcel created by the map.
  4. No building permit shall be issued for a residential unit until the applicant has demonstrated compliance with the Density Bonus Program through recordation of an affordable housing agreement.
- b. Execution of Agreement.
  1. Following Board approval of the agreement and execution of the agreement by all parties, the County shall record the completed agreement on the parcels created by the final or parcel map at the County Recorder's Office.

2. The approval and recordation shall take place at the same time as the final or parcel map or, where a map is not being processed, before issuance of a building permit.
3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

**Section 31.** Section 7435 of the Zoning Ordinance is amended to read as follows:

7435 APPEAL.

- a. Any decision regarding a density bonus application under the original jurisdiction of the Director may be appealed to the Planning Commission. Unless any concurrent discretionary permit is appealable to the Board of Supervisors, the decision of the Planning Commission shall be final and effective immediately.
- b. Any decision regarding a density bonus application under the original jurisdiction of the Planning Commission may be appealed to the Board of Supervisors.

**Section 32.** Section 7440 of the Zoning Ordinance is amended to read as follows:

7440 EXPIRATION.

- a. If not issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, a density bonus permit shall expire two years after its issuance unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in this section.
- b. If the density bonus permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the density bonus permit shall remain in full force and effect for the duration of the tentative approval for that subdivision map and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the density bonus permit shall expire two years after recordation of the final or parcel map unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided in this section.
- c. If prior to the expiration of a density bonus permit, the applicant files a written application with the Department for an extension of time, the period within which construction or use of the property in reliance on the density bonus permit must be commenced may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of two years, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.

**Section 33.** Section 7503 of the Zoning Ordinance is amended to read as follows:

**7503 REQUESTS TO AMEND THE ZONING ORDINANCE.**

Requests to amend the Zoning Ordinance may be initiated by:

- a. The application of a property owner or the agent of such owner seeking an amendment to The Zoning Ordinance as applied to his property. In such cases, the application shall be signed by the property owner(s) or their agent(s), pursuant to Section 7017.
- b. A person authorized to exercise the power of eminent domain.
- c. The order of the Board of Supervisors.
- d. The order of the Planning Commission.
- e. The Director of Planning and Development Services.

**Section 34.** Section 7505 of the Zoning Ordinance is amended to read as follows:

**7505 APPLICATION OF PROPERTY OWNER.**

The application of a property owner or the agent of such owner requesting an amendment to the Zoning Ordinance as applied to his property shall be made as follows:

- a. Application Form, Filing, and Fee. An application requesting an amendment of the Zoning Ordinance shall be made on the prescribed form, shall be filed with the Planning Commission, and shall be accompanied by the fee referenced in Section 7602.
- b. Required Documents. An application requesting an amendment to the Zoning Ordinance shall be accompanied by the following documents:
  1. A list of the names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provision is a corporation or a partnership, the names of all persons owning more than 10 percent of the shares in the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to this provision is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.
  2. Complete description of the requested amendment.
  3. The appropriate environmental impact review document, as provided by Section 7610.
- c. Additional Documents Required for Mobilehome Parks.
  1. An application requesting an amendment to the Zoning Ordinance on property containing an existing mobilehome park and zoned for exclusive mobilehome park usage by either the RMH Use Regulation or the "A" Building Type

Designator shall request provisional reclassification pursuant to Section 7509 and contain the following information and/or documents specified herein:

- i. The number of spaces within the existing park.
  - ii. A list of names and addresses of all tenants within the park for use by the Department in giving notice.
  - iii. The date of manufacture and size of each mobilehome and the current replacement value affected by the relocation. The replacement value shall be determined in the same manner as used by standard insurance replacement criteria.
  - iv. The estimated cost of relocation of each mobilehome affected by the proposed change of use.
  - v. The length of tenancy by each tenant.
  - vi. The estimated income, age and number of tenants affected by the proposed change of use.
  - vii. The number of alternative sites available to the tenants including written commitments from the owners of those parks to accept the relocated units and tenants.
  - viii. A time table for vacating the existing park.
  - ix. A statement and concept plan indicating what use the park site is intended to accommodate.
  - x. Evidence satisfactory to the Director that mutually acceptable agreements have been reached on the part of the park owner and all tenants to vacate the park commencing upon provisional reclassification. Such evidence may include, but, is not limited to the following:
    - (1) Written agreements to relocate mobilehomes; and
    - (2) Assistance for low and moderate income tenants in the form of payment by the park owner of 80%, up to a maximum of \$2,000, of the cost of relocating the mobilehome to another mobilehome park within 100 miles.
  - xi. If such evidence specified in "x" above is not included in the application, then the Director shall recommend reasonable conditions to mitigate any adverse impacts on tenants of the mobilehome park to the Planning Commission and Board of Supervisors to be included as a condition of the provisional reclassification of the property.
2. Notwithstanding the provisions of Section 7505(c)(1), a park owner who elected to give a 5-year notice to vacate may file an application for reclassification or provisional reclassification if evidence is provided that the following provisions

were met or the following provisions must be completed before the provisional reclassification is removed:

- i. The mobilehome park owner shall provide evidence that a notice to vacate pursuant to Section 798.56(f) of the Civil Code has been issued and
- ii. Informed each tenant of the rent and location of a number of available spaces equal to the number of occupied units to be displaced, and
- iii. Assisted each tenant in relocating the tenant's mobilehome to any new space within 100 miles in accordance with the following schedule:

<u>IF TENANT VACATES BEFORE END OF</u>	<u>PORTION OF EXPENSES PAID BY OWNER</u>	<u>UP TO A MAXIMUM OF</u>
1st year	80%	\$2,000
2nd year	60%	1,500
3rd year	40%	1,000
4th year	20%	500
5th year	-0-	-0-

**Section 35.** Section 7615 of the Zoning Ordinance is amended to read as follows:

**7615 SALE OF COPIES.**  
Copies of maps, charts, plats and other descriptive matter made and provided for in this Ordinance may be sold by the Department of Planning and Land Use at the cost of printing, bindings and distributing the same. All moneys received therefrom shall be paid into the County Treasury as provided by law.

**Section 36.** Section 7703 of the Zoning Ordinance is amended to read as follows:

**7703 VIOLATIONS AND PENALTIES.**  
It shall be unlawful for any person to use any property or erect, construct, enlarge, alter, repair, move, remove, improve, convert or demolish, equip, use, occupy or maintain any building or structure, or cause the same to be done, contrary to or in violation of any of the provisions of this Ordinance. Any person violating any of the provisions of this Ordinance, including the violation of any condition of a use permit, site plan, administrative permit, variance, or other discretionary permit shall be deemed guilty of a misdemeanor unless, in the discretion of the prosecutor, it is charged as an infraction.

- a. Each day or portion of a day that any person violates or continues to violate this ordinance constitutes a separate offense and may be charged and punished separately without awaiting conviction on any prior offense.
- b. Any person convicted of a misdemeanor under this ordinance shall be punished by imprisonment in the County jail not exceeding six months, or by a fine not exceeding \$1,000, or by both.

- c. Any person convicted of an infraction under this ordinance shall be punished by a fine not exceeding \$100 for the first violation; by a fine not exceeding \$200 for a second violation of this ordinance within one year; and by a fine not exceeding \$500 for each additional violation of the same provision of this ordinance committed by that person on the same site within one year.
- d. Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this ordinance.
- e. Violation is A Public Nuisance. Any building or structure erected, constructed, altered or maintained and/or any use of property contrary to the provisions of these regulations shall be and the same is hereby declared to be unlawful and a public nuisance, and any failure, refusal or neglect to obtain a permit as required by the terms of this ordinance shall be prima facie evidence of the fact that a nuisance has been committed in connection with the erection, construction, alteration or maintenance of any building or structured erected, constructed, altered or maintained or used contrary to the provisions of this ordinance. The public nuisance may be abated in accordance with the Uniform Public Nuisance Abatement Procedures contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of the San Diego County Code or County Counsel shall, upon order of the Board of Supervisors immediately commence necessary proceedings for the abatement, removal and/or enjoinder thereof in the manner provided by law.
- f. Citation Authority. Pursuant to the provisions of California Penal Code Sections 19d and 836.5, the Director of the Department of Planning and Development Services or specific individuals deputized by the Director may arrest a person without a warrant whenever the Director or the authorized deputy has a reasonable cause to believe that the person arrested has committed an infraction or misdemeanor in his presence which is a violation of The Zoning Ordinance, which he or she has the duty to enforce. An officer or employee making an arrest under the authority of this section shall follow the citation-release procedures prescribed by the California Penal Code, or such procedures hereinafter enacted by the State of California. No agent or deputy shall exercise the power to issue citations authorized above unless such agent or deputy shall first have completed a course of training that meets the minimum standards prescribed by the Commission on Peace Officers Standards and Training as established by Section 832(a) of the Penal Code.
- g. Civil Penalties For Violation of The Zoning Ordinance. As part of a civil action filed by the County to enforce provisions of this Ordinance, a court may assess a maximum civil penalty of \$2500 per violation of The Zoning Ordinance for each day during which any violation of any provision of this Ordinance is committed, continued, permitted or maintained by such person(s). As part of said civil action, a court may also assess a maximum civil penalty of \$6000 for each day any person intentionally violates an injunction prohibiting the violation of any provision of this Ordinance.
- h. Administrative Remedies. In addition to all other legal remedies, criminal or civil, which are available to the County to address any violation of The Zoning Ordinance, the County may use the Administrative Remedies found at Division 8 of Title 1 of the County Code.

- i. Cease and Desist Order. Whenever the Director finds any use regulated by this Ordinance being performed in a manner either contrary to the provisions of this Ordinance or not allowed by this Ordinance, the Director may issue a cease and desist order. The cease and desist order shall be in writing and shall be given to the owner of the property involved, the owner's agent or to the person performing the use. The cease and desist order shall state the reason for the order, the conditions under which the specified use will be allowed to resume or whether the use is not allowed at all. Upon issuance of a cease and desist order, the specified use shall immediately cease. It shall be unlawful for any person to continue a use after having been served with a cease and desist order unless the Director authorizes it in writing.

**Section 37.** Section 8130 of the Zoning Ordinance is amended to read as follows:

8130            PARKING REGULATIONS

- a. Purpose And Intent

The intent of the Fallbrook Village parking regulations is to ensure adequate off-street parking in relation to allowed uses and activities. The regulations are also intended to maintain and enhance existing zero front yard setback development patterns in the traditional downtown commercial district consistent with the Fallbrook Design Guidelines. To achieve this purpose, all of the Village 1 Zone is located in the Fallbrook Special Parking District with provision for meeting parking requirements in shared parking lots.

- b. Parking Requirements

All of the V1 Zone is included in the Fallbrook Special Parking District (see Zoning Ordinance Section 5761).

In the V1 Zone, the number of spaces required by the Parking Schedules in Sections 6758 through 6780 may be reduced up to 25%.

- c. Relationship of Required Parking to Building Site

Required parking and bicycle spaces may be located on the same legal parcel with the use or structure they are intended to serve. The parking requirement may and should preferably be met through participation in a shared parking lot. Parking requirements may be fulfilled on-site or on any other property within 900 feet of the site requiring the parking. Evidence must be provided to the County that parking lot ownership shares have not been previously used or counted to meet the parking requirements for any other existing business. The parking spaces shall be tied to the property receiving the permit using a method acceptable to the Director.

- d. Location of Parking on a Building Site

1. Bicycle Spaces. Bicycle spaces, if provided, shall be located:

- a) At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).

- b) As close to the building entrances as is practical without interfering with pedestrian traffic.
    - c) At ground level.
  - 2. Covered Parking. Covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot. This provision does not apply to any shared parking lot provided pursuant to Section 8130 c. that does not have a building on the same legal parcel.
  - 3. Open Parking. Open parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building. This provision does not apply to any shared parking lot provided pursuant to Section 8130 c. that does not have a building on the same legal parcel.
  - 4. Exceptions. A Use Permit, Variance, or Administrative Permit may specify the location of parking areas and bicycle spaces in locations other than as required by Section 8130.d. 1 – 3 above.
- e. Parking Space Dimensions
- 1. Offstreet Parking Design Manual to Specify. The Offstreet Parking Design Manual adopted pursuant to Section 6793.c shall establish the minimum dimensions for parking spaces. The Director may require larger dimensions if he determines that larger dimensions are needed to provide safe and adequate parking in specific situations.
  - 2. Handicapped Parking. At least one space of the required parking, if any, in any parking area shall be designed for handicapped parking as specified in the Offstreet Parking Design Manual and the Uniform Building Code. Such spaces shall be located as close as possible to the entrance of the use or structure, and shall be reserved and designated for handicapped persons. The total number of required handicapped spaces shall be that specified by the Offstreet Parking Design Manual and the Uniform Building Code.
- f. Design Standards for Offstreet Parking

Parking spaces and areas shall meet the following design and improvement standards:

- 1. Surfacing. All parking spaces or areas, loading spaces and driveways serving them shall be hard surfaced in accordance with the specifications set forth in the Offstreet Parking Design Manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans that accompany Site Plan applications and building construction plans.
- 2. Landscaping. An area at least equal to 5 percent of the area of any parking area shall be landscaped in conformance to the requirements of Paragraph 3) of this Section and Section 6712.
- 3. Offstreet Parking Design Manual. The design, dimensions, construction, landscaping, and surfacing of parking and bicycle spaces, driveways and other



areas shall conform to the requirements of the Offstreet Parking Design Manual. The Director may administratively waive or modify one or more such requirements when practical difficulties make their strict application infeasible, and upon a finding that the waiver or modification is consistent with the purpose and intent of the Offstreet Parking Design Manual and this section.

**Section 38.** Section 8230 of the Zoning Ordinance is amended to read as follows:

8230            PARKING REGULATIONS

a.        Purpose And Intent

The intent of the Fallbrook Village parking regulations is to ensure adequate off-street parking in relation to allowed uses and activities. The regulations are also intended to maintain and enhance existing zero front yard setback development patterns in the traditional downtown commercial district, consistent with the Fallbrook Design Guidelines. To achieve this purpose, all of the Village 2 Zone is located in the Fallbrook Special Parking District with provision for meeting parking requirements in shared parking lots.

b.        Parking Requirements

All of the V2 Zone is included in the Fallbrook Special Parking District (see Zoning Ordinance Section 5761).

In the V2 Zone the number of spaces required by the Parking Schedules in Section 6758 through 6780 may be reduced up to 25%.

c.        Relationship of Required Parking to Building Site

Required parking and bicycle spaces may be located on the same legal parcel with the use or structure they are intended to serve. The parking requirement may and should preferably be met through participation in a shared parking lot. Parking requirements may be fulfilled on-site or on any other property within 600 feet of the site requiring the parking. Evidence must be provided to the County that parking lot ownership shares have not been previously used or counted to meet the parking requirements for any other existing business. The parking spaces shall be tied to the property receiving the permit using a method acceptable to the Director.

d.        Location of Parking On A Building Site

1.        Bicycle Spaces. Bicycle spaces, if provided, shall be located:

- a)        At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).
- b)        As close to the building entrances as is practical without interfering with pedestrian traffic.
- c)        At ground level.

2. Covered Parking. Covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot. This provision does not apply to any shared parking lot provided pursuant to Section 8230 c. that does not have a building on the same legal parcel.
3. Open Parking. Open parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building. This provision does not apply to any shared parking lots provided pursuant to Section 8230 c. that does not have a building on the same legal parcel.
4. Exceptions. A Use Permit, Variance Or Administrative Permit may specify the location of parking areas and bicycle spaces in locations other than as required by Section 8230.d.1 – 3 above.

e. Parking Space Dimensions

1. Offstreet Parking Design Manual to Specify. The Offstreet Parking Design Manual adopted pursuant to Section 6793.c shall establish the minimum dimensions for parking spaces. The Director may require larger dimensions if he determines that larger dimensions are needed to provide safe and adequate parking in specific situations.
2. Handicapped Parking. At least one space of the required parking, if any, in any parking area shall be designed for handicapped parking as specified in the Offstreet Parking Design Manual and the Uniform Building Code. Such spaces shall be located as close as possible to the entrance of the use or structure, and shall be reserved and designated for handicapped persons. The total number of required handicapped spaces shall be that specified by the Offstreet Parking Design Manual and the Uniform Building Code.

f. Design Standards for Off-Street Parking

Parking spaces and areas shall meet the following design and improvement standards:

1. Surfacing. All parking spaces or areas, loading spaces and driveways serving them shall be hard surfaced in accordance with the specifications set forth in the Offstreet Parking Design Manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans which accompany Site Plan applications and building construction plans.
2. Landscaping. An area at least equal to 5 percent of the area of any parking area shall be landscaped in conformance to the requirements of Paragraph 3. of this Section and Section 6712.
3. Offstreet Parking Design Manual. The design, dimensions, construction, landscaping, and surfacing of parking and bicycle spaces, driveways and other areas shall conform to the requirements of the Offstreet Parking Design Manual. The Director may administratively waive or modify one or more such requirements when practical difficulties make their strict application infeasible, and upon a finding that the waiver or modification is consistent with the purpose and intent of the Offstreet Parking Design Manual and this section.

**Section 39.** Section 8330 of the Zoning Ordinance is amended to read as follows:

8330            PARKING REGULATIONS

a.        Purpose and Intent

The intent of the Fallbrook Village parking regulations is to ensure adequate off-street parking in relation to allowed uses and activities. The regulations are also intended to maintain and enhance existing zero front yard setback development patterns in the traditional commercial district consistent with the Fallbrook Design Guidelines. To achieve this purpose, a portion of the Village 3 Zone is located in the Fallbrook Special Parking District and all of the Village 3 Zone provides for reduced parking requirements with provision for meeting parking requirements in shared parking lots.

b.        Parking Requirements

The portion of the V3 Zone specified in Section 5761.b.1 is included in the Fallbrook Special Parking District (see Zoning Ordinance Section 5761).

In the V3 Zone, the number of spaces required by the Parking Schedules in Sections 6758 through 6780 may be reduced up to 25%.

c.        Relationship of Required Parking to Building Site

Required parking and bicycle spaces may be located on the same legal parcel with the use or structure they are intended to serve. The parking requirement may and should preferably be met through participation in a shared parking lot. Parking requirements may be fulfilled on-site or on any other property within 600 feet of the site requiring the parking. Evidence must be provided to the County that parking lot ownership shares have not been previously used or counted to meet the parking requirements for any other existing business. The parking spaces shall be tied to the property receiving the permit using a method acceptable to the Director.

d.        Location of Parking On A Building Site

1.        Bicycle Spaces. Bicycle spaces, if provided, shall be located:

- a)        At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).
- b)        As close to the building entrance as is practical without interfering with pedestrian traffic.
- c)        At ground level.

2.        Covered Parking. Covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot. This provision does not apply to any shared parking lot provided pursuant to Section 8330 c. above that does not have a building on the same legal parcel.

3. Open Parking. Open parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building. This provision does not apply to any shared parking lot provided pursuant to Section 8330 c. above that does not have a building on the same legal parcel.
4. Exceptions. A use permit, variance or administrative permit may specify the location of parking areas and bicycle spaces in locations other than a required by Section 8330 d. 1 – 3.

e. Parking Space Dimensions

1. Offstreet Parking Design Manual to Specify. The design manual adopted pursuant to Section 6793.c shall establish the minimum dimensions for parking spaces. The Director may require larger dimensions if he determines that larger dimensions are needed to provide safe and adequate parking in specific situations.
2. Handicapped Parking. At least one space of the required parking, if any, in any parking area shall be designed for handicapped parking as specified in the Offstreet Parking Design Manual and the Uniform Building Code. Such spaces shall be located as close as possible to the entrance of the use or structure, and shall be reserved and designated for handicapped persons. The total number of required handicapped spaces shall be that specified by the Offstreet Parking Design Manual.

f. Design Standards for Off-Street Parking

Parking spaces and areas shall meet the following design and improvement standards:

1. Surfacing. All parking spaces or areas, loading spaces and driveways serving them shall be hard surfaced in accordance with the specifications set forth in the design manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans which accompany site plan applications and building construction plans.
2. Landscaping. An area at least equal to 5 percent of the area of any parking area shall be landscaped in conformance to the requirements of Paragraph 3 of this Section and Section 6712.
3. Offstreet Parking Design Manual. The design, dimensions, construction, landscaping, and surfacing of parking and bicycle spaces, driveways and other areas shall conform to the requirements of the Offstreet Parking Design Manual. The Director may administratively waive or modify one or more such requirements when practical difficulties make their strict application infeasible, and upon a finding that the waiver or modification is consistent with the purpose and intent of the Offstreet Parking Design Manual and this section.

**Section 40.** Section 8430 of the Zoning Ordinance is amended to read as follows:

a. Purpose and Intent

The intent of the Fallbrook Village parking regulations is to ensure adequate off-street parking in relation to allowed uses and activities. The regulations are also intended to maintain and enhance existing zero front yard setback development patterns in the traditional commercial district consistent with the Fallbrook Design Guidelines. To achieve this purpose, all of the Village 4 Zone provides for reduced parking requirements with provision for meeting parking requirements in shared parking lots.

b. Parking Requirements

In the V4 Zone, the number of spaces required by the Parking Schedules in Sections 6758 through 6780 may be reduced up to 25%.

c. Relationship of Required Parking to Building Site

Required parking and bicycle spaces may be located on the same legal parcel with the use or structure they are intended to serve. For any property in the V4 Zone, the parking requirement may and should preferably be met through participation in a shared parking lot. Parking requirements may be fulfilled on-site or on any other property within 600 feet of the site requiring the parking. Evidence must be provided to the County that parking lot ownership shares have not been previously used or counted to meet the parking requirements for any other existing business. The parking spaces shall be tied to the property receiving the permit using a method acceptable to the Director.

d. Location of Parking On A Building Site

1. Bicycle Spaces. Bicycle spaces, if provided, shall be located:
  - a) At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).
  - b) As close to the building entrance as is practical without interfering with pedestrian traffic.
  - c) At ground level.
2. Covered Parking. Covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot. This provision does not apply to any shared parking lot provided pursuant to Section 8430 c. above that does not have a building on the same legal parcel.
3. Open Parking. Open parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building. This provision does not apply to any shared parking lot provided pursuant to Section 8430 c. above that does not have a building on the same legal parcel.
4. Exceptions. A use permit, variance or administrative permit may specify the location of parking areas and bicycle spaces in locations other than a required by Section 8430 d. 1 – 3.

e. Parking Space Dimensions

1. OffStreet Parking Design Manual to Specify. The Offstreet Parking Design Manual adopted pursuant to Section 6793.c shall establish the minimum dimensions for parking spaces. The Director may require larger dimensions if he determines that larger dimensions are needed to provide safe and adequate parking in specific situations.
2. Handicapped Parking. At least one space of the required parking, if any, in any parking area shall be designed for handicapped parking as specified in the Offstreet Parking Design Manual and the Uniform Building Code. Such spaces shall be located as close as possible to the entrance of the use or structure, and shall be reserved and designated for handicapped persons. The total number of required handicapped spaces shall be that specified by the Offstreet Parking Design Manual and the Uniform Building Code.

f. Design Standards for Offstreet Parking

Parking spaces and areas shall meet the following design and improvement standards:

1. Surfacing. All parking spaces or areas, loading spaces and driveways serving them shall be hard surfaced in accordance with the specifications set forth in the Offstreet Parking Design Manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans that accompany Site Plan applications and building construction plans.
2. Landscaping. An area at least equal to 5 percent of the area of any parking area shall be landscaped in conformance to the requirements of Paragraph 3) of this Section and Section 6712.
3. Offstreet Parking Design Manual. The design, dimensions, construction, landscaping, and surfacing of parking and bicycle spaces, driveways and other areas shall conform to the requirements of the Offstreet Parking Design Manual. The Director may administratively waive or modify one or more such requirements when practical difficulties make their strict application infeasible, and upon a finding that the waiver or modification is consistent with the purpose and intent of the Offstreet Parking Design Manual and this section.

**Section 41.** Section 8530 of the Zoning Ordinance is amended to read as follows:

8530 PARKING REGULATIONS

a. Purpose and Intent

The intent of the Fallbrook Village parking regulations is to ensure adequate off-street parking in relation to allowed uses and activities. The regulations are also intended to maintain and enhance compatibility with the adjacent residential uses consistent with the Fallbrook Design Guidelines. To achieve this purpose, all of the Village 5 Zone provides for reduced parking requirements with provision for meeting parking requirements in shared parking lots.

b. Parking Requirements

In the V5 Zone, the number of spaces required by the Parking Schedules in Sections 6758 through 6780 may be reduced up to 25%.

c. Relationship of Required Parking to Building Site

Required parking and bicycle spaces may be located on the same legal parcel with the use or structure they are intended to serve. For any property in the V5 Zone, the parking requirement may and should preferably be met through participation in a shared parking lot. Parking requirements may be fulfilled on-site or on any other property within 600 feet of the site requiring the parking. Evidence must be provided to the County that parking lot ownership shares have not been previously used or counted to meet the parking requirements for any other existing business. The parking spaces shall be tied to the property receiving the permit using a method acceptable to the Director.

d. Location of Parking on a Building Site

1. Bicycle Spaces. Bicycle spaces, if provided, shall be located:
  - a) At least as close and accessible to the use or building served as is the most convenient motor vehicle parking (other than handicapped parking).
  - b) As close to the building entrances as is practical without interfering with pedestrian traffic.
  - c) At ground level.
2. Covered Parking. Covered or enclosed parking spaces shall be outside the ultimate right-of-way of any street and shall be located in the rear half of the lot. This provision does not apply to any shared parking lot provided pursuant to Section 8530.c above that does not have a building on the same legal parcel.
3. Open Parking. Open parking spaces shall be outside the ultimate right-of-way of any street and shall be located generally behind a building. This provision does not apply to any shared parking lot provided pursuant to Section 8530.c above that does not have a building on the same legal parcel.
4. Exceptions. A Use Permit, Variance, or Administrative Permit may specify the location of parking areas and bicycle spaces in locations other than as required by Section 8530.d. 1 – 3 above.

e. Parking Space Dimensions

1. OffStreet Parking Design Manual to Specify. The Offstreet Parking Design Manual adopted pursuant to Section 6793.c shall establish the minimum dimensions for parking spaces. The Director may require larger dimensions if he determines that larger dimensions are needed to provide safe and adequate parking in specific situations.

2. Handicapped Parking. At least one space of the required parking, if any, in any parking area shall be designed for handicapped parking as specified in the Offstreet Parking Design Manual and the Uniform Building Code. Such spaces shall be located as close as possible to the entrance of the use or structure, and shall be reserved and designated for handicapped persons. The total number of required handicapped spaces shall be that specified by the Offstreet Parking Design Manual and the Uniform Building Code.

f. Design Standards for Offstreet Parking

Parking spaces and areas shall meet the following design and improvement standards:

1. Surfacing. All parking spaces or areas, loading spaces and driveways serving them shall be hard surfaced in accordance with the specifications set forth in the Offstreet Parking Design Manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans that accompany site plan applications and building construction plans.
2. Landscaping. An area at least equal to 5 percent of the area of any parking area shall be landscaped in conformance to the requirements of Paragraph 3) of this Section and Section 6712.
3. Offstreet Parking Design Manual. The design, dimensions, construction, landscaping, and surfacing of parking and bicycle spaces, driveways and other areas shall conform to the requirements of the Offstreet Parking Design Manual. The Director may administratively waive or modify one or more such requirements when practical difficulties make their strict application infeasible, and upon a finding that the waiver or modification is consistent with the purpose and intent of the Offstreet Parking Design Manual and this section.

**Section 42.** This ordinance shall be implemented on November 26, 2012.

**Section 43.** This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it 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 25<sup>th</sup> day of September, 2012.