

# **Attachment B**

## **Responses to Issues Identified by the Board**

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# Table of Contents

Preface ..... ii

## Density Reduction Related Issues

1. Purchase of Agricultural Conservation Easements (PACE) Program ..... 1  
2. Transfer of Development Rights (TDR) Program ..... 4  
3. Focused Williamson Act Program Concept ..... 7  
4. Fiscal and Lending Impacts ..... 10  
5. Groundwater Study, Water Supply, and Water Quality ..... 19  
6. Consideration of Fire Risk ..... 26  
7. Supplemental GIS Analysis for Existing Parcelization ..... 32

## Content Specific Issues

8. Flexibility of Policy Language ..... 43  
9. Future General Plan Amendments (GPAs) ..... 47  
10. Specific Plan Areas ..... 50  
11. Special Study Areas ..... 53  
12. Residential Density Determination ..... 59  
13. Fire Response/Travel Time Standards ..... 62  
14. Acceptable Level of Service for Roads ..... 65  
15. Road 3A - Valley Center ..... 73

## Future Development and Conservation Related Issues

16. Deference to Community Plans ..... 77  
17. Conservation Subdivisions - Avoidance Requirements ..... 80  
18. Conservation Subdivisions - Multi-Family Building Allowance ..... 84  
19. Conservation Subdivisions - Design ..... 86  
20. Groundwater Ordinance Lot Size Reductions ..... 88  
21. Alternative Septic Systems ..... 91  
22. Open Space Lands Maintenance ..... 95

## Other Identified Issues

23. Community Planning & Sponsor Group Positions ..... 99  
24. Climate Change ..... 108  
25. Impacts to Unrecorded Subdivision Maps ..... 112  
26. Removal of Agricultural Preserve Designators ..... 116  
27. Mapping Clean-up Process ..... 118

## Appendices

A. Purchase of Agricultural Conservation Easements (PACE) Program  
B. Transfer of Development Rights (TDR) Program  
C. KMA Fiscal Impacts Responses  
D. Conservation Subdivision Program  
E. Unrecorded Subdivisions Review

## **Preface**

This document contains draft responses to 27 issues specifically identified for follow up by the Board of Supervisors during hearings on the General Plan Update in October, November, and December 2010. Due to the complexity of a number of these issues, this document focuses on responding to the specific concerns that were raised. In many cases additional information on these issues is available in other General Plan Update documents or from other references. In these cases, references are made to additional sources of information.

The Board also requested that staff review all requests on specific properties that were made during testimony. Analysis of individual properties is included in a separate document (Attachment C).

It is expected that the Board will use the information in this document in determining whether or not to recommend modifications to the General Plan Update. Therefore, for each issue in this document where this is applicable, a section is provided that generally discusses the process that would be necessary to accommodate changes and other considerations.

# **1. Purchase of Agricultural Conservation Easement (PACE) Program**

## **Statement of Issue**

During Board hearings on the General Plan Update, a Purchase of Agricultural Easement (PACE) program was noted by many as an important addition to the project because not only would it promote the preservation of agricultural land but it would also provides an opportunity for farmers potentially negatively impacted by the Update to extract value from their land without altering its current use. Although already under development, details on the PACE program were not available at the time of the hearings and concern was raised about funding. Additional information was requested on the possible funding sources for the program and greater details on program implementation.

## **History**

The County of San Diego is committed to supporting farming in the region as a major contributor to the economy, a central element of its character, and the livelihood of many of its residents. PACE programs have been used successfully in recent years throughout the State and nation as mechanisms to preserve agriculture. Therefore, as the County sought additional programs to support local agriculture, a PACE program was identified as a possible approach. As part of the General Plan Update, PACE programs also entered the discussion as a mechanism of preserving agricultural land in cases where the agricultural operations that may be negatively impacted by the Update.

The PACE program has been discussed as part of the General Plan Update since early in the process with the Interest Group and Steering Committee stakeholder groups. In December of 2003 the Farm Bureau presented a concept to the Interest Group whereby property owners would receive compensation for voluntarily agreeing to place a restrictive development easement on their property. Over the course of a series of Interest Group meetings the concept was further developed as a Purchase of Development Rights (PDR) program for agricultural lands. The PDR program concept evolved into the PACE program, which has emerged as a key component of the General Plan Update in recent months.

## **Program Summary**

The attached draft PACE Program Guidelines detail the proposed framework of the program and outline a proposed implementation strategy. The program is based on the framework of a PDR program and other PACE programs in effect throughout the State and nation. Under the PACE program participating agricultural property owners are compensated in exchange for granting a perpetual easement on their agricultural property that limits future uses to agriculture and extinguishes future development potential. Because the program is primarily intended as an equity mechanism for farmers affected by the General Plan Update, program eligibility is proposed to be limited to property owners who receive density reductions under the General Plan Update, whose land is actively farmed or ranched for a minimum of two years prior to approval of the General Plan Update, and whose properties could be subdivided under the existing general plan. The provision for the land to be in active agriculture for a minimum of two years relates to the viability of farming on the land because the primary purpose of the PACE program is to preserve agricultural operations in the County.

Staff has developed ranking criteria to determine which properties are priorities for easement acquisition. Properties which experience the greatest density loss and face the most development pressure will be targeted for acquisition first. Two valuation systems are described in the program based on consultation with Keyser Marston Associates and a review of other PACE programs to determine the value of the easements. In the case of smaller properties (under 50 acres), where property specific appraisals are not cost effective, a point system valuation is proposed. Under the point system, dollar amounts are assigned for each point to determine the overall easement value. On larger properties (50 acres and larger) a traditional appraisal process is proposed and the easement value will be the difference between the property's fair market value and restricted value.

Staff is proposing multiple sources of funding to support the PACE program. An allocation of County funds is proposed to be utilized to support acquisitions, leverage outside funding sources and administer the program. While a number of outside funding sources exist, each source has limitations. In many cases funding is awarded on a competitive basis and larger farms with prime soils hold a competitive edge. In other cases a biological protection nexus is needed to leverage funding. In addition, biological funding sources typically restrict the types of crops that may be grown as a condition of funding.

The PACE program would be administered by the County of San Diego and overseen by an advisory committee. The program as proposed has been developed to be initially implemented on a limited or "pilot" scale, with an initial acquisition goal of 10 properties or approximately 450-500 acres. At the conclusion of the initial acquisition phase, program staff in conjunction with the advisory committee would prepare a review and recommendation report for the Board of Supervisors detailing program demand, success in securing outside funding and include a long term funding and implementation strategy. Recommendations may include revisions to the ranking criteria and valuation methods, as well as modification to the eligibility requirements. It is anticipated that the recommendation report will be submitted to the Board of Supervisors within 18 months of the program's inception.

The proposed draft PACE Program Guidelines are provided in Appendix A of this report for further review and include additional program details including a sample application, ranking criteria, appraisal guidelines, and sample easement contract. These Guidelines are based on a review of other PACE programs and consultation with American Farmland Trust, Keyser Marston Associates, and a number of other appraisal and land preservation specialists.

### **Options for Modification by Board**

The PACE program is identified in the General Plan Update EIR as a mitigation measure and as an implementation action in the General Plan Update Implementation Plan. It also supports proposed General Plan Update policies related to sustaining agriculture in the region. However, these references to the program are general which provides the Board with significant flexibility in shaping how the program would be implemented. The PACE program will require approval by the Board and is therefore subject to review pursuant to the California Environmental Quality Act. As currently proposed, the program is not anticipated to result in any additional significant environmental impacts and, as proposed, has been considered in the General Plan Update EIR. Any modifications to the program would require similar analysis but it is unlikely that those modifications would result in additional significant environmental impacts if they are logistical in nature or follow the general approach of the proposed program.

## **Fiscal Impacts**

Fiscal impacts associated with implementing the PACE program are discussed in the program description contained in Appendix A of this report. Multiple sources of funding including County funds are recommended to support a PACE program administration and easement acquisition.

## **Additional Information**

Additional information is provided in Appendix A of this report. For more background information refer to Interest Group and Steering Committee meeting minutes, available on the General Plan Update website at: <http://www.sdcountry.ca.gov/dplu/gpupdate/committees.html>, and the County's Farming Program Plan available at <http://www.co.san-diego.ca.us/awm/farmingprogram.html>.

## 2. Transfer of Development Rights Program

### Statement of Issue

Staff was requested by the Board of Supervisors to provide additional information on the Transfer of Development Rights (TDR) program which is recommended by the Planning Commission to be adopted as a component of the General Plan Update.

### Background

On April 16, 2010, at the hearing on the General Plan Update, the Planning Commission directed staff to develop a conceptual Transfer of Development Rights program that would be presented to the Board of Supervisors along with the General Plan Update. The Planning Commission also recommended a series of criteria to guide development of the concept and directed that staff return to the Planning Commission prior to the Board of Supervisors hearing. Public workshops were held on Friday, May 7, 2010, and Friday, June 18, 2010, to solicit public input on the formulation of a TDR program. Based on the feedback obtained from those workshops, the Department of Planning and Land Use crafted a working concept of a TDR program that was presented to the Planning Commission on July 9, 2010. At that hearing, the Planning Commission heard additional testimony, deliberated, and took action to:

1. Recommend that staff develop a conceptual TDR program and present it along with the General Plan Update to the Board of Supervisors for consideration in the Fall of 2010.
2. Recommend that the following criteria guide development of the TDR program:
  - a. No modifications to the PC-recommended General Plan Update densities are proposed.
  - b. General Plan Update density reductions will not be voluntary.
  - c. Property owners can choose whether or not, when, and how they wish to sell their transferable rights.
  - d. Purchase of TDRs will not be required to achieve General Plan Update densities.
  - e. Amend County policies to ensure that purchase of TDRs be considered for future General Plan Amendments.
  - f. Upon approval of the General Plan Update, direct staff to initiate work with the communities of Campo and Borrego for continued refinement of their community land use plans with particular attention to TDRs. Staff is also recommended to solicit interest from all communities for the development of possible receiving sites. It is recommended that this be done on an ongoing (annual) basis.
  - g. Incorporate, where feasible, the purchase of TDRs into the Purchase of Agricultural Conservation Easement (PACE) program.
  - h. Report annually on development under the General Plan Update and the shortfall of any projected units due to underdeveloped projects, land acquisitions, or other relevant actions.
  - i. Transferable rights will be determined using a formula an exhibit that assigns a unit per acre factor based the difference between existing and proposed General Plan designations and constraints that commonly impact development yield. (See Attachment B.3 of the TDR Program, which is included as Appendix B)
  - j. The County will allow the market to dictate price.



- k. Implementation of the TDR program would be accomplished by zoning ordinance amendments. (See Attachments B.1 and B.2 of the TDR Program, Appendix B).

The Department of Planning and Land Use recommends against inclusion of a Transfer of Development Rights program with the General Plan Update because it is not required by law, undermines the legal authority of the County of San Diego, suggests to property owners that they are entitled to compensation for the County's legal exercise of planning responsibility, and potentially opens the County to additional legal and fiscal liability. However, the Planning Commission recommended development of the program and therefore the Department has responded to this request with a program that it believes best responds to the various commenters, fits within the framework of the General Plan Update, and minimizes costs to the County and parties involved with transfers.

### **What is a Transfer of Development Rights (TDR)?**

Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) are planning techniques traditionally developed to protect open space through acquisition of the development rights of land. Both are based on the idea that land ownership involves a bundle of rights (e.g. surface rights, air rights, mineral rights, development rights, etc.) and that these rights can be separated and sold individually. TDR and PDR are typically incentive-based programs that allow property owners to separate and sell the development rights for their property from the bundle of property ownership rights they retain.

TDR is the sale of one parcel's development rights (sending parcel) to the owner of another parcel (receiving parcel), which allows more development on the receiving parcel while reducing or preventing development on the donor parcel. Under such a program, development rights are severed from the property designated for protection, and the severed rights are transferred to a property in an area where additional development is permitted (receiving area).

The concept behind the Planning Commission recommended TDR is that the reduced density for downzoned properties becomes a tradable commodity rather than completely being extinguished. The TDR provides the property owner with the opportunity to receive some compensation for loss of density. They can mainly do this by selling the credit to developers trying to obtain densities higher than what is on the General Plan. This differs from the traditional voluntary TDR. In the case of the General Plan Update, a traditional voluntary TDR concept would be an alternative to changing land use designations, by allowing a property owner in a designated sending area the choice to sell its "loss of development rights" to a willing purchaser who could use these rights to increase development rights on another parcel of land in a designated receiving area. A review of traditional voluntary TDRs indicates that they have limited success because there is little motivation for sellers to dispose of their development rights.

### **Options for Modification by Board**

Adoption of a traditional voluntary TDR program as described above would require that the Board cease work on the General Plan Update, potentially modify the project objective, complete the TDR framework and implementation plan, and then revise the draft Environmental Impact Report to address the project modifications.

With regard to the TDR recommended by the Planning Commission, the Board could direct staff to begin implementation of this program because it does not specify the location of receiving areas. As receiving areas are developed, additional analysis would be required and general plan amendments would be required to adopt the receiving areas.

The TDR program is not required by law and is not mentioned in any other General Plan Update project documents. Therefore, the Board has substantial discretion in implementing or not implementing the program and in the details to the program implementation. The program will require discretionary approval by the Board and as the result requires compliance with the California Environmental Quality Act. As recommended by the Planning Commission, the program is anticipated to result in additional significant environmental impacts. However, identification of such impacts would require that the receiving areas be identified and because they have not, any analysis would be speculative. Therefore, it is possible that the program could be covered by the General Plan Update EIR but further evaluation of this approach is recommended should the Board wish to implement the program. Modifications to the program should be evaluated similarly to determine if additional significant environmental impacts could occur. One change to the current proposal that may increase the possibility of additional significant environmental impacts would be the identification of specific receiving sites.

### **Fiscal Impacts**

There is no fiscal impact to the County from not implementing the TDR program. If a TDR program is implemented it will require staffing to administer the program. The level of staff will depend on the complexity of the program. The draft program that is currently included in the General Plan Update report was developed with a goal of minimizing staffing needs. Additional staff positions may not be necessary as the various administrative tasks needed to implement the program may be spread across existing staff. Funding for this staff support could be provided through fees associated with transfers and is the current recommendation for funding the program. While the program has the potential to be fee supported, it should be noted that the use of fees may discourage some property owners from participating in the program.

It should also be noted that implementation of the TDR program has potential secondary fiscal impacts to the County. One drawback of the program that is noted in staff's analysis is the likelihood of legal challenges. A review of other TDR program has shown that even the most successful programs across the nation have been subject to a number of legal challenges. While many of these program where upheld, it was not without significant legal costs to the implementing authority.

### **Additional Information**

Additional information is provided in Appendix B of this report.

### 3. Focused Williamson Act Program Concept

#### Statement of Issue

Staff was asked to research the potential of creating a “mini” or focused Williamson Act program for the County of San Diego. The intent of the program would be to preserve agriculture in the County. A focused program could be an additional tool to support and preserve agriculture that may be negatively impacted by the General Plan Update.

#### Discussion

What is the California Land Conservation (Williamson) Act? - The California Land Conservation Act, better known as the Williamson Act, has been the State’s primary agricultural land protection program since its enactment in 1965. More than 16 million of the State’s 30 million acres of farm and ranch land are currently protected under the Williamson Act. The California Legislature passed the Williamson Act to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. The Williamson Act creates an arrangement whereby private landowners contract with counties and cities to voluntarily restrict their land to agricultural and compatible open-space uses. The vehicle for these agreements is a rolling term 10-year contract, which means that unless either party files a "notice of nonrenewal," the contract is automatically renewed for an additional term. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their current use, rather than potential market value. Implementation of the Williamson Act is subject to the discretion of the local land use authority. Should the jurisdiction chose to participate, it must designate lands eligible for contracts as Agricultural Preserves.

What is the current status of the Williamson Act in San Diego County? – The County of San Diego has participated in the implementation of the Williamson Act for several decades. County Board Policy I-38 (Agricultural Preserves) provides the County’s policies for local implementation of the Williamson Act. Currently there are approximately 61,009 acres under Williamson Act contracts in the unincorporated County. Under the Williamson Act, counties are to be partially reimbursed for the loss of property tax through payments from the State known as subvention payments. Historically, the State budgeted approximately \$38 million annually for subvention payments to county governments. On July 28, 2009 (ABX4 1), Governor Schwarzenegger reduced the Williamson Act subvention payment budget to \$1,000 statewide, effectively suspending subvention payments to counties. In response to the State’s dramatic reduction in subvention payments which adversely affects the revenues realized by counties, several counties have suspended their Williamson Act programs and at least one has eliminated their program all together. It should be noted that newly elected Governor Brown recently announced a proposal to eliminate State funding of the Williamson Act program entirely. Many counties had taken a “wait and see” approach hoping that the State might restore funding to the program. Given this announcement by Brown, it is likely that more counties will consider actions to suspend or eliminate their programs.

As a result of Governor Schwarzenegger’s actions, the San Diego County Board of Supervisors adopted a resolution on September 28, 2010, (17) authorizing the temporary suspension of the County’s Williamson Act program (Board Policy I-38) until September 28, 2015. The suspension prevents the County from establishing new preserves or entering into new contracts. In authorizing the suspension the County considered that a limited number of contracts had been requested in recent years and the short-term

reduction of development pressures resulting from the struggling economy and housing market. Under this suspension, existing contracts continue to automatically renew unless a notice of nonrenewal is filed.

Could the Williamson Act be an additional mechanism to support agricultural operations that are potentially negatively impacted by the General Plan Update? - Yes. The preservation of agriculture is a goal of the County and is consistent with the General Plan Update. The Williamson Act creates an arrangement whereby private landowners contract with the County to voluntarily restrict their land to agricultural and compatible open-space uses. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value. The California Department of Conservation reports that property owners who entered into Williamson Act contracts realized a reduction in property tax liability ranging from 20 percent to 75 percent depending on the value of the property and its normal taxable amount accounting for Proposition 13.

Can the County create a focused Williamson Act program? – The County is not able to create additional tax incentives beyond what is authorized in the State’s Revenue and Tax Code. Therefore, the County could not create a local program entirely separate from the Williamson Act that functions in the same way. However, the County could create a focused Williamson Act program based on the existing regulations and target the program towards agricultural operations potentially impacted by the General Plan Update.

How would a focused Williamson Act program work? - In order to establish a focused Williamson Act program the Board of Supervisors would need to adopt a resolution amending Board Policy I-38 (Agricultural Preserves) removing the temporary suspension and authorizing the County to enter into Williamson Act contracts and create Agricultural Preserves. The Board could further direct that the County only enter into Williamson Act contracts with agricultural property owners who (i) have received density reductions under the General Plan Update, (ii) have viable subdivision potential under the current General Plan, (iii) are 10 acres or larger in size, and (iv) are currently in agricultural production. It is estimated that approximately 72,000 acres of land meet these criteria. In many cases, the County may need to create Agricultural Preserves that coincide with the noted criteria as a precursor to entering into Williamson Act contracts. Participation in the focused Williamson Act program would be voluntary for the property owners. Those property owners who meet the program criteria and wish to reduce their property taxes in exchange for temporary land use restrictions could enter into contracts.

Would a focused Williamson Act program impact taxes? - Properties that enroll in the program will receive a reduction in assessed value of land and therefore reduce tax revenues to not only the County but other local districts such as school and fire. The Auditor and Controller will be required (in accordance with Board Policy I-38 ) to conduct and submit a study to the Board of Supervisors on the potential tax revenue impact of the establishment of any Agricultural Preserve needed to serve the program.

Are there alternative approaches to the focused Williamson Act programs available? - The Williamson Act creates what is traditionally referred to as a “term easement.” Under the program, a property owner receives compensation (property tax reductions) in exchange for restricting land use for a specified term (ten years). While tax incentives have been the traditional method of compensating property owners in California, other states such as Massachusetts have provided monetary compensation in exchange for entering into a term easement agreement. The amount of monetary compensation provided increases in

correlation to the amount of land protected as well as the term of the restriction. Providing direct compensation for term easements is similar in concept to the Purchase of Agricultural Conservation Easements (PACE) program under development by the County except that the easements are for a specified term rather than in perpetuity. As a result, the amount of compensation provided for the easement is less. Use of term easements is an option for the County's PACE program.

### **Options for Modification by Board**

Staff currently does not have direction to implement a focused Williamson Act program. It is at the Board's discretion whether or not to direct staff to implement it. The Board also has the discretion to modify or tailor this program within the framework of State law. Consideration should be given to the fiscal impacts to the County and other tax supported agencies. Should the Board wish to pursue this program, it is recommended that the Board direct staff to prepare the Board Policy I-38 (Agriculture Preserves) revisions and other documents necessary to implement the program and coordinate with the Assessor to evaluate the fiscal impacts of its implementation.

### **Fiscal Impacts**

The fiscal impacts to the County are two-fold consisting of program administration costs and tax revenue impacts. Prior to the temporary suspension of the County's Williamson Act program, its administration was funded by fees and the County. The process of establishing and disestablishing preserves was funded by fees paid by the property owner. The process of executing the contracts and adjusting taxes was funded by the County. Temporary suspension of the program did not result in any changes in staffing because of the low amount of activity in the program during recent years. Should a focused program be implemented, staffing and funding demands will depend on the level of interest that the program receives. It is anticipated that the program could be initiated without requiring additional staffing and funding beyond what is currently budgeted; however, if the program receives strong interest, additional staffing and funding may need to be allocated.

On the tax revenue side, the County will receive less property tax revenue when property owners enter into contracts. There are countless variables that affect what the quantity of the reduction might be for a given property. As stated previously, historically property owners that have entered into contracts have seen 20%-75% reduction in their taxes. The County only receives a fraction of what property owners pay in property taxes (the State and other agencies like school and fire districts receive the rest); however, whatever the County does receive will be reduced proportionally to the reduction received by the property owner.

### **Additional Information**

For additional information refer to Board Policy I-38 (<http://www.sdcounty.ca.gov/cob/docs/policy/I-38.pdf>) and State law – the Williamson Act (<http://www.consrv.ca.gov/dlrp/lca/Pages/Index.aspx>).

## 4. Fiscal and Lending Impacts

### Statement of Issue

During the course of the General Plan Update there have been a number of comments expressing concern that the Update would result in substantial negative economic impacts, including claims of up to 90% reduction in property value, as a result of the reduced densities that are proposed. However, analysis prepared by government and real estate financial specialist Keyser Marston Associates (KMA), Inc., under contract to the county as well as additional information from the San Diego Association of Governments (SANDAG), suggest that the impact on property value on a regional basis will be minimal. After releasing the KMA analysis and associated information in October 2010 a number of comments were received concerning their analysis and findings. These comments also extended to SANDAG information that some of the analysis was based on. Staff was requested to coordinate with KMA and SANDAG to respond to these comments. In addition, this section also discusses the potential for impacts to lending that relies on affected properties for collateral since this is another concern that has been raised.

### Discussion

The most recent comments were submitted from various parties as verbal testimony or presentations at the Board hearing from October to December 2010 on the General Plan Update and in correspondence during that time. The most substantive of those came from written documents from Rea & Parker Research/Barnett Consulting (R&P/B) and Development Planning & Financing Group, Inc (DPFG). Verbal testimony similar in nature to these commenters was also provided by The London Group and various individuals. KMA has prepared detailed responses to the comments in the documents submitted by R&P/B and DPFG that are included in Appendix C. A summary of the comments and responses is provided in the tables below.

#### **KMA Responses to Rea and Parker / Barnett Consulting Comments: Property Value Study**

Summary of Comment	Summary of Response
1) Ten years of property sales data should be used in the analysis rather than the five years that KMA used.	KMA disagrees with this comment. In response, KMA ran an analysis using ten years of sales data and the overall conclusion was the same. Further, five years of sales data captures both up and down markets and better reflects land values under current regulatory constraints on development. Land value relationships can evolve and change so KMA wanted to avoid looking back over an extended period of time, therefore five years was most appropriate.
2) “Zoned units”, the density applied by General Plan and Zoning designations, should be the key variable used in the analysis rather than effective “buildable units,” which accounts for constraints and estimates how many units could be built on an individual property.	KMA disagrees. “Buildable units” is designed to capture the total regulatory constraint on development. The actual number of units that could be built would be the basis for pricing to the extent the development potential of the land is a consideration in a land sale transaction. Zoning designation does not capture the real development potential of the properties because it omits key constraints such as steep slopes, road access, and the Forest Conservation Initiative. In addition, nearly all the sales in the areas that would be down-zoned have the same zoning, which effectively renders zoning designation data ineffectual for purposes of the analysis.

<p>3) R&amp;P/B proposed an alternate property value analysis which concluded that in the following sub regions there was a loss in property value:  Eastern Unincorporated Area: \$40,850 loss in property values for each zoned unit  Desert: \$3,500 loss in property value for each zoned unit</p>	<p><b>KMA concludes R&amp;P/B supporting technical analysis contains serious flaws:</b></p> <ul style="list-style-type: none"> <li>• Sales in up-zoned / unaffected areas are included and therefore it is not relevant to the land value relationships specific to the down-zoned areas.</li> <li>• The analysis fails to control for any potential confounding factors such as time of sale, parcel size, or location by planning area.</li> <li>• The analysis fails to meet standard requirements of a reliable regression analysis.</li> <li>• The analysis looks at price differential between zoning but 97% of the sales data in down-zoned area analyzed have the same zoning. Therefore, the results depend on an insufficient data set of just 3% of the data.</li> <li>•</li> </ul> <p><b>KMA concludes R&amp;P/B results fail basic reasonableness test:</b></p> <ul style="list-style-type: none"> <li>• The analysis completed for the eastern unincorporated area result effectively assigns approximately 90% of land value to speculative potential for residential development without any supporting data. Only about 10% of land value is attributed to the actual uses of these properties today such as for farming and ranching.</li> <li>• In the eastern unincorporated area the statistical analysis explains only 10% of the variation in the data, the remainder is assumed without any supporting data.</li> <li>• The analysis R&amp;P/B conducted in the desert area effectively assigns 56% of land value in down-zoned areas to speculative residential development potential and the statistical analysis explaining only 4% of variation in the data.</li> <li>•</li> </ul>
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**KMA Responses to DPFPG Comments: Property Value Study**

Summary of Comment	Summary of Response
<p>1) Areas in the path of growth may be more likely to experience an impact.</p>	<p>KMA shared this concern and therefore designed the analysis specifically to understand and address this possibility by dividing the unincorporated areas of the County into four areas for analysis.</p>
<p>2) Economic / other drivers in the San Diego region make additional residential development likely on a regional basis.</p>	<p>KMA agrees with the general statements, but this is not informative relative to property value impacts from the proposed down-zoning in the specific subset of unincorporated areas.</p>
<p>3) Sales comparison approach may be unreliable.</p>	<p>KMA did not use the sales comparison approach.</p>
<p>4) DPFPG suggests the “Land residual analysis” might have yielded a different conclusion, based on two points:  1. This result is commonly used in residential land valuation methodology,</p>	<p>KMA did not employ land residual analysis due to technical issues associated with application of that approach in this instance.  1. Land residual analysis would not necessarily detect impacts to detect land values if residential development is not feasible at the time of the sale. Additionally, the analysis would need</p>

and, 2. DPFPG provided a Hypothetical illustration of land residual analysis / impact of density differential.	specific hypothetical assumptions, such as pricing, costs and infrastructure, which are difficult in this state of the market.  2. The generic example provided, using densities of 14-5 dwelling units per acre, is not representative of the areas proposed for down-zoning, most commonly at 1 dwelling unit per 4 acres and lower. Additionally, it does not include costs for necessary infrastructure.
5) Down-zoning may preclude the construction of planned communities that provide benefits such as economies of scale for infrastructure, costs of service and focus on “new urbanism”	The comment does not relate to specifics in the study, planned communities are not found at the densities under the General Plan Update, and are only allowed by General Plan Amendments, a process that is not precluded by the General Plan Update.

### **KMA Responses to Rea and Parker / Barnett Consulting Comments: Fiscal Impact Study**

<b>Summary of Comment</b>	<b>Summary of Response</b>
1) Account for fire district “economies of scale” as demonstrated by R&P/B.	KMA disagrees with the R&P/B economy of scale analysis as described in Table 5 and Section III–D.4. Economies of scale are unlikely to be achieved due to the dispersed location of additional units permitted under the existing General Plan which is not conducive to economies of scale in fire protection.
2) Address “excess capacity” in the Sheriff’s rural command based on 2003 analysis of “time available.”	KMA disagrees. Service standards drive Sheriff costs not “time available.” R&P/B disregards the “time available” approach in their own estimates.
3) Address “other costs and benefits” as documented in R&P/B analysis.	KMA disagrees. KMA does not concur with R&P/B’s findings regarding other costs and benefits and finds serious flaws in their supporting technical analysis (see Table 5 and Section III. C and D).
4) Revenue and service costs for commercial not included.	KMA agrees. The purpose of their fiscal impact analysis is made very clear: to analyze fiscal impacts of residential development. Indirect sales tax generated by consumer spending of new residents is included in the analysis.
5) Analysis should focus on impacts of the General Plan Update relative to build out of the existing General Plan.	Measuring impacts relative to build out of the existing General Plan is a somewhat hypothetical exercise because SANDAG already documents that the General Plan Update already provides sufficient housing capacity. The focus of KMA’s analysis is appropriately on measuring impacts relative to existing revenue and expenditures of the County.

### **KMA Responses to DPFPG Comments: Fiscal Impact Study**

<b>Summary of Comment</b>	<b>Summary of Response</b>
1) If results were a net positive or fiscal	KMA’s analysis does not indicate a net positive, or fiscal surplus in



surplus, extrapolation of results to existing General Plan would also yield a net positive.	analysis of costs for development.
2) Review of “percent variable cost” factors may result in downward adjustment to costs.	These factors have been the subject of significant discussion and review. Any refinements would just as likely increase costs as decrease costs.
3) No consideration of economies of scale and efficiencies.	KMA disagrees. Variable cost factors applied in the analysis are explicit recognition of the potential for economies of scale and efficiencies.
4) Use of FY 2008-09 data for fiscal analysis overstates expenditures because this was a highpoint for expenses.	Actual expenditures in 2008-09 are a reasonable basis for the analysis because revenues such as sales tax and gas tax are projected on the same basis and key General Fund service costs have actually increased less than 2% since that since 2008-09.
5) Non-residential sales tax generation not considered. Ignores fact that new residential will drive additional commercial development.	\$937,000 in sales tax from retail expenditures of new residents is included. Potential for fiscal positives from commercial development is explicitly noted.
6) Sheriff cost at \$285,000 cost per sworn officer appears high.	The estimate by Sheriff Dept. appears high because it includes an allocable share of department-wide costs for support staff, supervisors, command staff, supplies and equipment on top of the basic salary and benefit costs for the patrol officers themselves.
7) DPFPG raises questions about several expense items within the Land Use and Environment Group.	KMA believes the projected expenses to be reasonable and responds to the specific questions raised in detail within Section III – B.

### **KMA Evaluation of Rea and Parker: Fiscal Impact Analyses**

<b>Summary of Comment</b>	<b>Summary of Response</b>
1) Major analysis premise: General Plan Update does not provide adequate housing capacity for the projected population.	SANDAG provided information that illustrates why the major premise of the R&P/B analysis is incorrect. See next table, which outlines reasons the major premise of the R&P/B analyses are incorrect. Since these analyses are incorrect the resulting findings and conclusions are unsupported.
2) Forgone Fiscal Revenue to County General Fund of \$16.4 Million annually (also shown as \$14.8 million).	KMA does not concur because: <ul style="list-style-type: none"> <li>• SANDAG discussion describes that the entire analysis premise that the County of San Diego does not provide enough housing is incorrect. According to SANDAG forecasts, the County provides enough housing to be consistent with regional goals (per item #1 above).</li> <li>• Relies on questionable and unsupported assertions.</li> <li>• Omits key revenue sources.</li> <li>• Overstates property tax by 30%.</li> <li>• Does not reconcile with County budget.</li> <li>• “Broad Brush” approach for all County service costs.</li> </ul>

3) \$11 million forgone revenue to Sheriff department.	<p>KMA does not concur because:</p> <ul style="list-style-type: none"> <li>• Entire analysis premise is incorrect (per item #1 above).</li> <li>• Double counted with net revenues from item #2 above.</li> <li>• Analysis does not properly use net of cost of services in the Counties budget for Sheriff service to Unincorporated areas.</li> <li>• Simplistic allocation of total revenues to Sheriff Department.</li> </ul>
4) \$25 million annual forgone road / transportation revenue.	<p>Do not concur because:</p> <ul style="list-style-type: none"> <li>• Entire analysis premise is incorrect (per item #1 above)</li> <li>• Primarily impact fees dedicated to offset capital cost impacts of residential units – does not result in net revenue to the County.</li> <li>• Includes gas tax revenues without reflecting corresponding road maintenance expenses to which these revenues are dedicated.</li> </ul>
5) \$2.9 million in annual forgone "economy of scale" savings for Fire Districts	<p>KMA does not concur because:</p> <ul style="list-style-type: none"> <li>• Entire analysis premise is incorrect (per item #1 above).</li> <li>• Analysis amounts to inappropriate "apples and oranges" comparison between fire districts.</li> <li>• Economies of scale unrealistic with additional units permitted under existing General Plan vs. General Plan Update since units disproportionately in areas not well served by existing stations.</li> <li>• Estimate subject to wild swings from one R&amp;P/B report to the next (\$2.9 M to \$12.5 M to \$20 M annually).</li> </ul>
6) \$17 million annual forgone fire district revenues.	<p>KMA does not concur because:</p> <ul style="list-style-type: none"> <li>• Entire analysis premise is incorrect (per item #1 above).</li> <li>• Revenue only analysis, does not reflect deduction of cost of providing service.</li> <li>• Projected on per household basis without regard to assessed value.</li> <li>• Omits special tax revenues pursuant to CFD adopted in San Diego Rural Fire Protection District's service area.</li> </ul>
7) \$317 million annual forgone revenue to schools	<ul style="list-style-type: none"> <li>• Entire analysis premise is incorrect (per item #1 above)</li> <li>• Does not reflect deduction of costs</li> </ul>
8) \$7.3 million annual forgone "economy of scale" savings to school districts.	<p>KMA does not concur because:</p> <ul style="list-style-type: none"> <li>• Entire analysis premise is incorrect (per item #1 above).</li> <li>• Does not recognize potential for reductions in per pupil funding from the State with growing enrollment.</li> <li>• Economies of scale may be achieved in near term for schools below current capacity but once the school exceeds capacity they are no longer realized.</li> </ul>

**SANDAG Information that Responds to Rea and Parker: Fiscal Impact Analyses**

Summary of Comment	Summary of Response
1) Rejection of SANDAG preliminary 2050 (Series 12) forecasts.	SANDAG forecasts have been vetted by numerous demographers and other specialists, are publically reviewed, and adopted by the SANDAG board. Additionally, they serve as the basis for much of the planning by local agencies and have a proven track record in

	providing accurate forecasts for the region.
2) Assumption that 45,000 trans-regional commuters that have chosen to live in Riverside County or Mexico will move back to the unincorporated County.	<ul style="list-style-type: none"> <li>• Misinterprets and exaggerates the trans-regional commuting assumptions used by SANDAG and the County.</li> <li>• Ignores that there are approximately 23,000 trans-regional commuters today were established under the County’s existing General Plan, which has a significant growth capacity.</li> </ul>
3) Assumption that backcountry communities will grow 6-fold and services will become cheaper as they grow.	<ul style="list-style-type: none"> <li>• Assumption to attract back 45,000 additional residents would put the County’s growth significantly out of step with the rest of the region.</li> <li>• Assumption suggests a “build it and they will come” approach. The simple addition of more housing in the County does not guarantee that the 45,000 people that have chosen to live outside of the region and commute will chose to live in the unincorporated area.</li> <li>• Assumption also suggests that it is appropriate for those 45,000 people to reside in the unincorporated area when the majority of them are projected to be employed in the cities.</li> <li>• Subregions of the Mountain Empire (Tecate, Potrero, Campo, Boulevard, Jacumba), the Desert (Borrego Springs, Ocotillo Wells), and North Mountain (Palomar Mountain, Warner Springs, Sunshine Summit) would take majority of growth.</li> <li>• These three sub-regions today have a combined population of 13,922, and under this scenario would have a combined population of 84,000 persons (a 600% increase).</li> </ul>
4) Suggestion that the County can address regional housing affordability by planning for more homes.	<ul style="list-style-type: none"> <li>• Not supported by SANDAG regional projections, as well as housing and market data.</li> <li>• Housing affordability is a much more complex issue that requires developing the right type of housing with sufficient infrastructures and services, and relatively few physical and environmental constraints to development.</li> <li>• The burden for affordable housing falls greater on the urban jurisdictions that host the employment centers for the region.</li> <li>• Adding more rural estate homes that are a significant distant from employment centers will do little to address this issue.</li> </ul>

### Responses to Concerns about Lending Impacts

Summary of Comment	Summary of Response
1) The value of a property is determined by the density allowed by the General Plan.	The allowable General Plan density of a property is not the principle determinant of a property’s value. The true value of a property is determined by market conditions, physical ability to be developed and demand. The ability to subdivide a property does not add value if there is no market demand for the additional units and or the costs of the entitlements and improvements to realize a property’s full density exceeds the value the market is willing to bear.
2) The Highest and Best Use of a property is	The Uniform Standards of Professional Appraisal Practice state that

<p>residential development, which is what is used in property evaluation.</p>	<p>there must be sufficient evidence of a reasonable probability that the Highest and Best Use is:</p> <ul style="list-style-type: none"> <li>• legally permissible,</li> <li>• physically possible,</li> <li>• financially feasible,</li> <li>• results in a higher land value, and</li> <li>• that there is demand for such use either at the present time or in the reasonably near future.</li> </ul> <p>In many areas of the unincorporated County where demand for additional residential units is low or the cost of creating the additional units is financially infeasible, a property's Highest and Best use would likely be its existing use. Concluding a property's highest best use is its residential development build out by default is unsubstantiated and inconsistent with appraisal industry standards.</p> <p>Assuming residential subdivision build out as the Highest and Best use is highly speculative unless supported by sufficient evidence, including such factors as recent subdivision activity in close proximity to the subject property, access to sufficient water and waste disposal to support the new development, and evidence of a demand for new housing units within the properties localized market. Financial feasibility is another key consideration, the cost and time of obtaining entitlements and developing infrastructure must be factored into the equation.</p>
<p>3) The value of a property should be equivalent to the value of the property will be when the Highest and Best Use is developed.</p>	<p>The Uniform Standards of Professional Appraisal Practice disagree. For appraisal purposes, the value of a property is what the current market value of the property would be with consideration of the Highest and Best Use. This should be determined through comparable sales data of properties in a similar state or through a value analysis that considers the costs of developing the property and many other factors, some of which are listed above under #2.</p>
<p>4) As an example, a vacant 20 acre lot that could be developed with 10 homes that could each sell for \$800,000 has a Highest and Best Use value of \$8,000,000.</p>	<p>This example is not consistent with the Uniform Standards of Professional Appraisal Practice. Using the example, a vacant 20 acre property that could be subdivided into 10 homes but has no entitlements should be valued at what the market would bear for it in this condition. A review of vacant parcels with similar subdivision potential might indicate that they are selling for an average price of \$15,000 an acre. Given this information the Highest and Best Use of the property for residential development may be more accurately valued at \$300,000 for the 20 acre property, rather than \$8,000,000. Another way of looking at it is that the value of the property as collateral should not exceed the fair market price of that property if it was sold on the market today in its current condition.</p>
<p>5) A reduction in density will impact appraised value, meaning amount available for lending will be less.</p>	<p>Not all loans are secured using the property as collateral. In fact many farm loans are based on production and not the property. If the property is used as collateral and the General Plan Update negatively impacts the market value of the property, the amount available for future loans could also be impacted. The property value analysis conducted by KMA suggests that negative property value impacts</p>

	will not be common, in general.
6) Lenders and appraiser say that the General Plan Update will impact the amount available for future loans.	Discussions with lenders and appraisers indicates that there is a general consensus that reductions in density will decrease amounts available for lending because it will affect the Highest and Best Use of the property. However, this effect has not been quantified or substantiated with any evidence. While the KMA study suggests that negative property value impacts will not be encountered in general, it is recognized that it is intuitive to assume that there would be some impacts. Further, while written standards for the industry state that speculative value should not be factored into appraisals and be the basis for loans, staff encountered numerous reports and situations where it was. This is an inappropriate practice as it results in properties and loans being overvalued and should a property go into default, the lender would not be able to recover the loan value by selling the collateral.
7) Reduced property value may trigger a default on a loan secured with that property as collateral.	A secured loan is considered to be in “default” when the borrower fails to repay the loan under the terms of the loan agreement. A borrower is not considered in default if the collateral used to secure the loan decrease in value or no longer matches or exceeded the balance owed on the loan. If the collateral provided decreases in value and the borrower defaults, he or she will still be responsible to repay the balance of the loan in full. Any portion of the loan balance not recovered by the collateral remains the responsibility of the borrower.
8) If the collateral provided to secure a loan decreases in value the lender may require additional collateral.	This comment describes a practice known as “marginal lending.” This type of lending is primarily used by the securities industry (stocks, bonds, mutual funds). Through marginal lending a borrower may use the value of their securities portfolio as collateral for a loan, if the value of the portfolio decreases, the lender will issue what is referred to as a “margin call” and require the borrow to deposit additional revenue to cover the decrease in the value in the portfolio. Marginal lending is not practiced outside of the securities industry. Lenders do not issue margin calls for secured loans. In addition to analyzing collateral, lending institutions base loan decisions on a borrower’s cash flow or ability to repay the loan. As long as a borrow makes scheduled payments, they will remain in good standing regardless of decreases in collateral values.

**Options for Modification by Board**

The information presented relates mainly to the residential densities proposed with the General Plan Update land use designations. Changes to the General Plan Update land use designation are within the purview of the Board; however, because a significant amount of documentation has been prepared to support the General Plan Update as currently recommended, it is recommended that any changes be reviewed for consistency and compliance with State law. It is likely that minor changes can be made with few modifications to existing documents. More significant modifications may require revisions for consistency between documents and additional public review of the environmental impact report and/or consideration by the Planning Commission pursuant to State law requirements. Significant modifications

may also fall outside of the project's stated objective which could require substantial changes to all project documents.

### **Additional Information**

Complete versions of all reports, correspondence, and presentations submitted to the County are available from the County. The initial KMA analysis was included in the October 20, 2010, Board Report (links to the October 20, 2010 Board Report are available in Attachment A). Detailed responses to the criticisms raised about this analysis are provided in Appendix C.

## 5. Groundwater Study, Water Supply, and Water Quality

### Statement of Issue

During public testimony, there were presentations suggesting that the General Plan Update Groundwater Study underestimates groundwater recharge in the basins studied, that groundwater limitations identified in the General Plan Update were the basis for density reductions in rural areas, and that imported water rather than groundwater should be considered a limiting factor for future development. On December 8, 2010, the Board of Supervisors requested that staff respond to these issues as well as provide additional discussion on the issue of water quality as it pertains to groundwater-dependent areas in the backcountry.

### Groundwater Study

The primary basis for proposing lower densities in rural areas is the set of Guiding Principles endorsed by the Board and described in detail in the General Plan Update. These principles support the Community Development Model that was used to draft the proposed land use map. While the availability of resources, such as groundwater, was not the primary basis for establishing development densities on the land use map, findings from the environmental studies prepared for the project further supported the Community Development Model approach to land use mapping.

The General Plan Update Groundwater Study provided a screening level analysis of existing groundwater conditions and potential groundwater impacts under maximum build-out of the General Plan Update for the groundwater dependent portion of the County outside of desert basins. The Study provides the first County-wide evaluation of groundwater resources within the groundwater-dependent portion of the County and provides valuable information that has never been available in one document.

The Department of Planning and Land Use established a Groundwater Technical Advisory Committee (GTAC) to provide scientific and practical advice to help develop the methodology and approach for the Study. The GTAC included hydrogeologists with over 150 years of collective experience in local groundwater investigation work. The Study was peer reviewed by the GTAC and underwent public review. The Study focused on 86 separate basins over a 1,885 square mile area. Due to the sheer size and complexity of the study area, not every variable can be factored into analysis. Therefore, a reasonably conservative approach was developed so that, where error or uncertainty may affect results, groundwater availability would be underestimated rather than overestimated. This is important because groundwater is a limited resource and the groundwater users within the study area do not have other sources of water supply readily available. While this approach would not qualify as a “worst-case scenario” under the California Environmental Quality Act (CEQA), it would qualify as a conservative estimate.

During the Board hearing on the General Plan Update, comments were received regarding the conservative approach of the Groundwater Study. These comments are responded to below:

**Comment #1:** The aquifer thickness in fractured rock aquifers was limited in the Study to a saturated thickness of only 500 feet when in reality the aquifer thickness could be upwards of 1,500 to 2,000 feet. This is inappropriate because it leads to a significant underestimation of the actual amount of groundwater in storage.

**Response:** The thickness used was appropriate for the purposes of the Study. The thickness was constrained to 500 feet because thousands of existing well users in the backcountry have average well depths of only 500 feet. Including additional water at depths up to 2,000 feet would result in future development far above the capacity of the existing well users. Therefore, the study was constrained accordingly to ensure a sustainable water supply for existing well users. The GTAC agreed that this method was appropriate and that 500 feet was the correct limit.

**Comment #2:** The County overestimated runoff in the Study which leads to an underestimation of the amount of groundwater that recharges the groundwater system. It is inappropriate that the County's Study used runoff rates at double actual runoff rates recorded.

**Response:** The runoff rates used are appropriate because they account for other outflows of water (not only runoff) and were validated through calibration. Due to data limitations associated with the Study, the groundwater availability analysis does not directly examine (1) the amount of groundwater that flows between the various basins (it assumes each basin is a closed system where inflows = outflows), (2) groundwater losses from groundwater dependent habitat such as willows, sycamores, and cottonwood trees that remove large amounts of groundwater from the system, (3) potential surface water base flow supported by groundwater, nor (4) the potential interception/enhanced recharge of surface water flows due to changes in groundwater levels. The long-term groundwater availability results were calibrated by adjusting the initial calculated runoff value to provide a relative match of groundwater in storage through time with actual historical groundwater levels. The calibrated results for the long-term groundwater availability analysis resulted in a substantial overestimation of surface water runoff, which indirectly provides additional water for interbasin flow, wetland vegetation transpiration, base flow, and interception/enhanced recharge, that could not be feasibly quantified in the water balance analysis.

**Comment #3:** The County inappropriately overestimated evapotranspiration in the study. This further leads to an underestimation of the amount of groundwater that recharges the groundwater system.

**Response:** The soil moisture balance methodology used to calculate groundwater recharge requires that potential evapotranspiration be used and not actual evapotranspiration rates which were quoted during public testimony. Potential evapotranspiration (PET) is the amount of water that could be evaporated and transpired if there was plenty of water available. Therefore, the potential evapotranspiration rates utilized in the study were appropriate in accordance with the study method.

**Comment #4:** The County has underestimated the amount of groundwater available in the backcountry leading to inappropriate reductions in density in those areas. Because data indicates that there is additional water available, additional homes should be planned in those areas to take advantage of it.

**Response:** Groundwater was not a driving factor in proposing lower densities for the General Plan Update. The Study evaluated 86 basins, nine of which were found to be impacted based on existing conditions and two of which would be impacted by future development under the General Plan Update. Therefore, eleven basins out of 86 analyzed (or 13 percent) were determined to be areas of concern for groundwater supply. It should be noted that areas within Guatay and Pine Valley are proposed for lower densities under the PC/Staff Recommended land use map than under other mapping alternatives due to analysis within the Groundwater Study as well as site-specific information on existing conditions in those



areas. However, the General Plan Update Groundwater Study was primarily conducted to support the overall analysis required by CEQA for the EIR and for use as a screening tool to identify potential problem areas that may result from the General Plan Update. It was not prepared as a basis for land use mapping. Therefore, the conservative approach that was taken by the County is appropriate.

Furthermore, groundwater is one of many factors that should be considered in planning safe and livable communities for the County. It is inappropriate to plan based on a single resource such as groundwater. Doing so would ignore the numerous other factors that lead to the development of the General Plan Update objectives and Community Development Model such as locating growth near jobs and services, reducing vehicle trips, minimizing wildfire hazards, addressing habitat fragmentation, and a variety of others factors.

### **Imported Water Supply**

Comments brought up during public testimony indicated that imported water was the limiting factor for future development, not groundwater. A quick comparison of the differences between groundwater dependent areas and areas served with imported water will provide information that would support placing the majority of development in areas with imported water service.

For the 41,000 people who live within the groundwater dependent portion of the County there is only one source of water. For a typical family who has installed a well often at a cost in excess of \$20,000, the family members are fully dependent upon that well for the water they need to meet their household needs. If their well goes dry, residents would be without an on-site water supply until enough rain falls to replenish the aquifer or until a deeper well can be drilled in the hopes of finding adequate groundwater at greater depths. Nearly 75% of the backcountry is underlain by fractured rock aquifers, which characteristically yield relatively low quantities of groundwater. In a typical fractured rock aquifer, the tiny fractures within the rock contain up to approximately 6" of water available (0.1%) for use within a 500-foot thick section of rock. Additionally, during drought years, groundwater recharge is negligible, and water extracted from the aquifer must be enough to supply water throughout the duration of a drought. While in most areas there is capacity in the groundwater system to support additional development, it is essential that the County conservatively approve projects in accordance with long-term sustainability of the limited groundwater resources available.

For the 2.9 million people served by the San Diego County Water Authority (CWA), approximately 80% of the water supplies are imported from the Colorado River and State Water Project. Drought conditions along with reductions from State Water Project deliveries have caused a recent reduction in imported water supplies available for San Diego County. In response, the CWA and its member agencies continue to seek diversification of water resources to make up for these lost supplies. By 2020, the CWA is planning so that 40% of our regional water supply can be met by local water supply sources including desalination, groundwater, recycled water, and conservation efforts. The Carlsbad desalination plant alone would supply 56,000 acre-feet a year of drought-proof water for San Diego, equivalent to meeting the demand of approximately 112,000 single-family residences. This plant has been permitted and is working out agreements with the CWA before it can begin construction.

Additionally, if drought conditions worsen, water offset programs may prove to be the norm for future development projects. As an example, if a water district is developing recycled water supplies for its

users, a developer could pay for the costs of retrofits in order for outdoor water uses that rely on imported water supplies to now be supplied by recycled water. By offsetting imported water supplies equivalent to the proposed development's imported water demand, new projects would be approved that do not use any additional imported water supplies. While the recent drought conditions and State Water Project delivery cutbacks have led to unprecedented challenges for the County Water Authority, water supplies are being planned for the cutbacks in supply.

Compared to the backcountry where individual properties are limited to on-site wells for their water supply, new homes being developed within the CWA boundary will be receiving their water through an ever increasing diversified regional water supply portfolio including drought proof supplies such as desalination and recycled water. With the infrastructure, technology, and innovative solutions available within the CWA boundary, areas served by the CWA are not as limited as those in the backcountry which are served by a single source of water.

## **Groundwater Quality**

The Board asked staff for an update with regard to water quality and potential impacts that water quality issues could have on future development. Provided is a brief summary of water quality based on the General Plan Update Groundwater Study.

The thousands of water supply wells that draw water from groundwater resources in the County have traditionally produced high-quality drinking water. However, naturally-occurring as well as more recently anthropogenic (human-induced) sources of contamination have caused the quality of groundwater to be adversely effected in localized areas. The most common contaminants in groundwater within San Diego County include elevated nitrate, naturally-occurring radionuclides, total dissolved solids, and bacteria. The Department of Environmental Health (DEH) compiled a map which depicts areas of potential nitrate and naturally-occurring radionuclide problem areas in the County, attached here as Figure 5-1 (also located in the Groundwater Study as Figure 2-65). Problem areas mapped are based on a subset of wells in which nitrate and radionuclides (gross alpha and uranium) have exceeded their respective maximum contaminant levels (MCLs) in analyzed groundwater samples.

**Nitrate:** Nitrate impacts in the County are most common from small lots and/or areas of shallow groundwater on septic systems, excess nitrate used in agricultural applications, and feed lots. Nitrate impacts are most common in the more urbanized areas west of the study area within the CWA boundary. This includes portions of the communities of Rainbow, Valley Center, Ramona, Escondido, San Marcos, Crest, and Jamul. This can largely be attributed to imported water being brought into these basins. The imported water, which allowed more dense development, results in artificial recharge through septic systems along with irrigation return flows, which have caused shallow groundwater conditions and septic system failures. Potential mapped nitrate problem areas within the study area include Morena Village, the Cameron Corners area of Campo, and a small portion of Alpine along Interstate 8. Other areas of potential concern within the study area are clustered residences located on parcels less than 4 acres as depicted on Figure 5-1. There are no data available over a vast portion of the County, and there are likely areas with potential problems that are unmapped.

**Radionuclides:** Naturally-occurring radionuclides are present to some extent in nearly all rocks and soil throughout the world and leach into groundwater from natural mineral deposits. Potential known

radionuclide problem areas include portions of the Campo/Lake Morena area, Potrero, Jamul/Dulzura, Guatay, Julian/Cuyamaca, the Lake Wohlford area, north and south of Route 78 area east of Ramona, Warner Springs, and east and west of Route 79 near the Riverside County border. There are no data available over a vast portion of the County, and there are likely areas with potential problems that are unmapped.

**Total Dissolved Solids (TDS):** TDS originate naturally from the dissolution of rocks and minerals, and also can be from septic systems, agricultural runoff and recharge, and storm water runoff. Some common areas with elevated concentrations of TDS in the County are found in coastal sedimentary formations and deeper connate water (very old water entrapped in sedimentary rock) found in desert basins.

**Coliform Bacteria:** Elevated bacteria in groundwater occur primarily from human and animal wastes. Old wells with large openings and wells with inadequate well seals are most susceptible to bacteriological contamination from insects, rodents, or animals entering the well.

**Other Constituents of Concern:** Other contaminants of potential concern, which may occur in localized areas include: herbicides, pesticides and other complex organics, petroleum products including methyl tert-butyl ether (MTBE) and volatile organic compounds, and metals. As depicted on Figure 2-65 of the Groundwater Study, potential localized contamination of groundwater from leaking underground fuel tanks (LUFTs) include sites in the Cameron Corners area of Campo, Julian, Guatay, Pine Valley, and several other areas (DEH, 2008). In a few cases, water supply wells were inactivated due to the possibility of inducing flow of the contaminated groundwater from LUFTs.

For projects with poor water quality, two mitigation measures were identified within the General Plan Update Groundwater Study (in addition to importing water to the project site):

1. **County or State Regulated Water System (Feasible for Some Projects):** For projects where any constituent exceeds its primary MCL and a discretionary permit requires a potable groundwater supply, mitigation could be implemented by providing a water treatment system that reduces impacts to below the MCL. To ensure proper water treatment in accordance with the California Safe Drinking Water Act, the County requires discretionary permits which require treatment to form or merge with a water system regulated by DEH (up to 200 service connections) or the State (greater than 200 service connections). This ensures proper treatment of contaminants in groundwater and does not place the responsibility of treatment on private individuals. While the County will allow point-of-use or point-of-entry treatment for contaminants in wells on existing legal lots, it will not approve discretionary permits for private wells dependent on water treatment. The County would also not consider well sharing agreements as an option for treatment for discretionary permits as this would still place the responsibility of treatment on private individuals. For smaller projects, the ongoing costs of a DEH regulated State small water system (5 to 14 service connections) may prove to be economically infeasible. For discretionary permits with less than 5 service connections proposed, there is no feasible state water system category available. In some cases, such as aquifers contaminated with gasoline from a leaking underground fuel tank, the County may not approve projects reliant on groundwater in such areas. Therefore, there may be specific cases where water quality impacts prove to be significant and unmitigable.

2. **Drill and Test Additional Well(s) (Feasible for Some Projects):** Additional wells and testing can be conducted in an attempt to find onsite potable water. Drilling and testing additional wells is expensive and time-consuming, and there are no guarantees that the new well(s) will have a potable water supply.

### **Options for Modifications by Board**

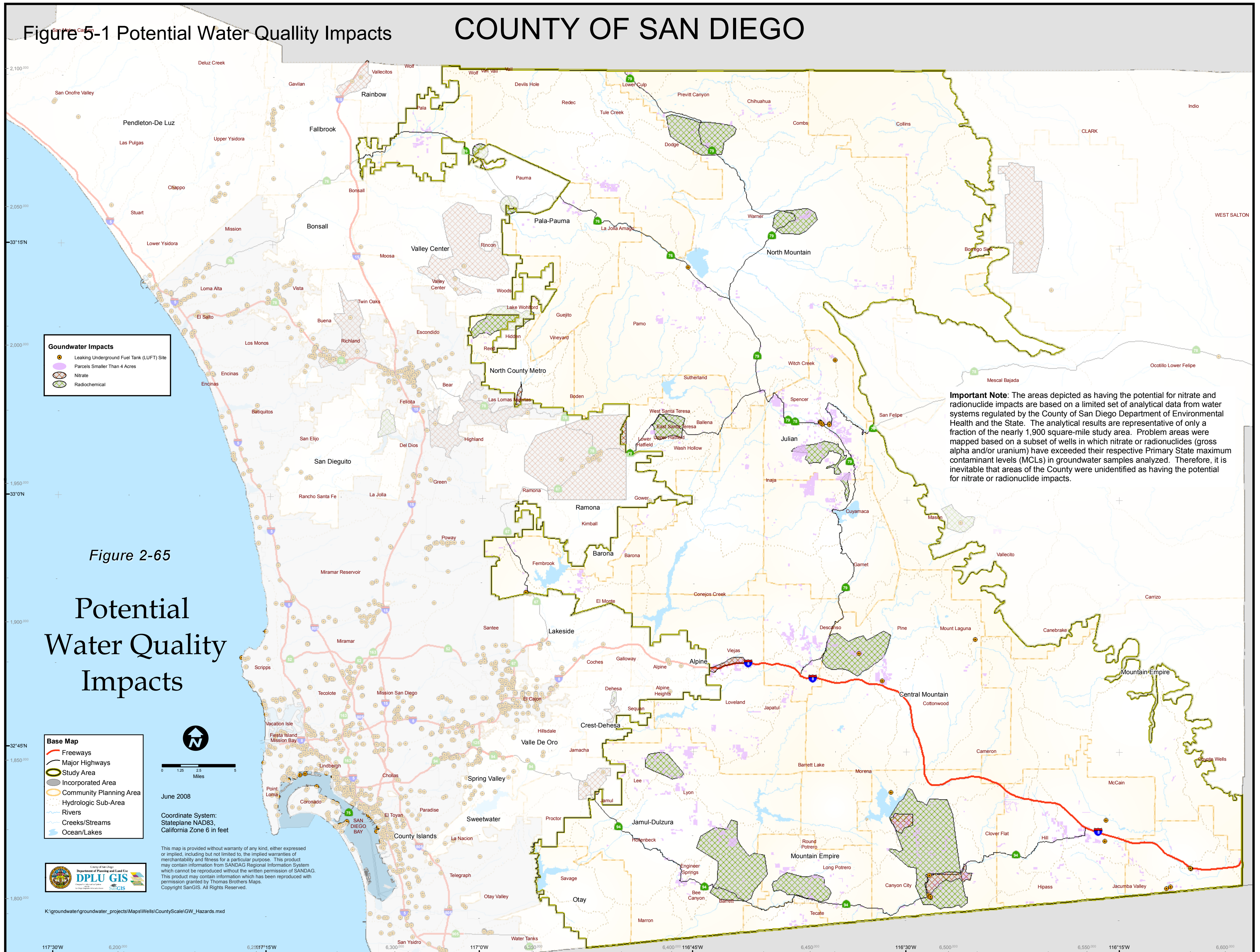
This information is provided as reference information for the General Plan Update. No modifications to the project by the Board were evaluated as part of providing this information.

### **Additional Information**

Additional information on groundwater and water supply issues can be found in the draft EIR and responses to comments and General Plan Update Groundwater Study.

Figure 5-1 Potential Water Quality Impacts

# COUNTY OF SAN DIEGO



**Important Note:** The areas depicted as having the potential for nitrate and radionuclide impacts are based on a limited set of analytical data from water systems regulated by the County of San Diego Department of Environmental Health and the State. The analytical results are representative of only a fraction of the nearly 1,900 square-mile study area. Problem areas were mapped based on a subset of wells in which nitrate or radionuclides (gross alpha and/or uranium) have exceeded their respective Primary State maximum contaminant levels (MCLs) in groundwater samples analyzed. Therefore, it is inevitable that areas of the County were unidentified as having the potential for nitrate or radionuclide impacts.

Figure 2-65  
Potential  
Water Quality  
Impacts

## **6. Consideration of Fire Risk**

### **Statement of Issue**

Staff was requested to provide additional information on how fire risk has been accounted for in the General Plan Update and the Staff/Planning Commission recommendation. (The use of fire response times as standards, opposed to travel times, was also raised as an issue and is responded to in Section 13.)

### **Background**

One of the most significant planning issues in the unincorporated areas of San Diego County is the prevalence of high fire risk areas. Wildfires are considered inevitable events in southern California which has a long history of both natural and human-related fires. The region recently suffered from significant wildfires in 2003 and 2007, which serve as reminders of the crucial need to account for their risk in the planning of the County.

Fire service and level of fire threat in the San Diego County takes a number of forms. The County of San Diego in recent years has committed significant resources to supplement fire service in the unincorporated County, including the creation of the County of San Diego Regional Fire Authority. Through this Authority the County coordinates with CALFIRE, various individual fire districts, and individual volunteer departments to provide fire protection services to the unincorporated areas and map fire risk. Additional information on the Fire Authority is available on the Fire Authority Website: [http://www.sdcounty.ca.gov/dplu/Fire\\_Authority\\_page.html](http://www.sdcounty.ca.gov/dplu/Fire_Authority_page.html).

### **Fire Risk Data Sources**

The best source for information on the prevalence of wildfire risk in California is available from the Fire and Resource Assessment Program (FRAP), which is part of CALFIRE. There are multiple data sources available that show the prevalence of the fire risk, all of which show significant areas in the unincorporated County of San Diego as areas of concern. The most commonly referred to data source, and the one recommended by CALFIRE and the County Fire Authority is Fire Hazard Severity Zones. As directed by California law, CALFIRE is required to identify areas of Very High Fire Hazard Severity Zones. These areas are created using models that consider fuel levels, fire behavior, likelihood of fire exposure for buildings. The data covers areas that are in Local, State and Federal Responsibility Areas (The Federal and State Areas are shown in Figure 6-1).

The Fire Hazard Severity Zones is the information used by the County of San Diego in enforcing the California Building Code requirements for ignition resistant construction in high fire areas. Fire Hazard Severity Zones are based on fire threat, input from fire personnel, and other relevant factors. Maps of fire threat are also available for the County but Fire Hazard Severity Zones are a preferred source over those maps due to the additional inputs that they consider. Fire threat is a combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined to create 4 threat classes ranging from moderate to extreme.

### **General Plan Update Mapping**

Fire risk, fire protection services, and adequate services and response times are all factors that are addressed in the draft General Plan Update Safety Element policies and in the draft land use mapping

prepared as part of the General Plan Update. In general, the General Plan Update reduces the amount of development planned for areas of higher fire risk by reducing densities in those areas.

Table 6-1 shows the difference in future units between the existing General Plan and the PC/Staff Recommended Map by Fire Hazard Severity Zone. As shown here, the General Plan Update would result in widespread reductions in planned residential units within Moderate to Very High fire hazard zones, with the majority of units (approximately 28,096) being reduced from the highest risk area. Residential development in Very High fire hazard areas would be reduced by 46% when compared to the existing General Plan.

Table 6-2 shows the acreages of decreased density in the General Plan Update and the corresponding Fire Hazard Severity Zones in which they are located. As shown in this table, 98 percent of the areas proposed for decreased densities are located in Moderate to Very High fire hazard zones.

**Table 6-1. Future Units in Fire Hazard Severity Zone**

<b>Zone</b>	<b>Existing General Plan</b>	<b>General Plan Update Recommended Map</b>	<b>Percent Change</b>
Very High	60,780	32,684	- 46%
High	8,454	7,795	- 8%
Moderate	31,766	18,785	- 41%
Urban/Other	10,934	12,875	+15%
<i>Total</i>	<i>111,934</i>	<i>72,138</i>	<i>-36%</i>

**Table 6-2. Fire Hazard Severity Zones Acres in areas of Decreased Density**

<b>Category</b>	<b>Acres</b>	<b>Percentage</b>
Very High	296,906	61%
High	67,619	14%
Moderate	110,924	23%
Urban/Other	9,110	2%
<i>Total</i>	<i>484,559</i>	

This information is further illustrated in the three attached figures. Figure 6-1 provides an overview of the Fire Hazard Severity Zones on County unincorporated lands. Figure 6-2 shows the areas proposed for decreased density under the General Plan Update. Figure 6-3 depicts the Fire Hazard Severity Zones for only those areas where density reductions are proposed under the General Plan Update.

### **Options for Modification by Board**

The information presented relates mainly to the residential densities proposed with the General Plan Update land use designations. Changes to the General Plan Update land use designations are within the purview of the Board; however, because a significant amount of documentation, including environmental findings, have been prepared to support the General Plan Update as currently recommended, it is recommended that any changes be reviewed for consistency and compliance with State law. It is likely that minor changes can be made with few modifications to existing documents. More significant

modifications may require revisions for consistency between documents and additional public review of the environmental impact report and/or consideration by the Planning Commission pursuant to State law requirements. Significant modifications may also fall outside of the project's stated objectives, which could require substantial changes to all project documents.

### **Additional Information**

Additional information on fire risk is available in the draft Safety Element (Chapter 7) of the General Plan Update ([http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos\\_oct2010/B1\\_06\\_safety.pdf](http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos_oct2010/B1_06_safety.pdf)), and in draft Environmental Impact Report Sections 2.7 ([http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos\\_oct2010/attachE/2.07\\_Haz.pdf](http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos_oct2010/attachE/2.07_Haz.pdf)) and 2.16 ([http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos\\_oct2010/attachE/2.16\\_Utillities.pdf](http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos_oct2010/attachE/2.16_Utillities.pdf)).



Figure 6-1 Fire Hazard Severity Zones

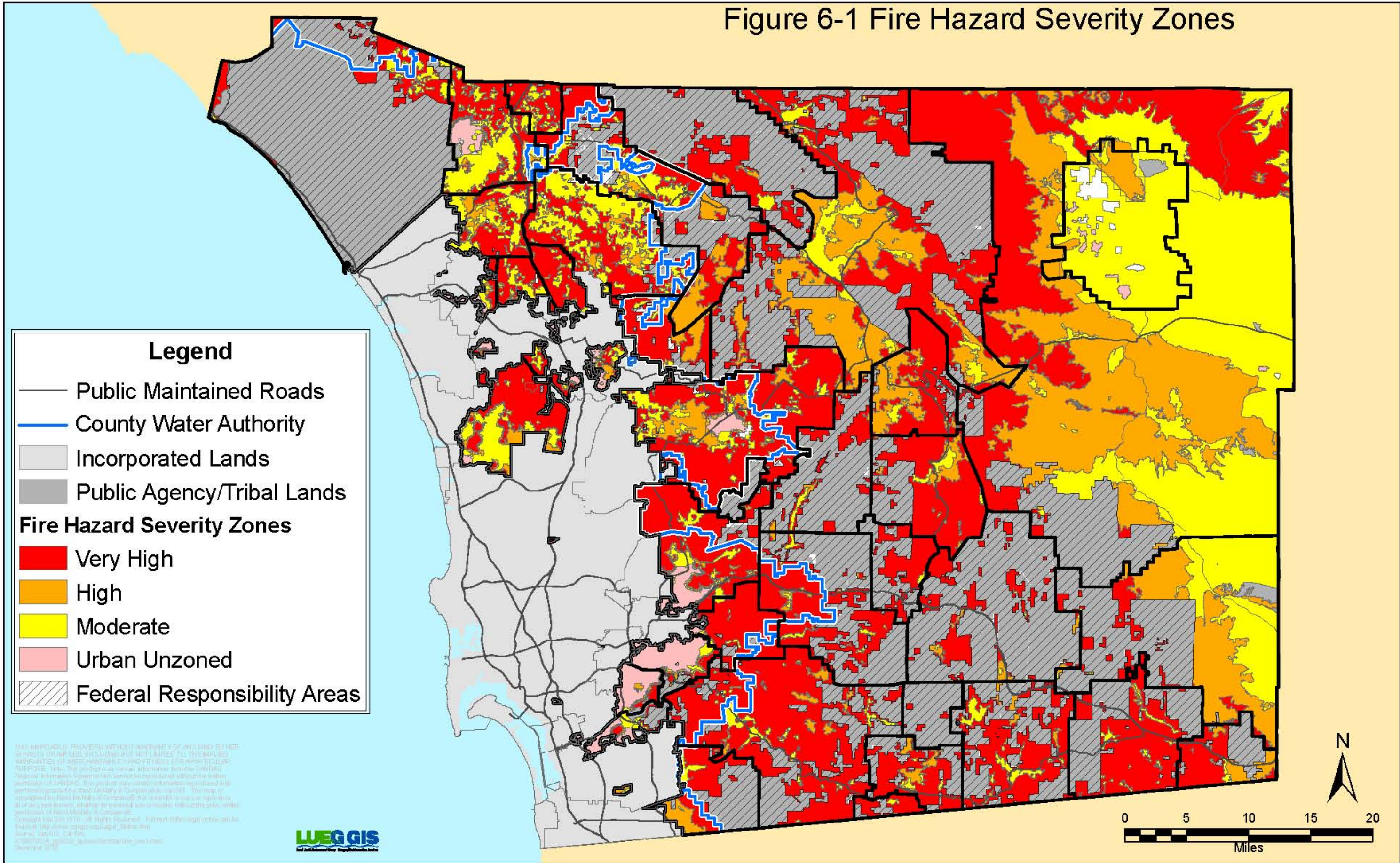


Figure 6-2

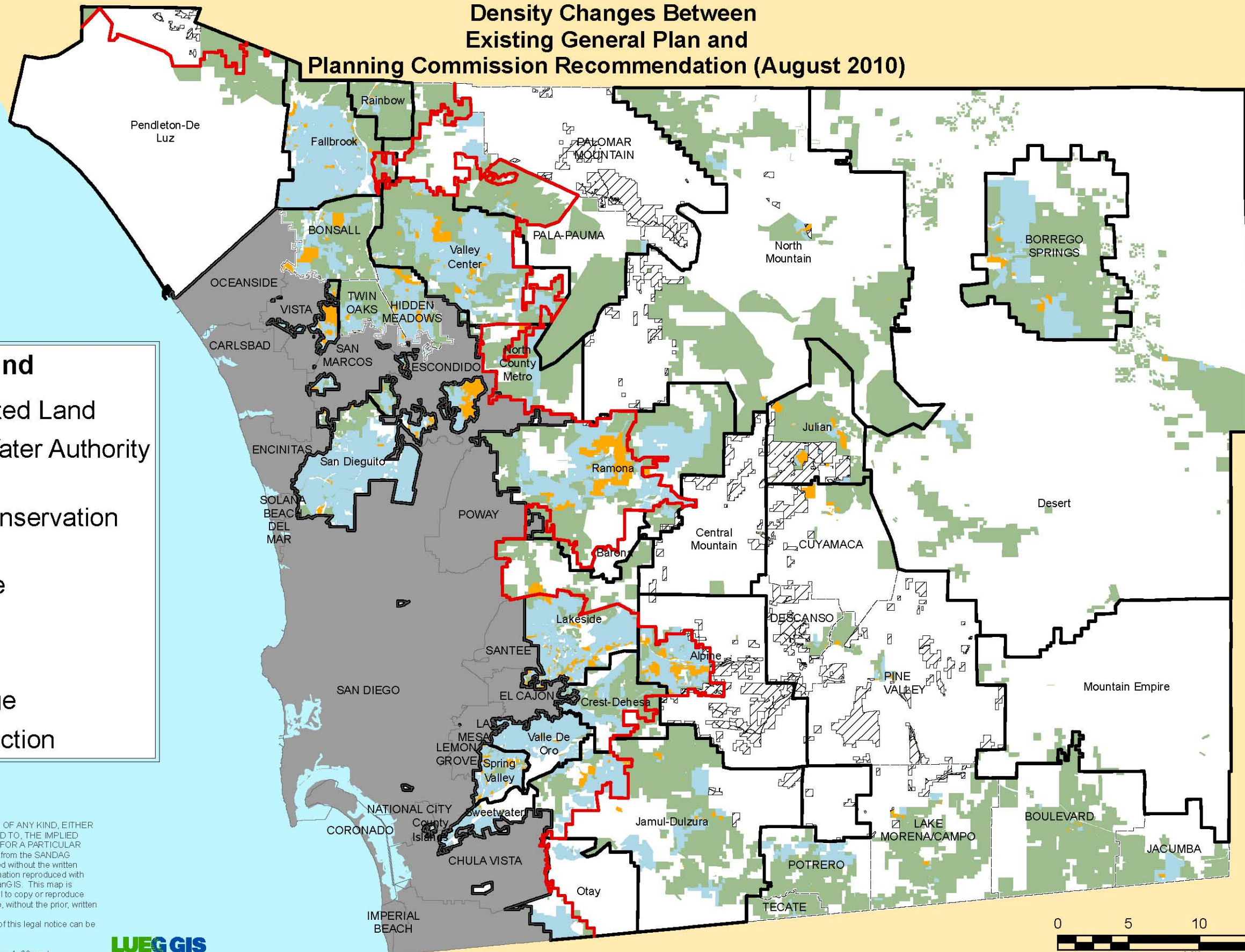
### Density Changes Between Existing General Plan and Planning Commission Recommendation (August 2010)

**Legend**

- Incorporated Land
- County Water Authority Boundary
- Boundary
- Forest Conservation Initiative

**Density Change**

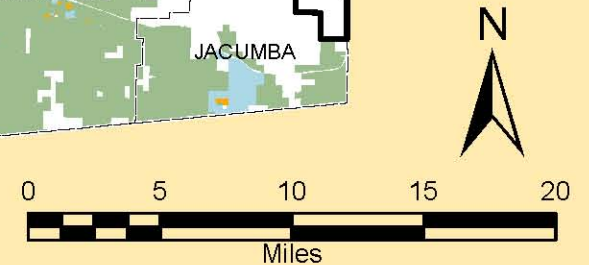
- Decrease
- Increase
- No Change
- No Jurisdiction



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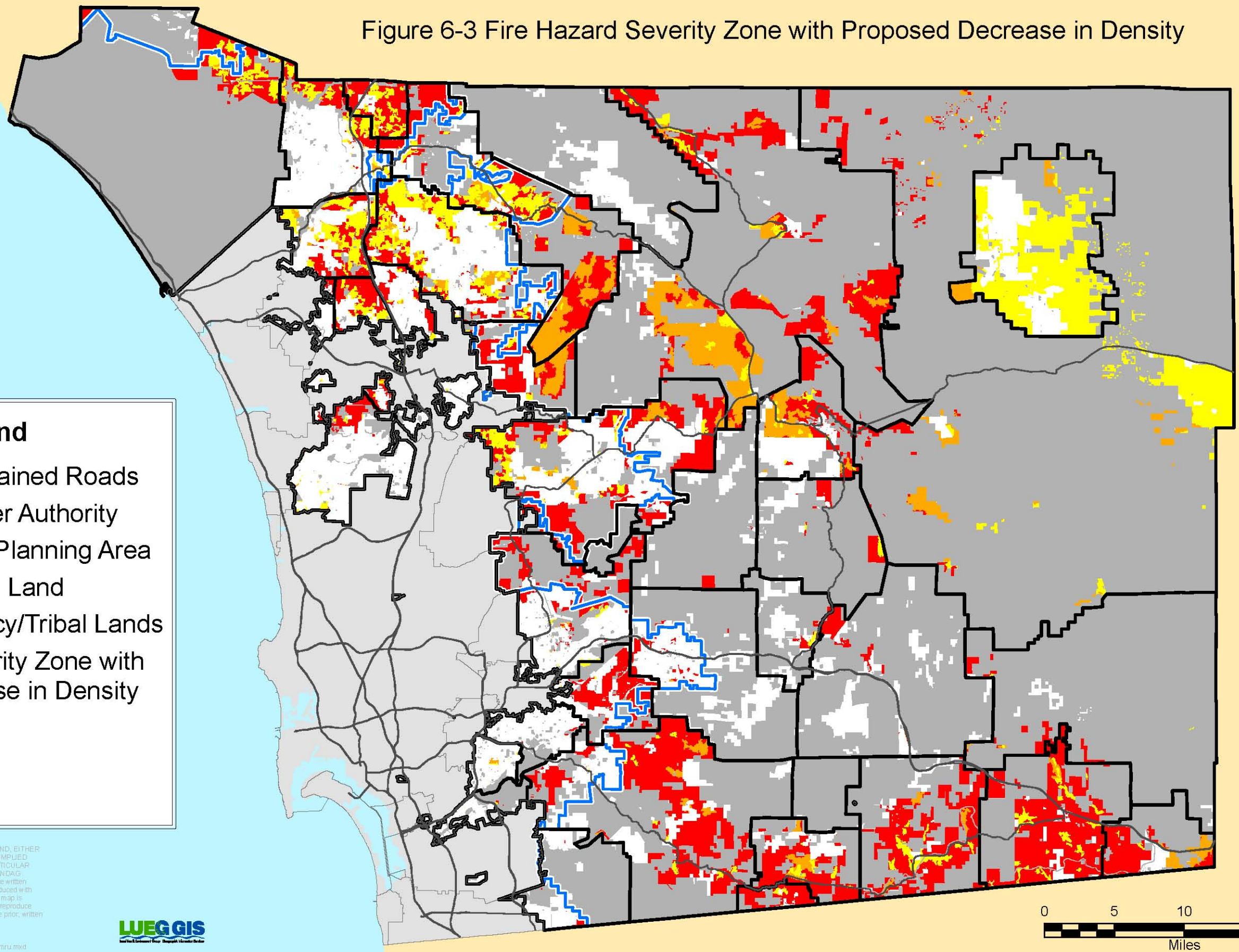
Figure 6-3 Fire Hazard Severity Zone with Proposed Decrease in Density

**Legend**

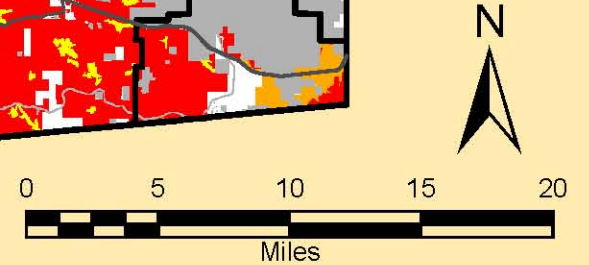
- Public Maintained Roads
- County Water Authority
- Community Planning Area
- Incorporated Land
- Public Agency/Tribal Lands

Fire Hazard Severity Zone with Proposed Decrease in Density

- Very High
- High
- Moderate



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**DRAFT**

## 7. Supplemental GIS Analysis for Existing Parcelization

### Statement of Issue

Staff was requested to provide additional information using Geographical Information Systems (GIS) that accounted for existing parcels in the areas proposed for density reductions designated in the existing General Plan as (18) Multiple Rural Use, which has a density of 1 dwelling unit per 4, 8 or 20 acres, depending upon the slope of a property.

### Discussion

One of the Board endorsed mapping criteria for the General Plan Update was to “*Assign Densities Based on the Constraints of the Land.*” Following this and other Board endorsed principles such as the Community Development Model, and in collaboration with community groups, property owners, and other stakeholders, designations were proposed for the unincorporated County. Staff has presented a variety of data sets which relate constraints and other factors to the existing and proposed densities in the unincorporated County.

The proposed General Plan Update would reduce the mapped densities for 20 percent of the parcels in the unincorporated County; however, this percentage does not account for existing properties that may not be subdivided under present day conditions due to existing parcel size, constraints, or other factors. The densities contained in the existing General Plan were applied in a wide sweeping manner with little consideration for property specific constraints. As a result, there are a number of factors affecting development feasibility that make achieving the densities in the existing General Plan infeasible. Some of the major constraints are the deficiencies of public infrastructure, steep terrain, biological habitat, floodways, wetlands and fire standards. Fire risk is discussed in more detail in Section 6 of this report.

Of the areas proposed for density reductions, there has been particular attention given by some commenters to properties that are reduced from the existing General Plan (18) Multiple Rural Use Designation, which has a density of 1 dwelling unit per 4, 8 or 20 acres, depending upon the slope of a property. The Multiple Rural Use designation is the most widely applied throughout the backcountry and, therefore, the majority of properties proposed for density reductions (especially those east of the County Water Authority) fall into this designation. Analysis indicates that there are approximately 13,765 parcels designated Multiple Rural Use that are proposed for reduced densities under the General Plan Update.

Staff was requested to conduct supplemental analysis for this area to identify how many properties exist at a size that could not be subdivided under existing regulations. Although the Multiple Rural Use Designation has a density of 1 dwelling unit per 4, 8 or 20 acres, the vast majority of the area proposed for decreased density has a zoned minimum lot size of at least 8 acres. In many cases the properties are further constrained by other existing regulations contained in the Groundwater, Subdivision and Resource Protection Ordinances and physical characteristics of the property. For example, there are some areas that need at least 22 acres to subdivide, such as in the eastern Mountain Empire, or 40 acres in the Desert Subregion where there is less rainfall.

For the purposes of this analysis, 16 acres was used as the minimum size necessary for a parcel to be able to subdivide under the existing General Plan. It should be noted that parcels do not always represent legal

lots that are available for subdivision. Some legal lots may consist of multiple parcels, however, there is no database of legal lots so parcel data is the best available resource. As shown in Table 7-1, 9,628 of the 13,765 parcels in this category (approximately 70 percent) are less than 16 acres.

**Table 7-1: Analysis of Reduced Density Multiple Rural Use Areas by Parcel Size**

Proposed Designation	Parcel Size (Acres)			
	0-16 acres	16-160	160+	TOTAL
<b>SR-10</b>	4,503	374	2	4,881
<b>RL-20</b>	1,890	681	16	2,592
<b>RL-40</b>	2,494	1,851	99	4,448
<b>RL-80</b>	741	988	107	1,844
<b>Total</b>	9,628	3,894	224	13,765

The analysis is also graphically presented in Figures 7-1 through 7-5. The first figure shows all private land and whether it is proposed to increase, decrease or not change as part of the General Plan Update (Figure 7-1). The next two figures show only the properties with a decrease in density (Figure 7-2), and only properties that are currently designated Multiple Rural Use and decreasing in density (Figure 7-3). Figure 7-4 shows specifically what designation each Multiple Rural Use designated property is proposed to be changed to. Figure 7-5 eliminates those existing parcels that are less than 16 acres in size (approximately 58,600 acres).

While this analysis is based on parcels and not legal lots, as explained above there are some areas that require greater than 16 acres to subdivide and therefore this is considered a fair estimation of the approximate number of properties that cannot subdivide under the existing General Plan based on their size. The number also does not account for other issues which may make subdivision further unlikely such as other regulations, site specific factors, infrastructure constraints, development costs, and the lack of market demand.

Further GIS analysis was conducted to show the consideration of other constraints. Figure 7-6 to 7-8 start from Figure 7-5 and “remove” the areas that show significant existing constraints. Figure 7-6 eliminates 110,000 acres that have steep slopes; Figure 7-7 removes 124,000 acres that have “Very High” or “High” biological sensitivity; and finally, 200,000 acres that are greater than a quarter mile from a public road are eliminated in Figure 7-8. In total, of the approximately 295,000 acres that are decreased in density from Multiple Rural Use, approximately 270,000 (91%) have one or more of these constraints present.

### **Options for Modification by Board**

The information presented relates mainly to the residential densities proposed with the General Plan Update land use designations. Changes to the General Plan Update land use designation are within the purview of the Board; however, a significant amount of documentation including environmental documents have been prepared to support the General Plan Update as currently recommended. Therefore, it is recommended that any changes be reviewed for consistency and compliance with State law. It is likely that minor changes can be made with few modifications to existing documents. More significant modifications may require revisions for consistency between documents and additional public review of








the environmental impact report and/or consideration by the Planning Commission pursuant to State law requirements. Significant modifications may also fall outside of the project's stated objectives, which could require substantial changes to all project documents.

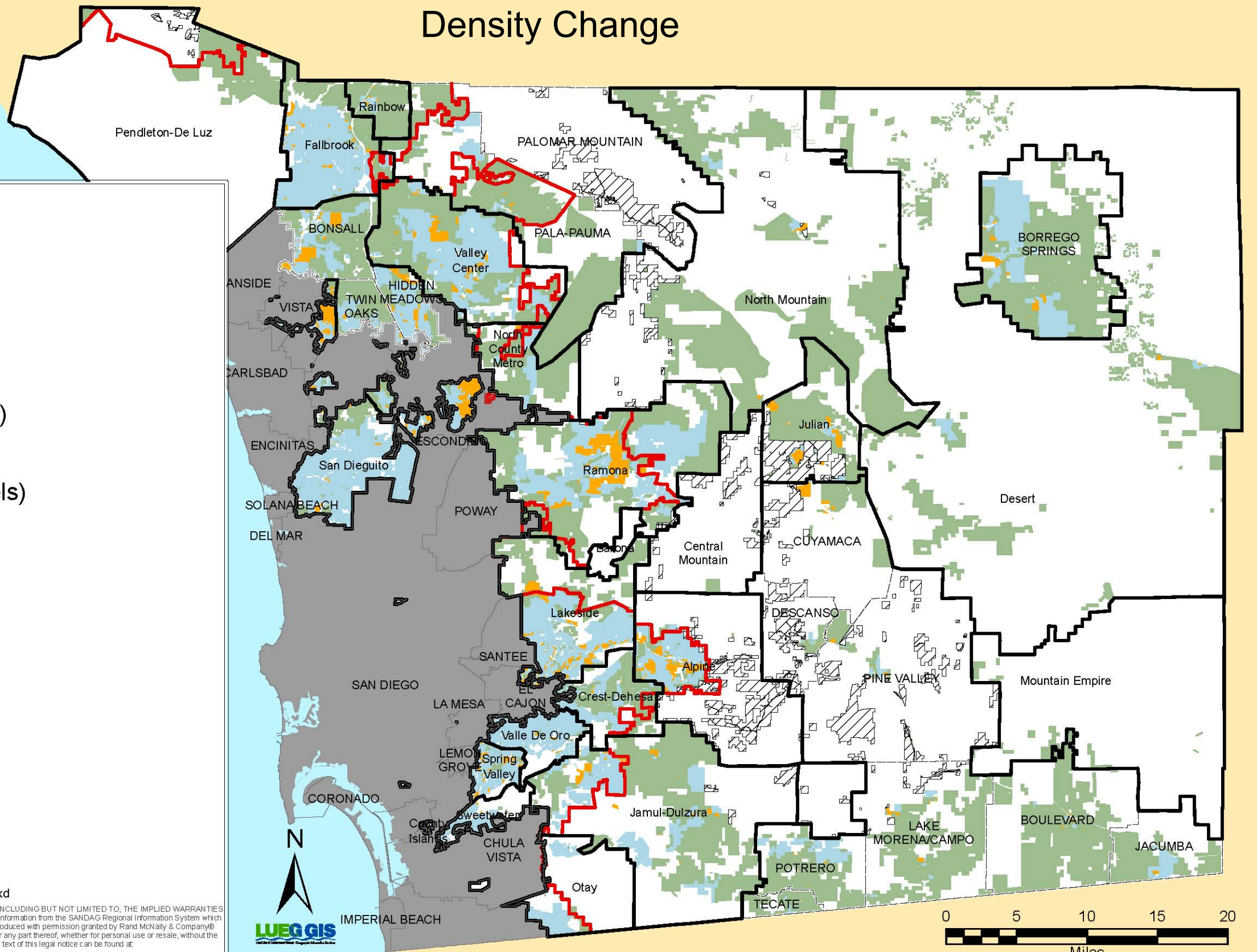
### **Additional Information**

Additional information on these constraints can be found throughout the draft environmental impact report.

Figure 7-1

# Density Change





-  Incorporated Land
-  County Water Authority
-  Forest Conservation Initiative
- Density Change**
  -  Decrease (20% of Parcels)
  -  Increase (10% of Parcels)
  -  No Change (70% of Parcels)
  -  Not in Study

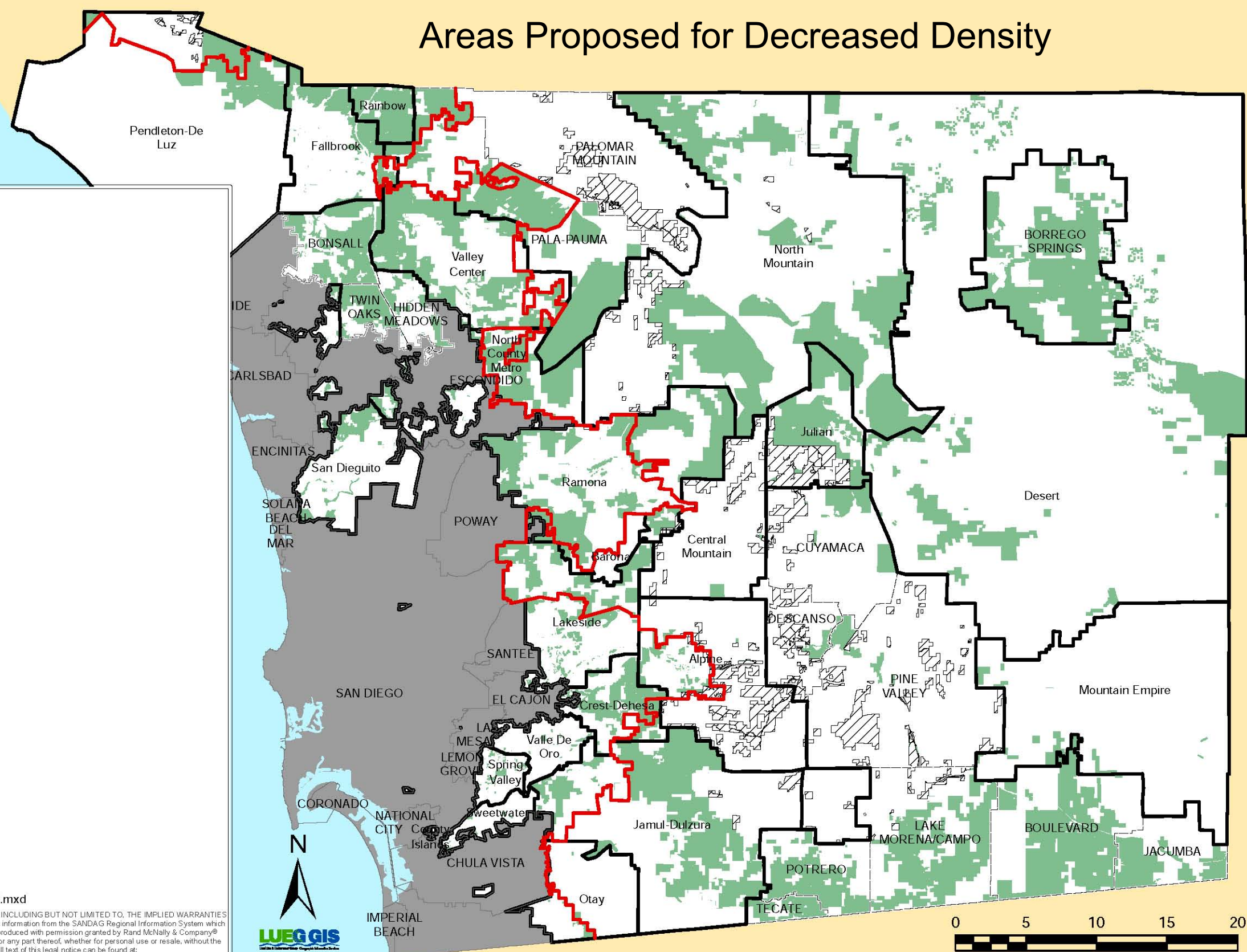


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Figure 7-2

# Areas Proposed for Decreased Density

-  Incorporated Land
-  County Water Authority Boundary
-  Forest Conservation Initiative
-  Decrease in Density








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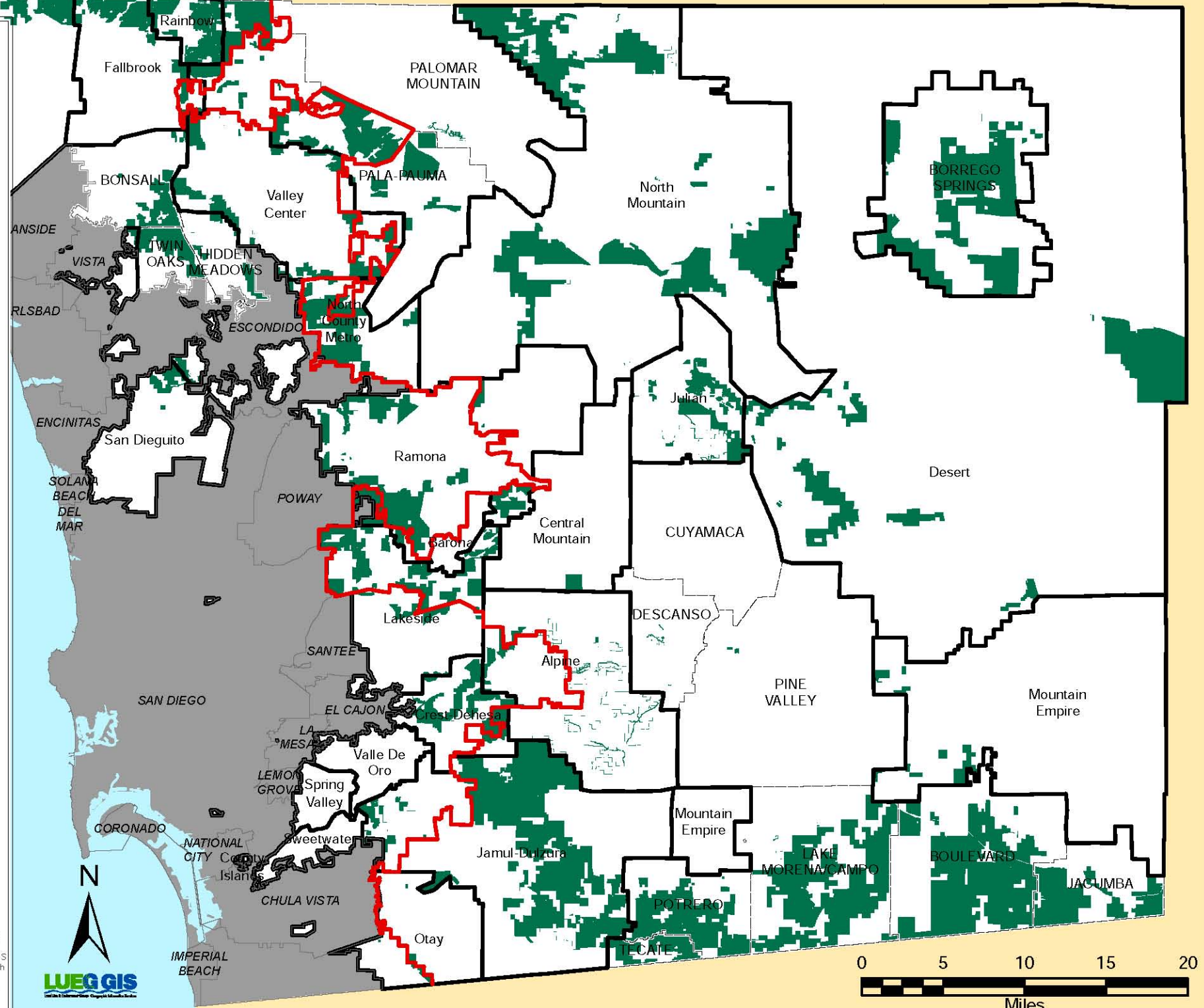




Figure 7-3

# COUNTY OF SAN DIEGO GENERAL PLAN UPDATE

-  County Water Authority Boundary
-  Community Planning Area
-  Sponsor Group
-  Incorporated Land
-  Multiple Rural Use with Proposed Decrease in Density



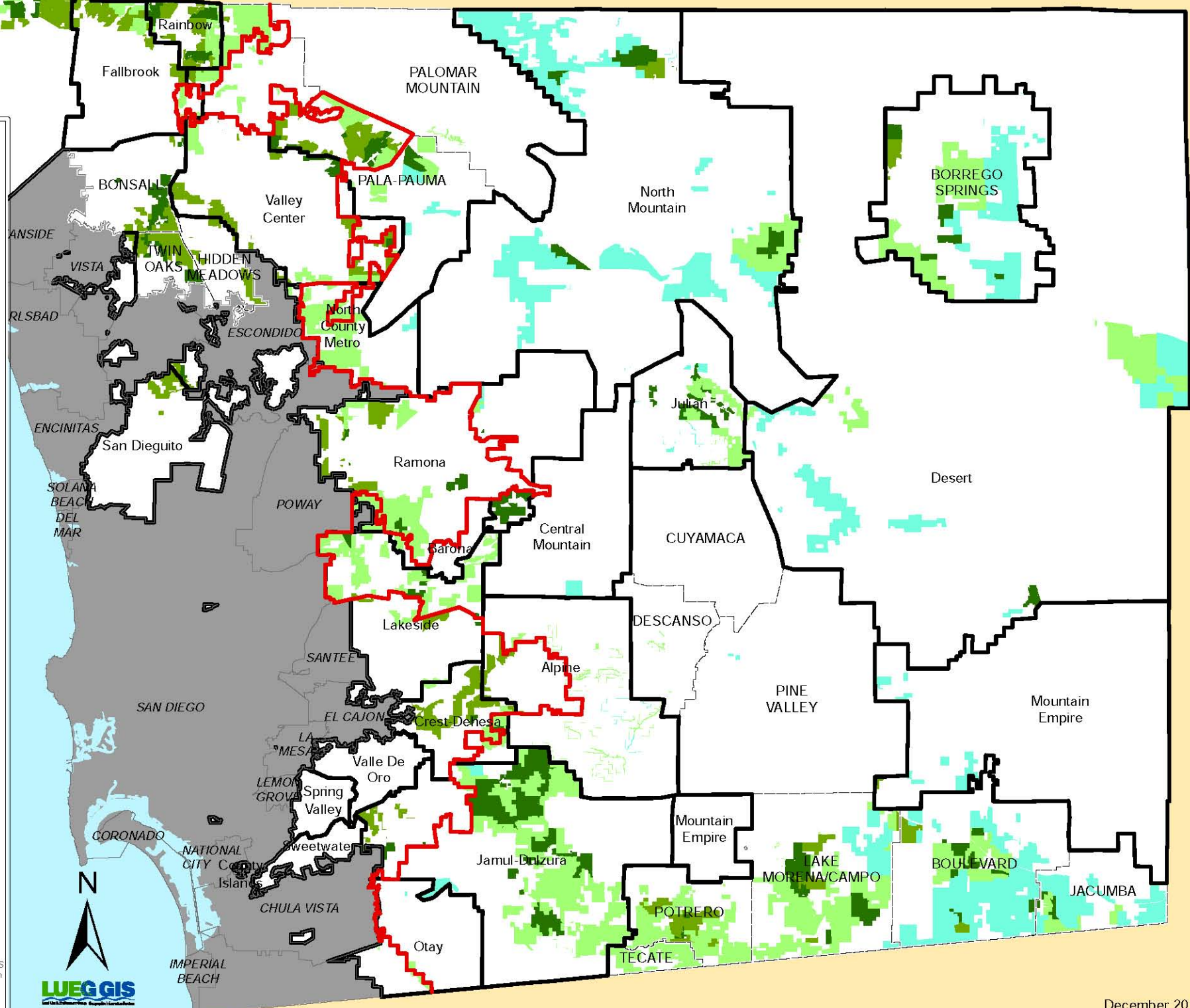
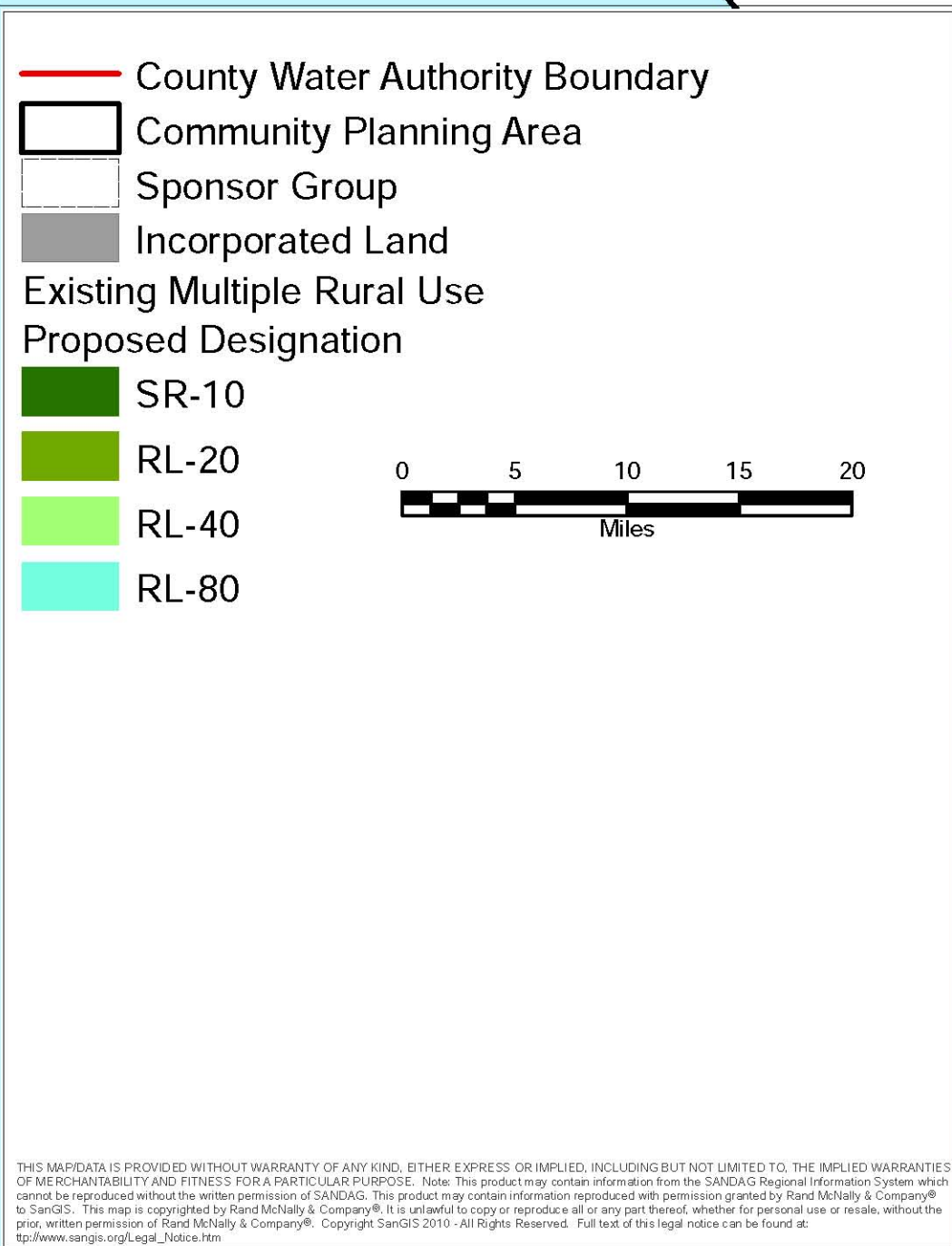
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Figure 7-4

Proposed Changes to Multiple Rural Use

COUNTY OF SAN DIEGO  
GENERAL PLAN UPDATE



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Figure 7-5

# COUNTY OF SAN DIEGO GENERAL PLAN UPDATE

— County Water Authority Boundary  
 Community Planning Area  
 Sponsor Group  
 Incorporated Land  
**Unconstrained Existing Multiple Rural Use Proposed Designation**  
 SR-10  
 RL-20  
 RL-40  
 RL-80

0 5 10 15 20  
 Miles

The following constraint has been applied:  
 • Existing Parcels Less Than 16 Acres (58,607 ac)

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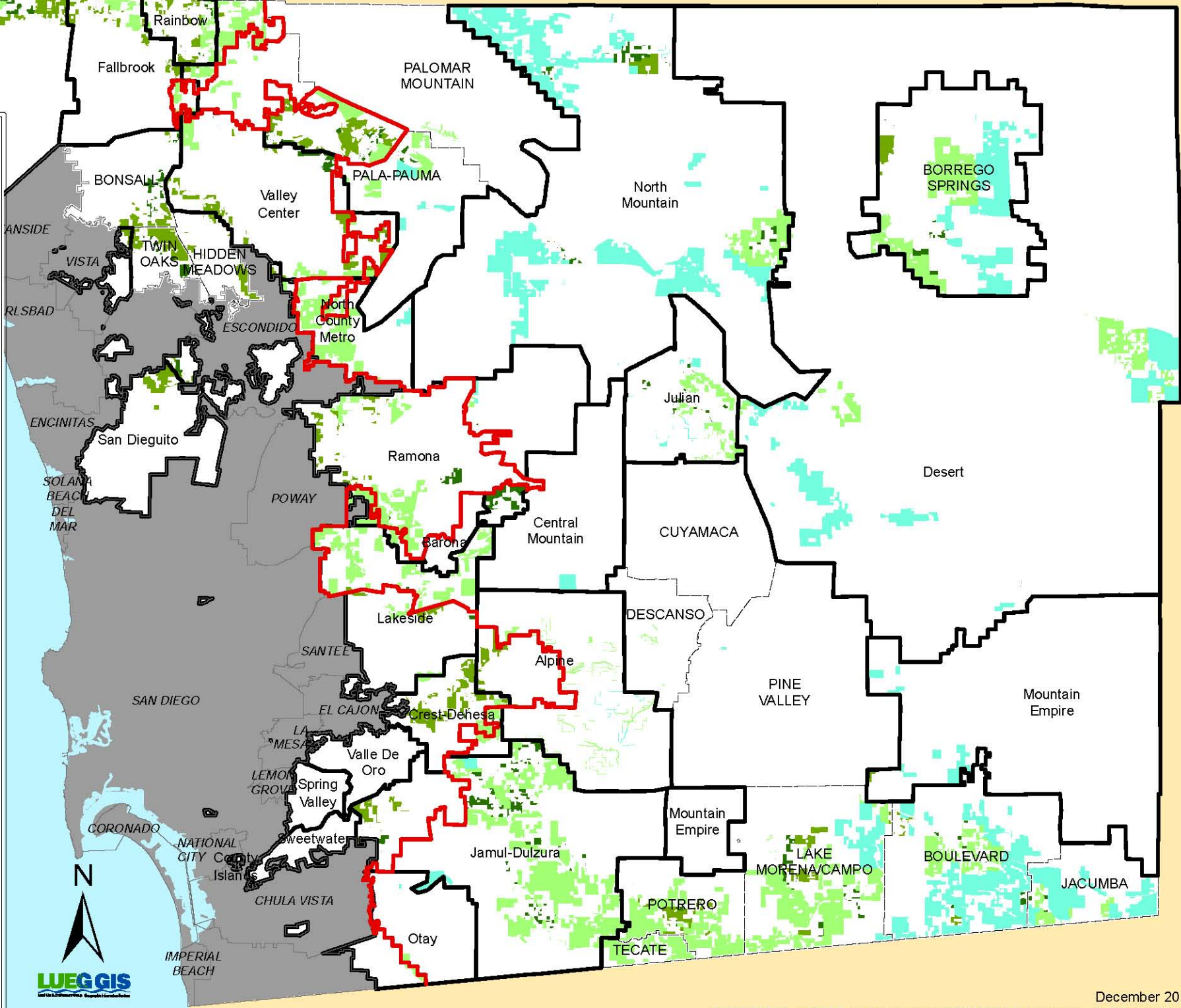







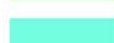
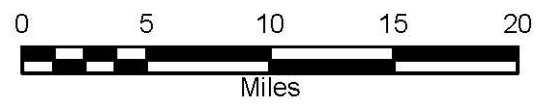


Figure 7-6

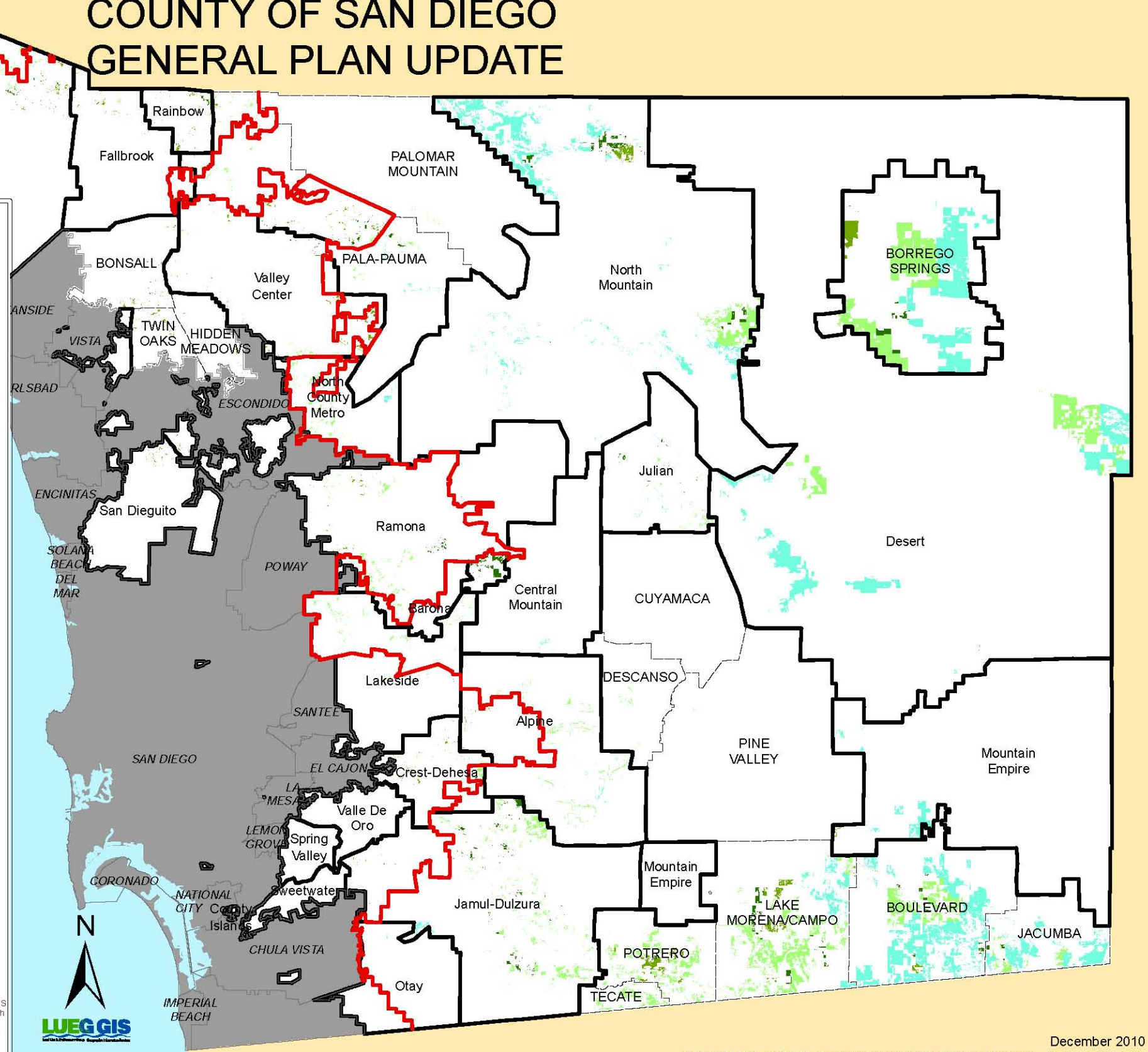
# COUNTY OF SAN DIEGO GENERAL PLAN UPDATE

-  County Water Authority Boundary
  -  Community Planning Area
  -  Sponsor Group
  -  Incorporated Land
- Unconstrained Existing Multiple Rural Use  
Proposed Designation
-  SR-10
  -  RL-20
  -  RL-40
  -  RL-80



The following constraints have been applied:

- Existing Parcels Less Than 16 Acres (58,607 ac)
- Steep (>25%) Slopes (110,271 ac)



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Figure 7-7

# COUNTY OF SAN DIEGO GENERAL PLAN UPDATE

— County Water Authority Boundary  
 Community Planning Area  
 Sponsor Group  
 Incorporated Land

**Unconstrained Existing Multiple Rural Use Proposed Designation**

- SR-10
- RL-20
- RL-40
- RL-80

0 5 10 15 20  
Miles

The following constraints have been applied:

- Existing Parcels Less Than 16 Acres (58,607 ac)
- Steep (>25%) Slopes (110,271 ac)
- Habitat Evaluation Model Categories of "Very High" and "High" (124,403 ac)

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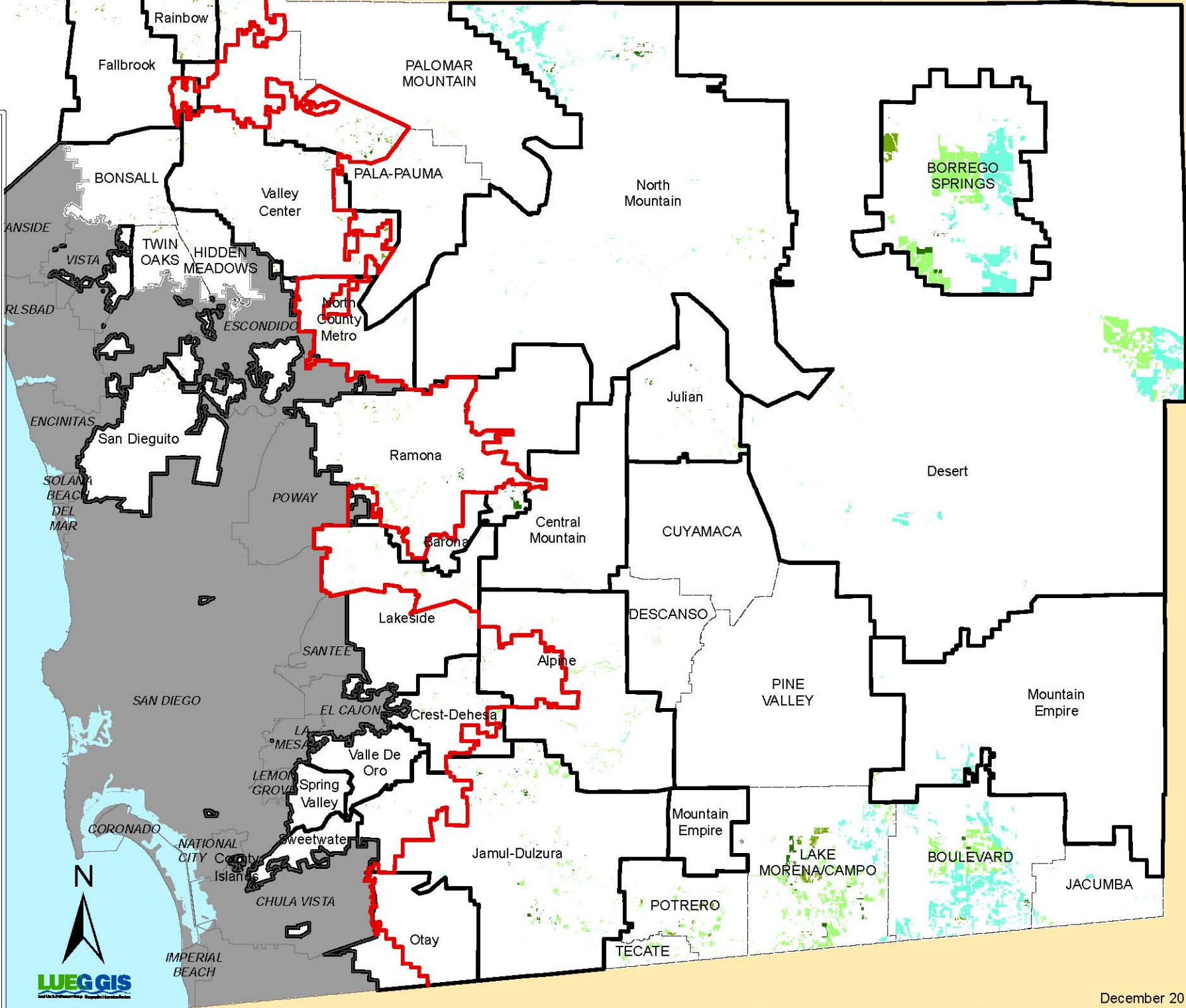


Figure 7-8

# COUNTY OF SAN DIEGO GENERAL PLAN UPDATE

**County Water Authority Boundary**

**Community Planning Area**

**Sponsor Group**

**Incorporated Land**

**Unconstrained Existing Multiple Rural Use Proposed Designation**

- SR-10
- RL-20
- RL-40
- RL-80

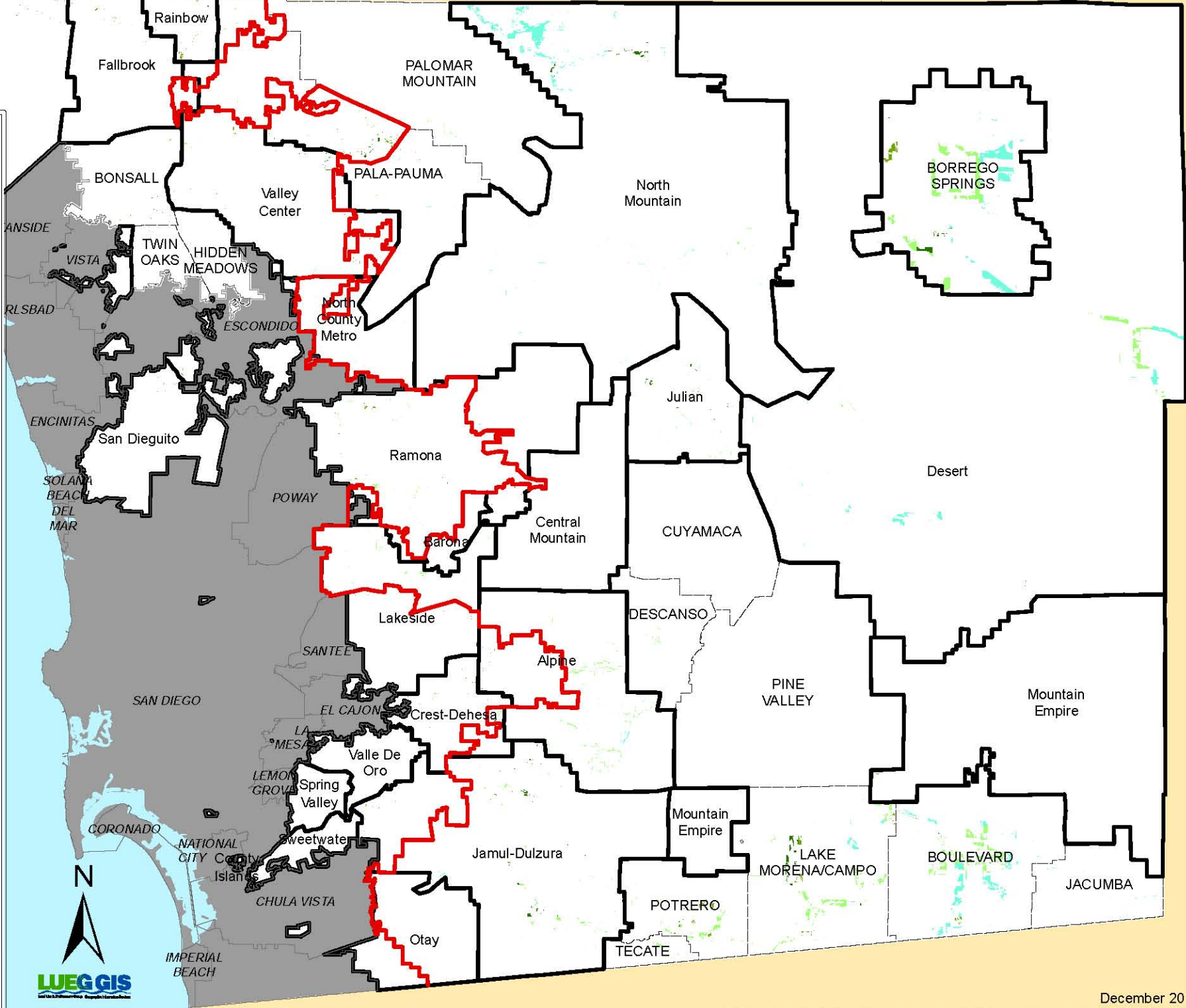
0 5 10 15 20  
Miles

The following constraints have been applied:

- Existing Parcels Less Than 16 Acres (58,607 ac)
- Steep (>25%) Slopes (110,271 ac)
- Habitat Evaluation Model Categories of "Very High" and "High" (124,403 ac)
- Land > 1/4 Mile from Publicly-Maintained Roads (200,774 ac)

Of the 295,318 acres of Multiple Rural Use Land with a decrease in density based on the proposed General Plan designation, 91% (270,197 acres) is constrained by one or more of the constraints listed above.

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## **8. Flexibility of Policy Language**

### **Statement of Issue**

Concerns were raised about the flexibility of the draft policy language in the General Plan Update. This is not a new issue for the Update. During the course of the project several comments were received on both sides of this issue at the various stakeholder meetings, public review, and Planning Commission hearings. Some comments suggest that the language is overly permissive, while others argue that it is too restrictive. At the recent Board hearings many commenters reiterated concerns that the language is too restrictive and inflexible.

### **Discussion**

While often raised in general terms, the issue of inflexibility mentioned during the recent hearings appeared to be directed mainly at the ability to amend the General Plan after approval of the General Plan Update. This issue is addressed more specifically in Section 9 of this report, which discusses General Plan Amendments. Instead, this section speaks more generally to the suggestion that the General Plan Update is generally inflexible.

There is a great deal of flexibility provided to the County in how it interprets, balances, and implements its policies. Many policies do not use mandatory wording and instead use words such as “encourage”, “promote”, and “support.” Many policies are also written generally so that there is flexibility in the details of implementation which are typically defined through Board adopted codes, ordinances, and policies.

The Department of Planning and Land Use (DPLU) has received comments from both sides on this issue throughout the drafting of the policies. Numerous policies have gone through multiple iterations of rewrites, many at the direction of the advisory groups or based on feedback from stakeholders. The wording of every policy has been given special consideration by DPLU to balance stakeholder input, and they have been reviewed by County Counsel, to ensure that the policy is clear, enforceable and not overly onerous.

### **Suggestions of Overly Restrictive Language**

Some comments suggest that draft policies are overly restrictive because they use words like “require”, “avoid”, and “prohibit.” The comments assert that these terms are the equivalent to using the word “shall” as opposed to the word “should” which would provide the County greater flexibility with implementing the General Plan. These comments were received from the San Diego Association of Realtors, East San Diego County Association of Realtors, and Rancho Santa Fe Association.

DPLU does not agree that the draft policies are overly restrictive or are inflexible. The State Guidelines for General Plans states, “A policy is a specific statement that guides decision-making. It indicates a commitment of the local legislative body to a particular course of action.” The County has avoided the use of “should” because it desires a General Plan that is clear in its intent and avoids debate during application. This approach has also been supported by a number of stakeholders and commenters on the General Plan Update who have indicated that they desire clear and firm commitments to certain policies and actions. Such clear direction also helps in the processing of development applications. Clear direction is given to the applicant, thus saving processing time in consideration of the development proposal.

Similar to the concerns of permissive language, DPLU reviewed all draft policies to determine if mandatory or more permissive language is appropriate. Few commenters cited specific policies of concern for mandatory language. Therefore, certain examples were selected with a brief evaluation. In many cases, the policy is supporting existing practices and will not change the process.

**LU-1.3** **Initiation of Plan Amendments.** *Require approval from the Board of Supervisors to initiate General Plan Amendments for private projects outside of a comprehensive General Plan Update.*

DPLU believes that a specific commitment to a decision making body is necessary in this policy.

**LU-1.4** **Leapfrog Development.** *Prohibit leapfrog development which is inconsistent with the Community Development Model and Community Plans. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries.*

This policy states that the County will not approve leapfrog development and that conformance with its overall development model is paramount. Given that the Community Development Model is a fundamental building block for the General Plan Update, DPLU contends the policy is appropriate.

**LU-6.1** **Environmental Sustainability.** *Require the protection of intact or sensitive natural resources in support of the long-term sustainability of the natural environment.*

This policy is a statement of current practice as implemented by the County's Resource Protection Ordinance and compliance with the California Environmental Quality Act (CEQA).

**LU-6.9** **Protection from Hazards.** *Require that development be located and designed to protect property and residents from the risks of natural and man-induced hazards.*

This policy is a statement of current practice as implemented by the Building Code and compliance with CEQA.

**LU-8.1** **Density Relationship to Groundwater Sustainability.** *Require land use densities in groundwater dependent areas to be consistent with the long-term sustainability of groundwater supplies.*

This policy is a statement of current practice as implemented by the Groundwater Ordinance and compliance with CEQA.

**LU-9.10** **Internal Village Connectivity.** *Require that new development in Village areas are integrated with existing neighborhoods by providing connected and continuous street, pathway, and recreational open space networks, including pedestrian and bike paths.*

This policy is generally a statement of current practice as implemented by the County's road standards and bike and trails master plans.

**LU-11.2** **Compatibility with Community Character.** *Require that commercial, office, and industrial development be located, scaled, and designed to be compatible with the unique character of the community.*

This policy is generally a statement of current practice as implemented by the County's site plan/permit process and compliance with CEQA.



**LU-11.11 Industrial Compatibility with Adjoining Uses.** *Require industrial land uses with outdoor activities or storage to provide a buffer from adjacent incompatible land uses.*

This policy is generally a statement of current practice as implemented by the County’s site plan process/permit and compliance with CEQA.

**LU-13.2 Commitment of Water Supply.** *Require new development to identify adequate water resources, in accordance with State law, to support the development prior to approval.*

This policy is statement of current practice as implemented by the County’s Board Policy and compliance with CEQA.

## **Suggestions of Overly Permissive Language**

As previously indicated, there have also been several comments suggesting that the General Plan Update should not use qualifying terms such as “encourage,” and “should.” These comments suggest that policies need to be written as a mandate to ensure that the policy is implemented and enforceable. However, mandatory language may not be appropriate for all policies. General Plan policies are a statement of legislative policy and do not need to be written as mandatory in order to be enforceable. They often guide more detailed enforcement tools such as ordinances and codes. DPLU has specifically reviewed all draft policies to determine if mandatory or more permissive language is appropriate. Examples of some draft policies specifically mentioned by commenters:

**LU-5.4 Planning Support.** *Undertake planning efforts that promote infill and redevelopment of uses that accommodate walking and biking within communities.*

**LU-6.3 Conservation-Oriented Project Design.** *Support conservation-oriented project design when appropriate and consistent with the applicable Community Plan. This can be achieved with mechanisms such as, but not limited to, Specific Plans, lot area averaging, and reductions in lot size with corresponding requirements for preserved open space (Planned Residential Developments). Projects that rely on lot size reductions should incorporate specific design techniques, perimeter lot sizes, or buffers, to achieve compatibility with community character.*

**COS-4.2 Drought-Efficient Landscaping.** *Require efficient irrigation systems and in new development encourage the use of native plant species and non-invasive drought tolerant/low water use plants in landscaping.*

**COS-5.4 Invasive Species.** *Encourage the removal of invasive species to restore natural drainage systems, habitats, and natural hydrologic regimes of watercourses.*

**COS-6.4 Conservation Easements.** *Support the acquisition or voluntary dedication of agriculture conservation easements and programs that preserve agricultural lands.*

**COS-6.5 Best Management Practices.** *Encourage best management practices in agriculture and animal operations to protect watersheds, reduce GHG emissions, conserve energy and water, and utilize alternative energy sources, including wind and solar power.*

**COS-14.7 Alternative Energy Sources for Development Projects.** *Encourage development projects that use energy recovery, photovoltaic, and wind energy.*

**COS-16.4 Alternative Fuel Sources.** *Explore the potential of developing alternative fuel stations at maintenance yards and other County facilities for the municipal fleet and general public.*

### **Options for Modification by Board**

The Board of Supervisors has a large amount of discretion over the wording of the individual policies. Minor changes in wording that provide more or less of a commitment to implementing those policies in general should not require changes to other project documents. However, such changes are likely to raise concerns from certain stakeholders, and in cases where the mandatory language supports a mitigation measure for the project, analysis will be required for any proposed changes to ensure that the mitigation measure remains viable.

### **Additional Information**

Additional information on the wording of policies can be found in various responses to comments on the draft environmental impact report. Other sources of relevant background information include comments on the draft General Plan Update and minutes from the Steering Committee and Interest Group meetings.

## **9. Future General Plan Amendments (GPAs)**

### **Statement of Issue**

Public testimony and written correspondence was provided on the ability to amend the General Plan after the General Plan Update is adopted. One comment stated that the General Plan Update, “ties the hands of future Boards of Supervisors and locks into place a rigid, inflexible plan with no ability to adapt to changing land use needs over time.” Staff was asked to provide further explanation of how privately requested General Plan Amendments would be handled after approval of the General Plan Update.

### **Discussion**

As currently proposed, privately requested General Plan Amendment would still be allowed after approval of the General Plan Update. There is no proposal to place a moratorium on privately-initiated General Plan Amendments. Additionally, the Board would continue to have discretion over the initiation of privately requested General Plan Amendment. To guide the process of initiating privately requested General Plan Amendments, draft polices are proposed for the General Plan Update. There are mainly two proposed policies associated with this process which are described generally below and in more detail in the following section.

The first is a policy (LU-1.3) that requires that all proposed privately-initiated General Plan Amendments (GPAs) be authorized by the Board of Supervisors. The second (LU-1.2) specifies that amendments to the Regional Categories only be completed as part of a County initiated comprehensive General Plan update. These draft policies were the result of concerns expressed by many stakeholders and planning groups that future privately-initiated GPAs could undermine the General Plan Update. Many suggested that after the significant efforts that resulted in the General Plan Update, including the large amount of stakeholder involvement, that the County should become more disciplined about authorizing the initiation of privately requested GPAs. At the same time, some stakeholders argued that the process for initiating GPAs be made easier so that the County can continue to readily respond to changes in circumstances and new information.

The draft policies contained in the General Plan Update represent a balance between the views of the stakeholders. These policies also do not “tie the Board’s hands” since the Board has the authority at any time to amend them. They can be viewed as a statement of the current policy for processing GPAs and are important because with a written and adopted policy, clear direction is provided to staff and applicants.

Following the adoption of the General Plan Update, Board Policy I-63 (General Plan Amendment and Zoning Guidelines) must be updated. Board Policy I-63 provides further details on the process of initiating privately requested GPAs. The update to Board Policy I-63 is planned to be brought before the Board as soon as possible following approval of the General Plan Update (likely within 6 months) and will reflect any relevant policies adopted as part of the General Plan Update. This update will also allow the Board to provide further direction on the process of initiating GPAs.

## General Plan Update Draft Policies

The General Plan Update provides specific guidance for General Plan Amendments (GPAs); particularly Land Use Element policies LU-1.2 and LU-1.3. A description of these land use policies and their intended effect on GPAs is provided below.

**LU-1.2 Regional Categories Map Amendments.** *Avoid General Plan and Specific Plan amendments requiring a change to the Regional Categories Map unless the changes are part of a County initiated comprehensive General Plan Update.*

Interpretation of Policy LU-1.2: The purpose of this policy is to prevent uncoordinated changes to land uses in the future that would require a change to the Community Development Model. Changes to the Community Development Model would occur when new land use designations are under a different Regional Category than the current designations. The General Plan Update Regional Categories are Village, Semi-Rural, and Rural Lands, and they are described in the Land Use Element beginning on page 3-7 of the General Plan Update. Therefore, this policy applies to a GPA that proposes to change the Regional Category of the land use designation(s) from Semi-Rural to Village or Rural Lands to Semi-Rural or Village Regional Categories. A “County initiated comprehensive General Plan Update” is considered to be a GPA that:

- Is authorized for initiation by the County;
- Consists of a comprehensive evaluation of the effect that the requested project would have on the surrounding community (or communities); and
- Includes General Plan amendments appropriate not only for a project site but also for the surrounding areas of evaluation.

**LU-1.3 Initiation of Plan Amendments.** *Require approval from the Board of Supervisors to initiate General Plan Amendments for private projects outside of a comprehensive General Plan Update.*

Interpretation of Policy LU-1.3: Presently, pursuant to Board Policy I-63, a Plan Amendment Authorization (PAA) is required from the County before an application for a GPA can be submitted. This policy would change the PAA process to require that the Board of Supervisors approve the PAA. Currently, PAAs are first submitted to the Director of DPLU for authorization. If denied by the Director, appeals are available to the Planning Commission (PC) and subsequently to the Board of Supervisors (BOS).

## Board Policy I-63 Amendments

After the adoption of the General Plan Update, staff intends to propose amendment to Board Policy I-63 and recommend new policies and procedures to improve the process for privately-requested GPAs. The proposed amendments will be presented to the Planning Commission for recommendations and must ultimately be approved by the Board of Supervisors. Three options to modify the process were included as an attachment to the October 20, 2010 Board Letter to consider the General Plan Update for adoption. These include:

1. PAA Batch
2. Combined PAA/GPA Process
3. Existing Process with Modifications

Additional information on the PAA process is available in Fact Sheet 12: Future Process for General Plan Amendments from the October 20, 2010 board hearing report at: [http://www.sdcountry.ca.gov/dplu/gpupdate/docs/bos\\_oct2010/H5\\_fact.sheets\\_102010.pdf](http://www.sdcountry.ca.gov/dplu/gpupdate/docs/bos_oct2010/H5_fact.sheets_102010.pdf).

### **Options for Modification by Board**

The Board of Supervisors has a large amount of discretion over the wording of these policies as they relate mainly to process. Significant modifications related to process or elimination of the policies altogether are considered minor changes because they are unlikely to result in consistency issues or require further environmental review.

### **Additional Information**

Additional information on the wording of these policies can be found in various responses to comments on the draft environmental impact report.

## 10. Specific Plan Areas

### Statement of Issue

During public testimony, concerns and questions were raised regarding the implications of removing the Specific Plan Area land use designation from properties currently designated Specific Plan Area in the General Plan.

### Discussion

What is a Specific Plan? – A specific plan is a tool for the systematic implementation of the general plan established in State law. It effectively establishes a link between implementing policies of the general plan and the individual development proposals in a defined area. A specific plan may be as general as setting forth broad policy concepts, or as detailed as providing direction to every facet of development from the type, location and intensity of uses to the design and capacity of infrastructure; from the resources used to finance public improvements to the design guidelines of a subdivision.

How is the Specific Plan Area Land Use Designation used in the existing County General Plan? – The existing General Plan defines the Specific Plan Area land use designation as a designation to be used where a specific plan has been adopted or must be adopted prior to development. The overall density permitted in a Specific Plan Area is designated on the community or subregional map. Once land is designated as a Specific Plan Area no subdivision maps or reclassification to more intensive zones shall be approved except in accordance with an adopted specific plan.

Must a property have a Specific Plan Land Use Designation in order to have a Specific Plan adopted on the property? – No, a specific plan is a planning tool recognized in the California Government Code to allow for the master planned implementation of the General Plan in relationship to a specific development. Under the appropriate circumstances any property owner can propose a specific plan for their property whether or not a Specific Plan Area land use designation exists on the property.

Will Specific Plan Area Land Use Designations be removed from the General Plan Update Land Use Map? No, Specific Plan land use designations will not be completely removed from the General Plan Update land use map. Areas with existing adopted Specific Plans will retain the Specific Plan Area land use designation and associated overall density designation on the General Plan Update land use map.

Why has the Specific Plan Area Land Use Designation been removed from some properties in the County as part of the General Plan Update process? – The Specific Plan Area land use designation is proposed for removal on the General Plan Update land use map in areas which currently do not have an adopted specific plan or their adopted specific plan has expired. Under the existing General Plan, these areas were given generic Specific Plan Area designations which provides no certainty or direction to the applicant or the public of what would be developed in that area. The General Plan Update proposes to now include traditional land use designations that provide a better picture of what is planned in the area. It also better complies with State law which requires that the land use diagram (map) of a general plan indicates the type and intensity of uses that are being planned.

There have also been times when the Specific Plan Area designation has been problematic for property owners since it requires the preparation of a specific plan prior to any development. As properties change

hands, development intentions change as well. Future property owners may not need or want to prepare a specific plan for their development but with the Specific Plan Area designation they are required to unless they amend the General Plan to have the designation removed. Assigning the property with traditional designations provides them with the option to choose whether or not a specific plan is appropriate.

How will Specific Plans be addressed under the General Plan Update? – Specific Plans will be addressed in the following ways:

- Areas with existing adopted Specific Plans will retain the Specific Plan Area land use designation and associated overall density designation on the General Plan Update Land Use Map.
- Areas in the County which were not designated Specific Plan Area but now have adopted Specific Plans may also be designated as a Specific Plan Area on the General Plan Update Land Use Map.
- Areas which are designated Specific Plan Area in the General Plan which do not have adopted specific plans or for which an adopted specific plan has expired will be replaced with General Plan Update land use designations. Staff worked with existing Specific Plan Areas that had projects processing with DPLU and attempted to designate lands consistent with the projects as they were proposed.

What level of review has the approach of removing Specific Plan Area Land Use Designations received? – This approach originated from the General Plan Update stakeholder process and was discussed in great detail during development of the plan. It was recommended by the advisory groups, and endorsed by the Planning Commission and Board of Supervisors. Specifically, it was presented to the Board in May 2003 and again in May 2005.

How will the removal of the Specific Plan Area Designation affect property owners? – Once the General Plan Update is approved and Specific Plan Area designations are replaced with traditional land use designations, future development projects will need to conform to those designations. The developer may still use a specific plan to provide a framework for the project and achieve additional flexibility in its design such as transferring density internally within the project.

Areas proposed for redesignation that have a specific plan project in process with DPLU were proposed for designations similar to the project being proposed. For example, staff was able to remap the Rancho Lilac Specific Plan Area in the Valley Center to achieve densities under traditional land use designations that exceeded the recognized densities under the Specific Plan Area land use designation for the property. In most cases, these projects were also proposing general plan amendments, and a general plan amendment may still be necessary to reflect the project that is ultimately proposed by the applicant.

In cases where no project is in process, land use designations were applied using the process applied to other lands accounting for community planning group input, mapping principles, constraints, and other factors. As a result, some areas are proposed for reductions in densities compared to their current Specific Plan Area designation.

Additionally, as stated above, the removal of the Specific Plan Area designation on properties may provide a benefit to property owners. Under the existing General Plan, on properties designated Specific Plan Area, no subdivision or zone reclassification of that property could take place until a specific plan

was adopted for the property. With the proposed removal of these designations, property owners could move forward with the development of those lands without adopting a specific plan for the property. This could save significant amounts of time and money in processing a subdivision. Property owners could now also sell-off or develop portions of their properties previously encumbered with the Specific Plan Area Designation without having to process a specific plan.

### **Options for Modification by Board**

Should the Board wish to retain Specific Plan Area designations for areas without adopted specific plans, modification to the General Plan Update is necessary. This modification is within the authority of the Board; however, because some Specific Plan Areas are proposed for reduced densities, reverting to existing densities would be a change in the General Plan Update project. This could require significant revision to the General Plan Update Environmental Impact Report and other documents, and additional public review. Additionally, some of those densities allowed by the existing Specific Plan Area designations may not be consistent with the General Plan Update project objectives. Therefore, should the Board wish to retain Specific Plan Area designations it is recommended that it be done on a case by case basis, and only in those areas where it would be consistent with the General Plan Update project objectives.

### **Additional Information**

Additional information on Specific Plan Area designations can be found in Steering Committee and Interest Group minutes and Planning Commission and Board of Supervisor reports from the 2002-2005 timeframe. General information on Specific Plans is also available from the California Office of Planning and Research (OPR) and in the California planning and zoning laws.



## 11. Special Study Areas

### Statement of Issue

The General Plan Update identifies several areas as special study areas which are proposed for designation in community plans as a result of coordination with community planning groups and other stakeholders. Staff was asked to elaborate on the use of special study areas in the General Plan Update and the availability to use that designation in other areas.

### Discussion

What is a special study area? –Special study areas consist of specifically-defined areas that are considered important enough to a community to warrant more detailed planning efforts. Generally the need for the additional planning efforts were identified through the General Plan Update planning process; however, a more detailed plan is required than could be accommodated in a countywide general plan. Generally, these planning efforts would consist of a master development plan or a specific plan that would be implemented after adoption of the General Plan Update and the planning efforts may also lead to future amendment to the General Plan Update.

How and why are special study areas applied? – Under the General Plan Update, special study areas are identified in the community plan. The community plan would include a map showing the specific boundaries of the special study area. Also, planning objective, goals and policies, and any special circumstances should also be identified in the community plan.

Generally, implementation of the special study area would require a General Plan Amendment (GPA). The advantage of establishing a special study area within an adopted community plan is that the GPA could be considered County-initiated, which in most cases would relieve an applicant of requirement established by General Plan Update Policy LU-1.3, Initiation of Plan Amendments, to apply to the Board of Supervisors for a GPA, such as discussed in the Tecate example below.

The designation of a specific study area is intended to give a clear commitment to the community and property owners that further refinement of the General Plan Update will be considered for that area. The designation provides assurances that this commitment will be retained as staff and stakeholders change and by outlining the objectives of the study area it helps ensure that all interested parties continue to have the same understanding of the intent of efforts for that area. The designation also provides an opportunity to pursue grant funding to support planning efforts.

Where are special study areas being used in the General Plan Update? – Special study areas are identified in four communities, as a result of the General Plan Update planning process – Tecate, Borrego Springs, Greater Warner Springs, and Spring Valley. Each special study area has its own unique circumstances as described below:

**Tecate** – This special study area has been identified in recognition of the unique relationship between Tecate, USA, an underdeveloped trucking and storage area, and Tecate, Mexico with a population of over 100,000 residents, many of whom frequently travel into the U.S. for shopping. The special study area is intended to accommodate master planning the area for commercial and industrial uses to create a cross-border community that provides goods and services that compliment the needs of the residents of Tecate,

Mexico. The Tecate Special Study Area constitutes a Plan Amendment Authorization thereby avoiding additional approvals required to initiate a General Plan Amendment per Policy LU-1.3. This special study area is discussed in the Mountain Empire Subregional Plan, beginning on Page 17, at the following link: [http://www.sdcountry.ca.gov/dplu/gpupdate/docs/bos\\_oct2010/B2.10\\_mtn.emp.cp\\_102010.pdf](http://www.sdcountry.ca.gov/dplu/gpupdate/docs/bos_oct2010/B2.10_mtn.emp.cp_102010.pdf).

**Spring Valley** – A special study area has been established, in coordination with the Spring Valley Community Planning Group to encourage the development of two non-contiguous, Caltrans-owned sites at the northeast corner of Sweetwater Springs and Jamacha Boulevards as a town center and parklands, should they become available for private development. This special study area is discussed in the Spring Valley Community Plan, beginning on Page 47, at the following link: [http://www.sdcountry.ca.gov/dplu/gpupdate/docs/bos\\_oct2010/B2.18\\_spring.valley.cp\\_102010.pdf](http://www.sdcountry.ca.gov/dplu/gpupdate/docs/bos_oct2010/B2.18_spring.valley.cp_102010.pdf).

**Borrego Springs** - There are a few special study areas established in the Borrego Springs Community Plan, the goal of which is to examine some of the unique issues in the Desert Community of Borrego Springs, specifically to address the Borrego Valley farmlands, economic development in the town center, Resource Conservation Areas and the Christmas Circle. The first two special study areas could involve the development of a Transfer of Development Rights program with the Borrego Valley farmlands and the Town Center, as well as a future General Plan Amendment to revise the land use designations in the Town Center and allow for additional mixed use developments. The plan is available online at: [http://www.sdcountry.ca.gov/dplu/gpupdate/docs/bos\\_oct2010/B2.05\\_borrego.spgs.cp\\_102010.pdf](http://www.sdcountry.ca.gov/dplu/gpupdate/docs/bos_oct2010/B2.05_borrego.spgs.cp_102010.pdf).

**Greater Warner Springs Area (North Mountain)** – The Greater Warner Springs Community Plan, a section in the North Mountain Subregional Plan establishes a special study area in the Sunshine Summit area to acknowledge that increases in intensity may be appropriate in the future. The goals and policies included in the section protect against development that would result in sprawl, instead requiring that any additional intensity and development would result in advancing goals towards a rural village. The goals and policies are available in the Community Plan, located here: [http://www.sdcountry.ca.gov/dplu/gpupdate/docs/bos\\_oct2010/B2.12a\\_north.mt.warner.spgs\\_102010.pdf](http://www.sdcountry.ca.gov/dplu/gpupdate/docs/bos_oct2010/B2.12a_north.mt.warner.spgs_102010.pdf).

*Has staff identified other areas that might be appropriate as special study areas?* – One additional area that staff had previously identified to be a special study area is the Campo, Lake Morena and Cameron Corners villages in the Campo/Lake Morena Community Planning Group. In March 2009, staff attended a meeting of the Campo/Lake Morena Community Planning Group and suggested establishing a special study area for future planning efforts in the area. The purpose of this special study area would be to address unique economic and environmental situations in the three rural villages of Campo, Lake Morena, and Cameron Corners (staff recommendations to the CPG are provided as an attachment immediately following this section). The Community Planning Group has not requested that the special study area be included since that time; however, it remains an option to be addressed in a future General Plan Amendments.

## **Options for Modification by Board**

Because a special study area merely represents a commitment to further study and consideration, there is a lot of discretion available in establishing, modifying, and removing special study areas. However, it is recommended that any designation of a special study area be accompanied by a map that clearly defines an area and a clear statement of purpose and objectives for the study area. The designation of such an area

should also be subject to community input and public review. This will assure a certain level of vetting prior to establishing the commitment to further action.

**Additional Information**

Special study areas are addressed briefly in the draft General Plan Update, Chapter 1 - Introduction.

## **Campo / Lake Morena Special Study Area General Plan Update - March 23, 2009**

The Department of Planning and Land Use is considering the establishment of a Special Study Area for future planning efforts in the Campo / Lake Morena Subregional Group Area. These efforts have been requested for analysis by members of the Community and can be a tool, with appropriate study and planning, to address unique economic and environmental situations in the three Rural Villages of Campo, Lake Morena and Cameron Corners. Planning solutions in this area can make this community a model for a sustainable community, while allowing for private economic development to create jobs and public infrastructure such as waste treatment, schools and medical facilities.

### **Background**

As part of the General Plan Update, the County of San Diego has worked with Community Groups, property owners and numerous stakeholders to develop Land Use Map alternatives for study. As part of these efforts there has been initial town center planning in the Cameron Corners area, however DPLU is examining the designation of this town center, as well as the Lake Morena and Campo rural villages as areas for future land use, infrastructure and economic studies, outside of the General Plan Update, to determine how these areas may be able to accommodate additional growth.

The Campo / Lake Morena community of the Mountain Empire Subregion has three historical communities and the advantage of some existing infrastructure, but is dependant on groundwater and has limited wastewater capacity. Recent studies conducted by the South County Economic Development Council have shown that the Mountain Empire Subregion has both lower per capita income and higher unemployment then other areas of the County of San Diego, where economic planning and investment could have significant improvements in the lives of the residents. There are a number of organizations who have made it a goal to support revitalization efforts and development opportunities in the backcountry, such ash the South County Economic Development Council and the Backcountry Revitalization Committee. DPLU acknowledges that there are opportunities for expansion in the Campo / Lake Morena community, as well as supports the concept of planning for measured and sustainable growth, facilitating investment in the Campo / Lake Morena Subregional Group Area.

### **What are the goals of the Special Study Area?**

It is the goal of the Campo / Lake Morena Special Study Area to seek opportunities and funding mechanisms to study how an appropriate land use plan can provide for an economic incentive to develop a sustainable community complete with infrastructure, jobs, public services and housing. This process will occur outside of the General Plan Update, and if a land use plan is developed it has the potential to be approved as a future amendment to the General Plan Update.

### **What types of studies should be undertaken?**

There are three studies that should to be undertaken for the goals to be properly implemented:

- *Infrastructure Study* – The Campo / Lake Morena Special Study Area needs to undertake an infrastructure study to identify opportunities and constraints for providing infrastructure to new development. Specific concerns are the ability for groundwater to accommodate growth, as well as opportunities for shared wastewater facilities. Fire Protection, Schools, Medical Facilities, telecommunications infrastructure, public services and transportation impacts should also be considered for appropriate levels of service that are acceptable in a rural community. The infrastructure study should consider ways to create an environmentally sustainable community with specific attention paid to energy use, carbon emissions, and water supply.
- *Economic Study* – An economic study should be undertaken to show what development opportunities are available and necessary to facilitate investment, build infrastructure, support public services and ensure an adequate jobs to housing ratio. The economic study should examine the potential to implement a Transfer of Development Rights programs in the Subregional Group Area. Specific attention should be paid to employment opportunities for

residents, as well as opportunities for increased tourism and recreation in the community. Additionally, any economic study should examine what types of revenue could be generated for local services, libraries, schools and fire protection and if the total revenue will be able to feasibly support adequate services to new and existing residents.

- *Land Use Study* – Using findings from the Infrastructure and Economic Study, a land use plan should be developed that accommodates an appropriate level of residential, commercial, civic and other office or job producing land uses. The Land Use study will need to include an extensive Public Planning Process complete with community workshops, meetings, and design charrettes to determine appropriate uses that will have a high degree of consensus with residents, property owners, stakeholders and the County of San Diego. Included in this land use plan should be a variety of housing types for different income levels, suggestions for retaining a rural character as well as opportunities for public places, civic uses and “main street” commercial areas. The land use study should consider environmentally constrained lands, including the conservation, rehabilitation and appropriate use of these valuable resources.

### **What are the next steps?**

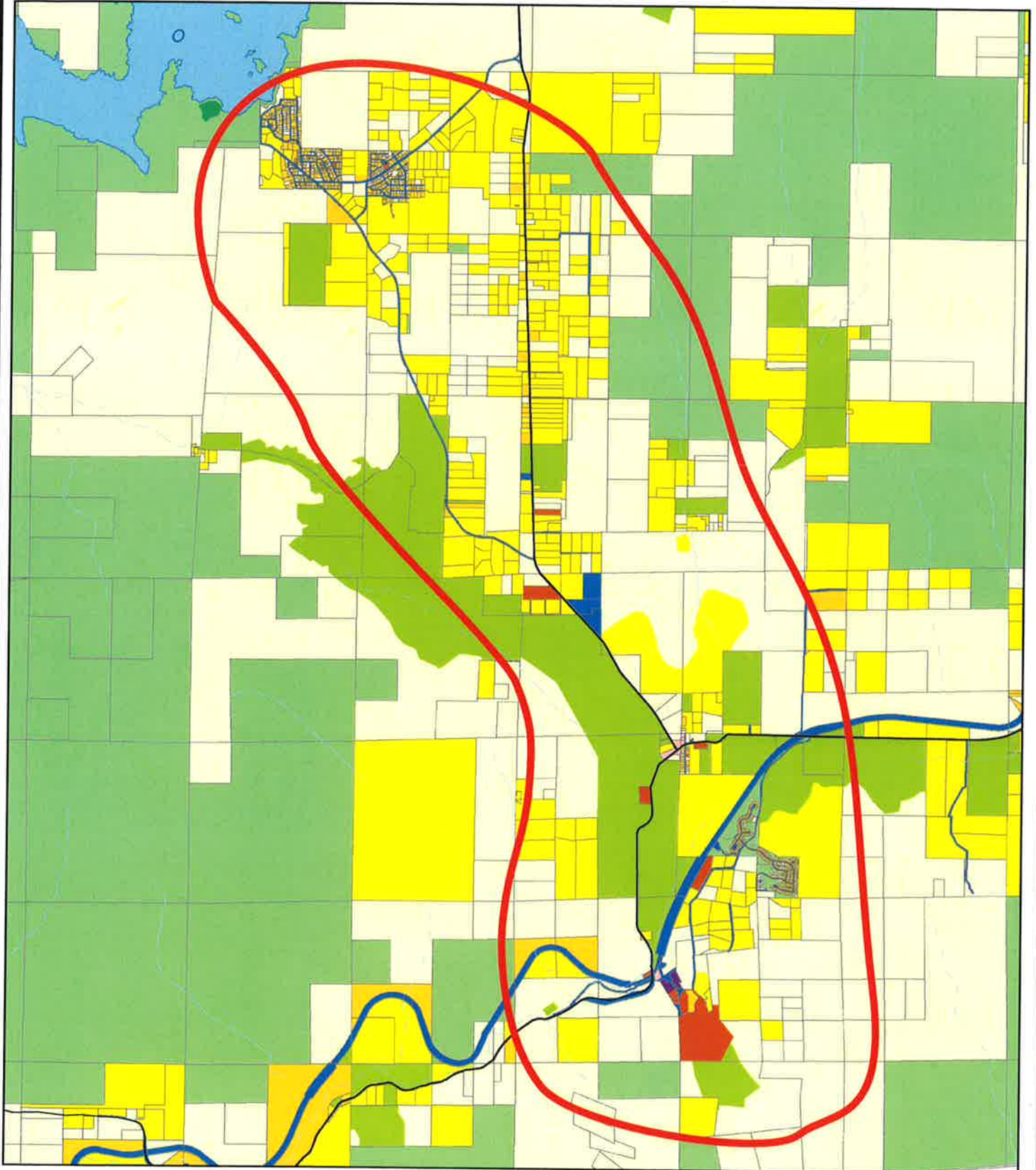
The next steps are to receive comments from the community on the study area and process that the DPLU is proposing to determine if it is an effort that should be pursued. Should the community wish to pursue this program it should be determined how much effort is appropriate for the community to spend, what resources are available for assistance from the County of San Diego and what consulting services may be required.

Following a decision to pursue a Special Study Area, methods should be identified for funding, including application for grants. Agencies that may have grants available are SANDAG, Department of Housing and Urban Development, the County of San Diego or private resources. However, even before an outside funding source is identified, the framework can be established, including possible inclusion within the Campo / Lake Morena portion of the Mountain Empire Subregional Plan, to aid in future planning efforts.

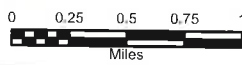
### **Attachments:**

- 1 – Campo / Lake Morena Special Study Area

# Campo / Lake Morena Special Study Area



- |              |                                   |  |             |
|--------------|-----------------------------------|--|-------------|
| Interstates  | <b>Existing Land Use (SANDAG)</b> | Commercial and Office                    | Agriculture |
| State Routes | Spaced Rural Residential          | Industry                                 | Undeveloped |
| Major Roads  | Residential                       | Transportation, Communication, Utilities | Water       |
| Parcels      | Institution                       | Commercial Recreation                    |             |
|              | Military                          | Parks                                    |             |



The map is a general advisory of any kind, and is not intended to be used as a basis for any legal action. The product is not intended to be used as a basis for any legal action. The product is not intended to be used as a basis for any legal action. The product is not intended to be used as a basis for any legal action.



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## 12. Residential Density Determination

### Statement of Issue

Residential density determination, how the numbers of lots are calculated for future subdivisions, is governed by the density assigned to each land use designation (Tables LU-1 & LU-2) and explained and applied with Land Use Policy LU-1.9: Maximum Residential Densities. The policy reads:

**LU 1.9 Maximum Residential Densities.** *Determine the maximum number of dwelling units permitted within the boundaries of any subdivision or single lot based on the applicable land use designation(s). When the total number of dwelling units is less than one, this shall be interpreted as permitting one dwelling unit. When more than one dwelling unit is permitted, fractional dwelling units are rounded down to the nearest whole number of dwelling units.*

It was raised at the Board of Supervisors Hearing that this policy should be looked at, specifically to investigate providing an allowance for parcels to subdivide if they are close to an additional unit. For example, under this policy a parcel that is 79 acres and designated Rural Lands 40 would not be able to subdivide because at least 80 acres would be needed.

### Discussion

Three different scenarios were analyzed as part of this request to look at what the impacts would be from allowing parcels that were within 5, 10 and 15 percent of the number of units required to be rounded up. For this request, only Semi Rural 1 and lower density designations were included. Approximately 96 percent of the areas that receive a reduction in density are at Semi-Rural and Rural Densities, so it is appropriate to focus on these areas. If Village Residential lots were granted this same allowance, a number of existing residential lots in areas proposed for no changes under the General Plan Update would have the opportunity to subdivide.

Analysis was performed to look at how many parcels would receive an additional unit, by Land Use Designation, calculated by the percentage allowance given. For example, if there was a 5 percent allowance, a parcel that is 78 acres in the Rural Lands 40 designation would be able to subdivide. (An allowance of 5 percent would mean the unit yield calculation would need to be equal or greater than 1.95 in order to split a parcel into two units). If the allowance were 10 percent the parcel would need 76 acres and 15 percent would need 72. As shown by Table 12-1, the resulting additional units with a 15 percent allowance are estimated to be at 2,191 units. The noticeable outliers are the units that would be allowed in the Semi-Rural 1 and Semi-Rural 2 categories, which are significantly higher than any other land use designation, and when those units are removed the total is reduced to 730.

**Table 12-1. Addition Units Possible for Policy LU-1.9 Revisions**

Land Use Designation	5% Allowance	10% Allowance	15% Allowance
SR-1	228	450	659
SR-2	281	543	802
SR-4	85	152	213
SR-10	66	124	164
RL-20	51	87	116
RL-40	80	148	207
RL-80	0	10	30
<b>Grand Total</b>	<b>791</b>	<b>1,514</b>	<b>2,191</b>
<i>Subtotal*</i>	<i>282</i>	<i>521</i>	<i>730</i>

*\*if SR-1 and SR-2 are removed*

For the purposes of the study, assessor parcels were used and are not necessarily legal lots that can be used for a construction of a home or for subdivision. Legal lot status is something that cannot be determined unless legal documents are reviewed in detail. Further, for this analysis slope was not included in calculations for semi-rural lands because accurate parcel specific information is not readily available.

Further, when the 15 percent allowance (730 additional units) is considered by Subregion and Community Planning Area the result is not a significant increase for any community. At most the 15 percent allowance is estimated to allow for 103 additional units in the Valley Center CPA.

**Table 12-2. Additional Units by Community for Policy LU-1.9 Revisions (SR-4 and lower)**

Community	5% Allowance	10% Allowance	15% Allowance
Alpine	8	15	20
Bonsall	23	47	61
Central Mountain	2	3	7
Crest-Dehesa	10	14	23
Desert	29	56	72
Fallbrook	6	9	12
Jamul-Dulzura	18	43	65
Julian	5	9	19
Lakeside	7	15	17
Mountain Empire	35	64	91
North County Metro	23	42	52
North Mountain	11	18	31
Otay	-	-	-
Pala-Pauma	10	27	39
Pendleton-De Luz	11	17	24



Rainbow	2	2	3
Ramona	37	57	76
San Dieguito	8	8	13
Sweetwater	-	-	1
Valle De Oro	-	1	1
Valley Center	37	74	103
<b>Grand Total</b>	<b>282</b>	<b>521</b>	<b>730</b>

### **Options for Modification(s) by Board**

It is within the discretion of the Board of Supervisors to modify Policy LU-1.9; however, it must still be determined if the impact will be significant for the environmental review. It appears that a revision could be to allow for up to a 15 percent allowance for properties within a Semi-Rural 4 or lower designation with minimal revisions to the project documents because this would result in a negligible possible increase of units to the overall General Plan Update housing capacity. Should the Board wish to make the modification, additional revisions to the General Plan Update maps and density descriptions would be necessary to so they are clear and consistent in explaining how the density calculations are to be made.

### **Additional Information**

No additional information is relevant to this issue.

## **13. Fire Response/Travel Time Standards**

### **Statement of Issue**

Staff was asked to provide more information on the use of fire response time standards for the first-due unit instead of travel time standards in the General Plan Update. “First-due unit” refers to the first emergency vehicle and crew that arrives at the scene of the incident. Travel time standards for the first-due unit are currently used in the existing General Plan and are proposed to be maintained in the General Plan Update for reviewing new development projects.

### **Discussion**

Travel time standards for the first-due unit are proposed for use in draft General Plan Update policy S-6.4. An explanation for the use of travel time as opposed to response time is included in proposed General Plan Update in an inset box. In short, the plan states that, “The use of response time for determining adequate service is problematic in the unincorporated County because it is subjective and varies from department to department, station to station and work shift to work shift.” This is because response time for the first-due unit includes two additional variables to travel time: dispatch time (the time of 9-1-1 call to the time of dispatch) and turnout time (the time of dispatch until time unit is responding, which is the time from the company notification to donning protective clothing to getting underway). Generally, the call processing and turnout time would add between two to three minutes to the travel time.

Response time for the first-due unit is a composite of three events: dispatch, turnout, and travel. Travel times can be modeled using the roadway network and the distance from the fire station to the destination, likely speed, conflicts, etc. Because travel can be effectively modeled, it can be applied without the subjectivity of different perspectives from various fire personnel or consultants. This is important for the purposes of fairness and consistency when applying a regulatory standard across a region.

An argument can be made that dispatch and turnout times should not vary significantly from station to station. Normal targets are 60-80 seconds for EMS and 80 for fire and special operations. However, these are only targets; actual dispatch and turnout times are not monitored on a regional basis in San Diego County. As such, the data would need to be provided by the 16 individual fire districts and CALFIRE who are responsible for a combined 71 fire stations that are located throughout the unincorporated County. Unfortunately, dispatch and turnout time data for each station is not readily available and as previously mentioned, would likely vary from station to station depending upon staffing and operation levels. As a result, subjectivity in the form of estimates and approximations are introduced into the equation, which can lead to inconsistencies and significant uncertainties on whether a proposed development project complies with established time standards.

Additionally, the location of a development does not affect dispatch and turnout times. Only travel times are affected. Therefore, it is reasonable to focus in on travel times as the defining standard for development. Furthermore, response time standards can easily be converted to travel time standards by subtracting average dispatch and turnout times.

There have been comments that suggest that the County should rely on the National Fire Protection Association (NFPA) 1710 and 1720 standards, which guide the organization and deployment of fire

suppression and emergency medical operations including minimum response time standards for fire protection authorities. Comments received suggest that the County should use these standards for planning purposes, particularly with regard to recommended response times. These standards are not applicable to the General Plan Update as they are advisory only and staff is not aware of any other county that has formally adopted NFPA 1710 and/or 1720 as a standard in their General Plans. However, in developing County standards and the General Plan Update, the NFPA guidance has been considered. The Regional Fire Services Deployment Study for the County of San Diego Office of Emergency Services, dated May 5, 2010, prepared by a third party consultant Citygate Associates, LLC, evaluates the region's fire services against NFPA guidelines. In short, the County's General Plan Update in terms of the draft emergency deployment times standard (Policy S-6.4) is consistent with the recommendations specified in the Regional Fire Services Deployment Study, which means that it is generally consistent with the NFPA guidance for the first arriving engine. Travel times were a key component in the Citygate analysis of the adequacy of the region's fire services.

### **Options for Modification by Board**

The application of travel time as a standard for future development is a draft policy of the General Plan Update and; therefore, within the Board's discretion to modify it. Use of comparable response time standards to the travel time standards (addition of 3 minutes) is unlikely to require additional analysis but is not recommended due to challenges with implementation as discussed above. Should the Board wish to modify the standard to be significantly different that what is included in the draft General Plan Update, significant additional analysis would likely be required because these standard relate directly to fire services and the amount of development that may be permitted in a particular area.

### **Additional Information**

Below is a copy of Policy S-6.4 as currently proposed in the draft General Plan Update. A similar table is included in the County's existing General Plan, Public Facility Element, page XII-11-12.

**S-6.4 Fire Protection Services for Development.** Require that new development demonstrate that fire services can be provided that meet the minimum travel times identified in Table S-1 (Travel Time Standards from Closest Fire Station).

Travel times are calculated using accepted methodology based on the travel distance from the fire station to the farthest dwelling unit of the development. Fire stations must be staffed year-round, publicly supported, and committed to providing service. These do not include stations that are not obligated by law to automatically respond to an incident. Travel time is based on standards published by the National Fire Protection Association. Travel time does not represent total response time, which is calculated by adding the travel time to the call processing time and to the turnout/reflex time. Generally, the call processing and turnout/reflex time would add between two to three minutes to the travel time. It is not known if any county has formally adopted NFPA 1710 and/or 1720 as a standard. Total Response Time (NFPA 1710/1720) is calculated as time the Public Safety Answering Point (PSAP) receives the emergency call, transfers it to fire communications, the alarm is processed and transmitted to responders, responders "turnout", plus travel time to the scene to initiate action. The use of response time for determining adequate service is problematic in the unincorporated County because it is subjective and varies from department to department, station to station and work shift to work shift. Reflex time (the amount of time from when the call is received by the station to when the engine leaves the station) can vary from one to three minutes. The use of travel

time, as calculated by using NFPA 1142, allows us to be consistent across the County in determining adequate response, regardless of the district. Table S-1 establishes a service level standard for fire and first responder emergency medical services that is appropriate to the area where a development is located. Standards are intended to (1) help ensure development occurs in areas with adequate fire protection and/or (2) help improve fire service in areas with inadequate coverage by requiring mitigation for service-level improvements as part of project approval.

<b>Table S-1 Travel Time Standards from the Closest Fire Station*</b>		
<b>Travel Time</b>	<b>Regional Category (and/or Land Use Designation)</b>	<b>Rationale for Travel Time Standards**</b>
<b>5 min</b>	Village (VR-2 to VR-30) and limited Semi-Rural Residential Areas (SR-1) Commercial and Industrial Designations in the Village Regional Category Development located within a Village Boundary	In general, this travel time standard applies to the County's more intensely developed areas, where resident and business expectations for service are the highest.
<b>10 min</b>	Semi-Rural Residential Areas (> SR-1 and SR-2 and SR-4) Commercial and Industrial Designations in the Semi-Rural Regional Category Development located within a Rural Village Boundary	In general, this travel time provides a moderate level of service in areas where lower-density development, longer access routes and longer distances make it difficult to achieve shorter travel times.
<b>20 min</b>	Limited Semi-Rural Residential areas (>SR-4, SR-10) and Rural Lands (RL-20) All Commercial and Industrial Designations in the Rural Lands Regional Category	In general, this travel time is appropriate for very low-density residential areas, where full-time fire service is limited and where long access routes make it impossible to achieve shorter travel times.
<b>&gt;20 min</b>	Very-low rural land densities (RL-40, RL-80, and RL-160)	Application of very-low rural densities mitigates the risk associated with wildfires by drastically reducing the number of people potentially exposed to this hazard. Future subdivisions at these densities are not required to meet a travel time standard. However, independent fire districts should impose additional mitigation requirements on development in these areas.

\* The most restrictive standard will apply when the density, regional category and/or village/rural village boundary do not yield a consistent response time standard.

\*\* Travel time standards do not guarantee a specific level of service or response time from fire and emergency services. Level of service is determined by the funding and resources available to the responding entity.

## 14. Acceptable Level of Service for Roads

### Statement of Issue

During public testimony concerns were raised over a policy proposed by the General Plan Update that allows for roads modeled to operate below the level of service (LOS) D objective to be accepted in that manner rather than mandating that the plan be refined to achieve what is typically an “acceptable” LOS. Staff was asked to provide additional information on the rationale and proposed criteria for accepting roads with a lower LOS.

### Background

The proposed Mobility Element road network developed to accommodate the Staff/Planning Commission Recommended Project includes 612.7 lane miles of State highways and 2,397.8 lane miles of Mobility Element roads, for a total of 3,010.5 roadway lane miles in the unincorporated County. As shown in Table 14-1 below, the proposed road network has 133.1 lane miles forecast to operate at level of service (LOS) E or F. This represents approximately 4.4 percent of the total road network at build-out.

**Table 14.1: Proposed Road Network (Lane Miles by Level of Service)**

Road Network	State Highways	Mobility Element	Total
LOS A-D	587.8	2,289.6	2,877.4
LOS E-F	24.9	108.2	133.1
<b>TOTAL</b>	<b>612.7</b>	<b>2,397.8</b>	<b>3,010.5</b>
Percent LOS E/F	4.1%	4.5%	4.4%

*Source: Fehr & Peers; September 2010*

State law requires that the Circulation (Mobility) Element correlate directly with the Land Use Element diagram. The General Plan Update does this by identifying a road network that accommodates the future growth that would be allowed by the General Plan Land Use Map. Throughout the planning process for development, and subsequent analysis of, a Mobility Element road network, the County coordinated with SANDAG to use their traffic forecast model to determine how well the road network accommodates the land use map. The Mobility Element road network planning process combined traffic modeling with in-house technical reviews and an extensive community outreach program. This iterative process resulted in a high level of community consensus for the proposed road network.

Level of Service or LOS is a qualitative measure describing operational conditions within a traffic stream and the motorists' perceptions of those conditions and provides a measure of how well a road is able to meet the demands or volume of traffic. The capacity threshold of a road is the maximum number of vehicles that can traverse a uniform section of road within a specified timeframe. Road capacity for County roads is measured according to average daily traffic (ADT), and State facilities are measured according to Caltrans criteria based on peak-hour volumes that a roadway could accommodate. Six LOS capacity thresholds are defined for each type of roadway, with letters A through F used to establish the LOS measure. Criteria for each LOS threshold include: speed, travel time, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. A description of each LOS category is provided in Table M-3 of the proposed Mobility Element.

**Table M-3 Level of Service Descriptions**

LOS	Description
A	This LOS represents a completely free-flow conditions, where the operation of vehicles is virtually unaffected by the presence of other vehicles and only constrained by the geometric features of the highway and by driver preferences.
B	This LOS represents a relatively free-flow condition, although the presence of other vehicles becomes noticeable. Average travel speeds are the same as in LOS A, but drivers have slightly less freedom to maneuver.
C	At this LOS the influence of traffic density on operations becomes marked. The ability to maneuver within the traffic stream is clearly affected by other vehicles.
D	At this LOS, the ability to maneuver is notably restricted due to traffic congestion, and only minor disruptions can be absorbed without extensive queues forming and the service deteriorating.
E	This LOS represents operations at or near capacity. LOS E is an unstable level, with vehicles operating with minimum spacing for maintaining uniform flow. At LOS E, disruptions cannot be dissipated readily thus causing deterioration down to LOS F.
F	At this LOS, forced or breakdown of traffic flow occurs, although operations appear to be at capacity, queues forms behind these breakdowns. Operations within queues are highly unstable, with vehicles experiencing brief periods of movement followed by stoppages.

SOURCE: Highway Capacity Manual, 2000

The LOS for operating on State highways is based upon Measures of Effectiveness (MOE) identified in the Highway Capacity Manual (HCM). Caltrans endeavors to maintain a target LOS at the transition between LOS C and LOS D. If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained.

### **Criteria for Accepting LOS E/F**

Mobility Element Policy M-2.1, Level of Service Criteria, establishes LOS D or better as a target or threshold acceptable level of service and requires development projects to provide associated Mobility Element road improvements to achieve a LOS of “D” or higher. However, this policy also proposes criteria for when a lower LOS such as LOS E or F) can be accepted [Policy M-2.1 is provided at the end of this issue]. The criteria for accepting a road with LOS E or F are also included with the proposed policy as an inset box. These criteria are categorized as follows:

- Marginal Deficiencies
- Town Center Impacts
- Regional Connectivity
- Impacts to Environmental and Cultural Resources

Table M-4, located at the end of the Mobility Element (Page 4-34), identifies the specific road segments where adding travel lanes is not practical (see link below). The LOS identified for each road segment in Table M-4 is based on the San Diego Association of Governments (SANDAG) Series 10 Regional Forecast model, after modifications were made to calibrate the model to the unique characteristics of the unincorporated portions of the County. There are a total 112.7 lane miles of roads forecast to operate at LOS E or F where staff has determined that adding travel lanes is not practical. The traffic modeling process assumed build-out of the Land Use Map for the unincorporated County land.

[http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos\\_oct2010/B1\\_03\\_mobility.pdf](http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos_oct2010/B1_03_mobility.pdf)

Also, The Addendum to the EIR, Appendix F, identifies the rationale for accepting each road segment identified in Table M-4 to operate with a LOS E or F.

[http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos\\_oct2010/attachE/E4.7\\_apx.f\\_los.ef.rationale.pdf](http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos_oct2010/attachE/E4.7_apx.f_los.ef.rationale.pdf)

Staff is recommending that LOS remain a consideration when determining the roadway right-of-way requirement, but the following other factors were also considered:

- Planning Trends
- Traffic Model Limitations
- Community Preferences
- Potential Cost Savings
- Potential for Operational Improvements

These other considerations are described below.

### **Planning Trends**

The latest trends in transportation and regional planning have questioned whether LOS is the best way to evaluate a true plan that looks at Mobility for all modes of transportation, including pedestrians, bicycles, transit, and equestrian users. In March 2010, changes were made to the Transportation/Traffic section of the CEQA guidelines (Appendix G, the Environmental Checklist Form) to reflect the updated questions that were changed as a result of SB97 greenhouse gas emission related legislation. The revised CEQA Environmental Checklist removed the number of vehicle trips as a primary factor; replacing it with measures that consider all modes of transportation. The latest changes to this checklist are provided on pages 50 to 51 at the link below.

[http://ceres.ca.gov/ceqa/docs/Adopted\\_and\\_Transmitted\\_Text\\_of\\_SB97\\_CEQA\\_Guidelines\\_Amendment\\_s.pdf](http://ceres.ca.gov/ceqa/docs/Adopted_and_Transmitted_Text_of_SB97_CEQA_Guidelines_Amendment_s.pdf)

The Complete Streets Act (AB 1358) which was signed into law in California went into effect in January 2011. This new law requires that cities and counties modify their General Plan Circulation Elements to plan for a balanced multimodal transportation network that meets the needs of all users of the road including motorists, bicyclists, children, persons with disabilities, seniors, movers of commercial goods and users of public transportation in a manner that is suitable to the rural, suburban or urban context of the general plan. LOS, however, measures only the traffic flow from the motorists' perspective.

### **Traffic Model Limitations**

The traffic model is the best available tool to forecast how the countywide road network will operate; however, the model forecasts can also be under or overstated. Examination of the traffic model alone might indicate that a road will fail; however, additional analysis would show this is not necessarily the case. Some reasons for this are described below.

*Full Build-out* – For example, the General Plan Update traffic model is based on full build out of the land use map for the unincorporated portions of the County, which may not always occur. In many instances,

a development project does not always propose to construct the full amount of development allowed by the Land Use Map; therefore the volumes forecast in the traffic model could be overstated.

*Regional Trip Generation Rates* – Also, the land use trip generation rates are based on SANDAG regional averages, and according to past experience, these averages are generally high for the unincorporated County, especially in more rural areas. For example the traffic model assumes that every acre of General Commercial land use type will generate 694 trips per day. Past experience has shown that the intensity of development in the unincorporated county does not normally generate daily trips that are as high. Again, in areas where this is the case, the forecast volume of average daily traffic is most likely overstated

*Incomplete Road Network* – In addition, the model does not include all public roads. In many instances, public roads run parallel to Mobility Element roads and would relieve some of their congestion.

### **Community Preferences**

Community input was an important factor when planning the proposed Mobility Element road network. A road traversing through a community can have a significant impact. For example, widening a road from two to four lanes can greatly alter the character of the area, especially in rural areas. A good example are the San Dieguito and Rancho Santa Fe communities, whose road network generally consists of narrow two lane roads lined by mature tree cover. This community was willing to accept more congestion on their roadway rather than to drastically change their community character by removing these mature trees to widen the roads to four lanes. The General Plan Update road network was developed through a one-year public planning process that involved much community input. The proposed Mobility Element network has received considerable support from every community planning and sponsor group. Generally, the few instances where the recommended classification did not receive community support were because the ultimate build-out of the road consisted of more travel lanes than desired by the community. In most instances these issues were resolved and the LOS issues were either resolved by changing the land use map or by accepting the road to operate at LOS E/F.

### **Potential Cost Savings**

As shown in the Table 14-2 below, the Recommended Project Mobility Element network would cost approximately \$4.4 billion less to construct than build-out of the existing General Plan Circulation Element.



**Table 14-2: Costs to Build-Out the General Plan Update Road Network**

	Existing (2008)		Build-out		Additional <sup>2</sup>		Cost (\$M) <sup>3</sup>		Total
	State Hwy.	ME Roads	State Hwy.	ME Roads	State Hwy.	ME Roads	State Hwy.	ME Roads	
<b>Recommended Project</b>	487.5	2,041.6	612.8	2,397.7	125.3	356.1	\$1,223	\$1,172	\$2,394
<b>Existing General Plan</b>	487.5	2,152.8	784.6	3,338.8	297.1	1,186.0	\$2,900	\$3,902	\$6,802
<b>Project Savings over Existing GP</b>	0.0	111.2	171.8	941.1	171.8	829.9	1,676.8	2,730.4	4,407.1

Source: County of San Diego and Fehr & Peers; December 2010

Notes:

- 1) Lane miles represent either existing roads or the network at build-out.
- 2) The number of lane miles needed to construct to build-out minus the existing network
- 3) Costs include improvements to add travel lanes; however, do not include improvements to add raised medians, passing lanes, or center or intermittent turn lanes.

Table 5 of Appendix E to the Volume IV Amendment to the EIR shows that 133.1 of those lane miles, or 4.4% of the total Mobility Element road network, would operate at LOS E or F. Table 7 of this Appendix provides a breakdown of the road segments that would operate at LOS E/F, along with the classification required to mitigate the deficiency. The General Plan Update Mobility Element road network would result in the County accepting a failing LOS rather than improving all the roads forecast to operate at LOS E or F, with the exception of 20.4 lane miles of State Route 76 in Bonsall, which would not be accepted to operate at LOS E or F. This Amendment is available at the link below:

[http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos\\_oct2010/attachE/E4.6\\_apx.e\\_traffic.pdf](http://www.sdcounty.ca.gov/dplu/gpupdate/docs/bos_oct2010/attachE/E4.6_apx.e_traffic.pdf)

As shown in Table 14-3 below, the cost to improve the roads forecast to operate at LOS E/F (with the exception of State Highway 76 as noted above) is \$380 million. The table shows that 8.5 additional lane miles of State highways and 90.3 additional lane miles of Mobility Element roads would be required to mitigate the roads that are otherwise being accepted to operate at LOS E or F. This includes both new roads to the Mobility Element network along with improvements to existing roads. Therefore, as shown in Table 14-3, the cost to build out the General Plan Update road network would increase from \$2.4 billion to nearly \$2.8 billion, if these roads are not accepted to operate at LOS E/F. For estimating purposes, the unit costs per lane mile are derived from the 2005 Transportation Impact Fee (TIF) study. These costs have been adjusted based on the Construction Cost Index (CCI) increases from 2006 to 2011. The unit costs used for the study are provided below:

- State Highway = \$9.76 million
- Mobility Element (ME) Road = \$3.29 million

This would result in a 16.7% increase in costs to build-out the Mobility Element road network. Since a large portion of the cost to build out the road network is borne by the TIF, then TIF fees would also need to be increased to fully mitigate the impacts to roads that the General Plan Update is proposing to accept at LOS E or F. This does not include the cost to purchase any necessary right-of-way to improve these roads; therefore, the total costs could be considerably higher.

**Table 14-3: Costs to Build-Out the General Plan Update Road Network**

	Existing (2008)		Build-out		Additional <sup>2</sup>		Cost (\$M) <sup>3</sup>		
	State Hwy.	ME Roads	State Hwy.	ME Roads	State Hwy.	ME Roads	State Hwy.	ME Roads	Total
Recommended Project	487.5 <sup>1</sup>	2,041.6	612.8	2,397.7	125.3 <sup>1</sup>	356.1	\$1,223	\$1,172 <sup>1</sup>	\$2,394
Roads Accepted at LOS E/F	—	—	8.5	90.3	8.5	90.3	\$83	\$297 <sup>1</sup>	\$380
Rec Project with LOS E/F Accepted	487.5 <sup>1</sup>	2,041.6	621.3	2,488.0	133.8 <sup>1</sup>	446.4	\$1,306	\$1,469 <sup>1</sup>	\$2,775
Existing General Plan	487.5 <sup>1</sup>	2,152.8	784.6	3,338.8	297.1 <sup>1</sup>	1,186.0	\$2,900	\$3,902 <sup>1</sup>	\$6,802

Source: County of San Diego and Fehr & Peers; December 2010

### Potential for Operational Improvements

The countywide traffic model is primary focused on determining the average daily traffic (ADT) between intersections, rather than how the traffic will respond at intersections. A more detailed analysis of intersections is provided at the individual project-level analysis. However, the amount of traffic a road can accommodate will vary depending on the number and type of intersections that are traversed. Incorporating additional turn lanes, such as left turn and right lanes at key intersections and large project entrances, would provide additional capacity at these locations and improve traffic flow along the corridor. Delay, however could be experienced at other driveways and intersection where left turn pockets are not provided. Roundabouts could also improve traffic flow and in many cases increase the overall road capacity. These examples can only be provided if additional right-of-way is provided. However, they are a viable solution to addressing the capacity of a road without increasing the number of travel lanes.

### Options for Modification by Board

Modifying the proposed policy in the General Plan Update is within to the Board’s discretion; however, doing so would likely be a substantial change to the project. To bring all road segments modeled at LOS E or F to an LOS D, road classifications would need to be increased or land uses that contribute trips to those roads would need to decrease. Both of these options would constitute significant changes and would require additional traffic modeling to guide the refinements. It is also likely that there would be some segments that cannot be feasibly resolved.

### Additional Information

Below is a copy of Policy M-2.1 as currently proposed in the draft General Plan Update.

M-2.1

**Level of Service Criteria.** Require development projects to provide associated road improvements necessary to achieve a level of service of “D” or higher on all Mobility Element roads except for those where a failing level of service has been accepted by the County pursuant to the criteria specifically identified in the accompanying text box (Criteria for Accepting a Road Classification with Level of Service E/F). When development is proposed on roads where a failing level of service has been accepted, require feasible mitigation in the form of road improvements or a fair share contribution to a road improvement program, consistent with the Mobility Element road network.

*Refer to table M-4 Road Segments Where Adding Travel Lanes is Not Justified at the end of the Mobility Element for a list of road segments accepted to operate at LOS E/F.*

**Criteria for Accepting a Road Classification with Level of Service E / F**

Identified below are the applicable situations, and potential improvement options, for accepting a road classification where a Level of Service E / F is forecast. The instances described below specify when the adverse impacts of adding travel lanes do not justify the resulting benefit of increased traffic capacity. In addition, adding capacity to roads can be growth inducing in areas where additional growth is currently not planned, which is not consistent with County Global Climate Change strategies.

**Marginal Deficiencies**

When This Would Apply—Marginal deficiencies are characterized when only a short segment of a road is forecast to operate at LOS E or F, or the forecasted traffic volumes are only slightly higher than the LOS D threshold. Classifying the road with a designation that would add travel lanes for the entire road would be excessive and could adversely impact community character and / or impede bicycle and pedestrian circulation. Also, in some instances, although underutilized alternate routes exist that could accommodate the excess traffic; they were not included in the traffic forecast model.

Potential Improvement Options—Rather than increase the number of travel lanes for the entire road segment to achieve a better LOS, it is more prudent to apply operational improvements only on the portion of the road operating at LOS E and F. This may require specifying a road classification “With Improvement Options” to retain sufficient right-of-way to construct any necessary operational improvements.

**Town Center Impacts**

When This Would Apply—This situation would apply when the right-of-way required to add travel lanes would adversely impact established land development patterns and / or impede bicycle and pedestrian circulation. The Community Development Model (see the General Plan’s Guiding Principle #2) concept strives to establish a land development pattern with compact villages and town centers surrounded by areas of low and very low density development. The construction of large multi-lane roads could divide an established town center, even though the intent of the road would be to connect areas within the community or improve access to areas within or surrounding the community.

Potential Improvement Options—Traffic congestion impacts can be mitigated without adding travel lanes by establishing alternate parallel routes that would distribute the traffic volumes, such as a network of local public roads. Other means of mitigating traffic congestion impacts

other than increasing the number of traffic lanes include promoting the use of alternate modes of travel in town centers to reduce single occupant vehicle trips or maximizing the efficiency of a roadway with operational improvements, such as intersection improvements.

### **Regional Connectivity**

**When This Would Apply**—Regional connectivity issues would apply when congestion on State freeways and highways causes regional travelers to use County roads, resulting in congestion on the County road network. Rather than widening County roads to accommodate this traffic, the deficiencies in the regional road network should be addressed.

**Potential Improvement Options**—Coordinate with SANDAG to identify the necessary improvements to the regional transportation network and to support appropriate priority in the Regional Transportation Plan to improve these congested freeways and highways, rather than contributing to increased congestion on County roads.

### **Impacts to Environmental and Cultural Resources**

**When This Would Apply**—This situation would occur when adding travel lanes to a road that would adversely impact environmental and cultural resources such as significant habitat, wetlands, MSCP preserves, wildlife movement, historic landmarks, stands of mature trees, or archaeological sites. This situation would also occur in areas with steep slopes where widening roads would require massive grading, which would result in adverse environmental impacts and other degradation of the physical environment.

**Potential Improvement Options**—Provide improvement options, such as passing lanes, to areas without significant environmental or cultural constraints. This may require specifying a road classification “With Improvement Options” to retain sufficient right-of-way to construct any necessary operational improvements.

## 15. Road 3A - Valley Center

### Statement of Issue

Public testimony was provided at the November 10, 2010 hearing that Road 3A, a new road proposed under the General Plan Update in Valley Center, was not necessary to accommodate traffic at an acceptable level of service (LOS). The speaker (Raquel Britsch) provided an alternative solution to including Road 3A as part of the General Plan Update Mobility Element network – recommending changing the classifications of portions of West Lilac Road and Old Highway 395 to a 2.2C Light Collector with Intermittent Turn Lanes and 4.2B Boulevard with Intermittent Turn Lanes, respectively. Staff was asked to evaluate if this would be a feasible alternative.



### Staff Analysis

Staff concurs with the public testimony that the improvements proposed by Ms. Britsch would be a feasible alternative to including Road 3A on the Mobility Element network. When the traffic model forecasts are compared for scenarios with and without Road 3A, removal of Road 3A results in lower LOS on West Lilac road (Old Highway 395 to New Road 3) and Old Highway 395 (West Lilac Road to Interstate 15). The changes proposed by Ms. Britsch address these lower LOS and consist of changing the classification of:

- West Lilac Road (Old Highway 395 to New Road 3) from a two-lane 2.2F Light Collector with Reduced Shoulder to a two-lane 2.2C Light Collector with Intermittent Turn Lanes.
- Old Highway 395 (West Lilac Road to Interstate 15) from a two-lane 2.1D Community Collector with Improvement Options to a four-lane 4.2B Boulevard with Intermittent Turn Lanes.

### Additional Details

The General Plan Update Mobility Element includes a new road from Cole Grade Road to Old Highway 395 as a new northern east-west connection in Valley Center (Road 3). However, the combination of Road 3 (Cole Grade Road to West Lilac) and West Lilac Road would serve as a viable alternative to constructing the Old Highway 395 to West Lilac Road (Road 3A) segment of Road 3. For all segments to operate at an acceptable level of service (LOS), this option would require changing the classification of a segment of both Old Highway 395 and West Lilac Road. With these improvements, the road network is forecast to operate at a better LOS than the network would operate with Road 3A.

The General Plan Update traffic forecast model analyzed the PC/Staff-Recommended land use map with two road networks that were identical, with the exception that only one network included the Road 3A segment. The traffic model forecasts for key segments associated with Road 3A are identified in Table 15-1. As shown in Table 15-1, when Road 3A is included, West Lilac Road is forecast to operate at LOC A-C with traffic volumes of 5,600 ADT. However, without Road 3A it would operate at LOS E with traffic volumes of 11,600 ADT. Also with Road 3A, Old Highway 395 (West Lilac Road to Interstate 15 interchange) would operate at LOS E with traffic volumes of 16,200 ADT. Without Road 3A, this same segment would operate at LOS F with traffic volumes of 21,000 ADT.

**Table 15-1: Level of Service of Selected Segments Without Consideration of Additional Network Changes: With and Without Road 3A**

Road Segment	Proposed General Plan Update Classification	Traffic Model Forecast (Sept. 2010)	
		With Road 3A	Without Road 3A
Old Highway 395 [SR-76 to West Lilac]	2.1D Community Collector Improvement Options <i>Capacity (LOS D): 13.5K ADT</i>	<b>LOS E/F</b> 14.9 to 17.7K ADT	<b>LOS E/F</b> 15.3 to 18.2K ADT
Old Highway 395 [West Lilac to I-15 interchange]	2.1D Community Collector Improvement Options <i>Capacity (LOS D): 13.5K ADT</i>	<b>LOS E</b> 16.2K ADT	<b>LOS F</b> 21.0K ADT
West Lilac [Old Hwy. 395 to New Road 3]	2.2F Light Collector Reduced Shoulder <i>Capacity (LOS D): 8.7K ADT</i>	LOS A-C 4.4 to 5.6K ADT	<b>LOS D/E</b> 8.3 to 11.6K ADT
New Road 3A [Old Hwy. 395 to West Lilac]	2.2C Light Collector Intermittent Turn Lanes <i>Capacity (LOS D): 13.5K ADT</i>	LOS D 10.2 to 11.5K ADT	N/A
New Road 3 [West Lilac to Lilac Road]	2.2C Light Collector Intermittent Turn Lanes <i>Capacity (LOS D): 13.5K ADT</i>	LOS A-C 10.1 to 12.3K ADT	LOS A-C 6.3 to 8.1K ADT
New Road 3 [Lilac Road to Cole Grade]	2.2C Light Collector Intermittent Turn Lanes <i>Capacity (LOS D): 13.5K ADT</i>	LOS A-C 6.1 to 8.5K ADT	LOS A-C 6.8 to 6.9K ADT

Table 15-2 identifies two options for segments of West Lilac Road and Old Highway 395 in lieu of constructing the 4.2 lane miles of new Road 3A. Option 1 would be to simply accept a lower LOS for the segments, while Option 2 (Ms. Britch’s proposal) proposes a different classification that would result in the segments operating at an acceptable LOS.

**Table 15-2: Options for Removal of Road 3A**

Road Segment	Classification w/Road 3A	Without Road 3A	
		Option #1	Option #2
Old Highway 395 [SR-76 to West Lilac]	2.1D Community Collector Improvement Options <i>Accepted at LOS E/F</i> [4.2K ADT over threshold]	Retain classification and <i>Continue to accept at LOS E/F</i> [4.7K ADT over threshold]	
Old Highway 395 [West Lilac to I-15 interchange]	2.1D Community Collector Improvement Options <i>Accepted at LOS E</i> [2.7K ADT over threshold]	Retain classification and <i>Accept at LOS F</i> [7.5K ADT over threshold]	<b>Change classification to 4.2B Boulevard w/ Intermittent Turn Lanes</b> [threshold capacity of 25K ADT] <i>2.1 new lane miles</i>
West Lilac [Old Hwy. 395 to New Road 3]	2.2F Light Collector Reduced Shoulder	Retain classification and <i>Accept at LOS F</i> [3.1K ADT over threshold]	<b>Change classification to 2.2C Light Collector with Intermittent Turn Lanes</b> [threshold capacity of 13.5K ADT]
New Road 3A [Old Hwy. 395 to West Lilac]	2.2C Light Collector Intermittent Turn Lanes <i>4.2 new lane miles</i>	Remove from Mobility Element network	
New Road 3 [West Lilac to Lilac Road]	2.2C Light Collector Intermittent Turn Lanes	Retain classification — operates at LOS A-C	

### Other Considerations

Some stakeholders have raised concerns that, regardless of level of service standards, Road 3A is necessary for emergency access purposes. It should also be noted that the analysis in this paper does not account for development proposed by the Accretive project. A Plan Amendment Authorization (PAA) for Accretive in Valley Center was approved at the Planning Commission on December 17, 2010. The PAA approval allows the applicant to submit an application for development. However, environmental and site-specific analysis, such as a traffic assessment, has not yet been prepared for the proposed project. As such, it is unknown at this time whether or not construction of Road 3A will be needed to support the Accretive development.

### Options for Modification by Board

Modifying the General Plan Update to remove Road 3A pursuant to Options 1 or 2 above can be accomplished with minor revisions to project documents and minimal delays. Significant analysis on this issue has already been performed by staff due to the large amount of public and Board interest.

### Fiscal Impacts

Detailed cost estimates have not been prepared by the County for Road 3A or the improvement alternatives that were suggested. In 2005, general road improvement cost factors were prepared by the County for approximating the costs of road improvements. The unit cost per lane mile for Mobility Element roads is \$3.29 million in 2011 dollars after being adjusted based on the Construction Cost Index

(CCI) from 2006 to 2011. These costs also do not include the complete cost of land/right-of-way (ROW) acquisition needed for a newly constructed road such as Road 3A. As shown in Table 15-3 below when using these unit costs, \$14.53 million is estimated to construct Road 3A as compared to \$7.90 million to add travel lanes to Old Highway 395 and add a left turn lane on West Lilac Road at Old Highway 395. It should be noted that an engineering cost estimate prepared by a developer for Road 3A in 2006 totaled \$40 million not including land/ROW acquisition. The large difference between this estimate and the County's unit costs can likely be partially attributed to the large amount of grading that would be required for a new road through the area. Road improvements are commonly funded in part by new development and the level of private funding would depend on the location and size of development in the areas.

**Table 15-3: Estimated Road Improvement Cost Comparisons**

<b>Road Name (Segment) Proposed Improvement</b>	<b>Lane Miles</b>	<b>Estimated Cost (Million)</b>
New Road 3A (Old Highway 395 to West Lilac Road) Construct new road with two new travel lanes/intermittent turn lanes	4.42	\$14.53
Old Highway 395 (I-15 Interchange to West Lilac Road) Add a travel lane in each direction	2.10	\$6.91
West Lilac Road Add a left turn lane at Old Highway 395	0.30	\$0.99

### **Additional Information**

Road 3A has been the topic of numerous comments and public testimony at various Board and Planning Commission hearings. Additional information on this issue could be found in the hearing documents available at: <http://www.sdcounty.ca.gov/dplu/gpupdate/hearing.html> and by accessing the Board of Supervisors hearing documents and videos at: [http://sdcounty.granicus.com/ViewPublisher.php?view\\_id=2](http://sdcounty.granicus.com/ViewPublisher.php?view_id=2).



## **16. Deference to Community Plans**

### **Statement of Issue**

During the development of General Plan Update policies, Steering Committee members wanted to ensure that implementation of certain policies considered the critical issues that are unique to each community. As a result, the policies identified at the end of this section include specific language requiring consistency with community plans. Some County stakeholders have commented and testified that the General Plan Update defers too much to community plans and that this will require community planning group acceptance to implementing the guiding principles of the General Plan.

### **Discussion**

Consistent with the State General Plan Guidelines, the General Plan should discuss the role of the community plans. This is accomplished in the General Plan Update Introduction chapter on page 1-11 in a section titled Community Plans. This chapter provides that, “Community plans are policy plans specifically created to address the issues, characteristics, and visions of communities within the County.” This section further defines community plans as: “...a framework for addressing the critical issues and concerns that are unique to a community and are not reflected in the broader policies of the Land Use Element of the General Plan.”

Adding a specific reference to community plans in individual policies is not necessary because San Diego considers its community plans as part of the General Plan and therefore these plans carry the same authority as those policies in the broader document. However, inclusion of the references serves to emphasize the critical issues that are important to individual communities and remind a reader of the General Plan document that they must review the applicable community plan to understand how a policy is intended to be implemented. Addition of this reference language to the General Plan Update was one of the defining steps in achieving a vote of unanimous support on the document by the General Plan Update Steering Committee.

Some commenters have stated that the proposed community plans are inconsistent with the proposed General Plan Update. State law requires General Plans to be internally consistent thereby mandating consistency between community plans and overall General Plan. Both staff and County Counsel have conducted a thorough review of these plans to ensure their consistency. During the comprehensive review, community plan language found to be unduly restrictive, or potentially impeding other policies within the General Plan Update, was removed or modified. Similarly, any policies within the community plans or draft General Plan elements that specifically include community standards were carefully scrutinized during staff and County Counsel review for appropriateness and consistency.

### **Options for Modification by Board**

The Board of Supervisors has a large amount of discretion over the reference to community plans in individual policies. Removal of references to community plans does not result in a functional change to the document and should not require changes to other project documents. However, such changes are likely to raise concerns from certain stakeholders.

## Additional Information

General Plan Update policies that reference community plans are identified below with the reference highlighted.

### Land Use Element

- LU-1.4 Leapfrog Development.** Prohibit leapfrog development which is inconsistent with the Community Development Model and Community Plans. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries.
- LU-1.10 Density Allocation on Project Sites.** Permit changes in density within a project site with parcels that have more than one land use designation to provide flexibility in project design only when appropriate and consistent with the applicable Community Plan and approved by Major Use Permit or Specific Plan. The policy does not allow a project to receive more units than is established by the Land Use Maps nor to supersede Housing Element requirements related to achieving the County's Regional Housing Needs Allocation.
- LU-3.2 Mix of Housing Units in Large Projects.** Require new large residential developments (generally greater than 200 dwelling units) to integrate a range of housing types and lot and building sizes when consistent with the Community Plan.
- LU-3.3 Complete Neighborhoods.** Require new development sufficiently large to establish a complete neighborhood (typically more than 1,000 dwelling units) to include a neighborhood center within easy walking distance of surrounding residences when consistent with the Community Plan.
- LU-4.6 Planning for Adequate Energy Facilities.** Participate in the planning of regional energy infrastructure with applicable utility providers to ensure plans are consistent with the County's General Plan and Community Plans and minimize adverse impacts to the unincorporated County.
- LU-6.3 Conservation-Oriented Project Design.** Support conservation-oriented project design when appropriate and consistent with the applicable Community Plan. This can be achieved with mechanisms such as, but not limited to, Specific Plans, lot area averaging, and reductions in lot size with corresponding requirements for preserved open space (Planned Residential Developments). Projects that rely on lot size reductions should incorporate specific design techniques, perimeter lot sizes, or buffers, to achieve compatibility with community character.
- LU-6.4 Sustainable Subdivision Design.** Require that residential subdivisions be planned to conserve open space and natural resources, protect agricultural operations including grazing, increase fire safety and defensibility, reduce impervious footprints, use sustainable development practices, and, when appropriate, provide public amenities consistent with the applicable community plan.
- LU-9.2 Density Relationship to Environmental Setting.** Assign Village land use designations in a manner consistent with the Community Plan, community character, and environmental constraints. In general, areas that contain more steep slopes or other environmental constraints should receive lower density designations.
- LU-9.8 Village Connectivity and Compatibility with Adjoining Areas.** Require new development within Villages to include road networks, pedestrian routes, and amenities that create or maintain connectivity; and site, building, and landscape design that is compatible with the Community Plan and surrounding areas.
- LU-14.4 Sewer Facilities.** Prohibit sewer facilities that would induce unplanned growth. Require sewer systems to be planned, developed, and sized to serve the land use pattern and densities depicted on the Land Use Map. Sewer systems and services shall not be extended

beyond either Village boundaries or extant Urban Limit Lines, whichever is more restrictive, except:

- When necessary for public health, safety, or welfare;
- When within existing sewer district boundaries; or
- Where specifically allowed in the **community plan**.

**LU-15.2 Co-Location of Telecommunication Facilities.** Encourage wireless telecommunication service providers to co-locate their facilities whenever appropriate, consistent with **Community Plans** and the Zoning Ordinance.

### **Mobility Element**

**M-4.2 Interconnected Local Roads.** Provide an interconnected and appropriately scaled local public road network in Village and Rural Villages that reinforces the compact development patterns promoted by the Land Use Element and individual **community plans**.

**M-4.3 Rural Roads Compatible with Rural Character.** Design and construct public roads to meet travel demands in Semi-Rural and Rural Lands that are consistent with rural character while safely accommodating transit stops when deemed necessary, along with bicyclists, pedestrians, and equestrians. Where feasible, utilize rural road design features (e.g., no curb and gutter improvements) to maintain community character consistent with **Community Plans**.

**M-10.6 On-Street Parking.** Minimize on-street vehicular parking outside Villages and Rural Villages where on-street parking is not needed, to reduce the width of paved shoulders and provide an opportunity for bicycle lanes to retain rural character in low-intensity areas. Where on-street parking occurs outside Villages and Rural Villages, require the design to be consistent with the rural character and the applicable **community plan**.

### **Housing Element**

**H-2.1 Development That Respects Community Character.** Require that development in existing residential neighborhoods be well designed so as not to degrade or detract from the character of surrounding development consistent with the Land Use Element and **Community Plans**.

### **Safety Element**

**S-9.4 Development in Villages.** Allow new uses and development within the floodplain fringe (land within the floodplain outside of the floodway) only when environmental impacts and hazards are mitigated. This policy does not apply to floodplains with unmapped floodways. Require land available outside the floodplain to be fully utilized before locating development within a floodplain. Development within a floodplain may be denied if it will cause significant adverse environmental impacts or is prohibited in the **community plan**. Channelization of floodplains is allowed within villages only when specifically addressed in **community plans**.

**S-9.5 Development in the Floodplain Fringe.** Prohibit development in the floodplain fringe when located on Semi-Rural and Rural Lands to maintain the capacity of the floodplain, unless specifically allowed in a **community plan**. For parcels located entirely within a floodplain or without sufficient space for a building pad outside the floodplain, development is limited to a single family home on an existing lot or those uses that do not compromise the environmental attributes of the floodplain or require further channelization.

## 17. Conservation Subdivisions – Avoidance Requirements

### Statement of Issue

The Conservation Subdivision Program will allow for more flexible subdivision design (providing greater ability to achieve lot yields consistent with the General Plan Update) while improving the potential for natural resource preservation. Since a conservation subdivision can deviate from standard subdivision requirements pursuant to the Program, it is recommended that minimum quantitative (in addition to qualitative) preservation conditions be established for environmental resources in rural areas. An “Environmental Resource” is defined in the Conservation Subdivision Program as natural habitats, sensitive species, sensitive habitat lands, wetlands, floodplains, significant prehistoric/historic sites, and/or agricultural lands. Discussion at the General Plan Update Interest Group (consisting of development and environmental interests) on this issue led to the following proposed minimum avoidance percentages for each rural conservation subdivision based on General Plan designation:

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

Public testimony during the Board of Supervisors hearings on the General Plan Update raised concerns that these percentages are too high and that they are not proportional to potential environmental impacts. Moreover, several speakers were opposed to the recommendation that conservation subdivisions become mandatory in SR-10 and Rural Lands designations.

### Discussion

The draft avoidance measures described above were misinterpreted by a few General Plan Update stakeholders based on testimony or correspondence received; therefore, the following clarifications are important to note:

- The proposed avoidance percentages listed in the above table would only apply to applicable subdivisions (i.e., Tentative Maps and Tentative Parcel Maps) and not to any other types of land development or land uses.
- The minimum percentage for a given conservation subdivision would apply only to the area that supports environmental resources. Environmental resources in a conservation subdivision are defined as “natural habitats, sensitive species, sensitive habitat lands, wetlands, floodplains, significant prehistoric/historic sites, and/or agricultural lands.” Therefore, if a 40-acre project site in RL-20 has environmental resources on 30 acres, the minimum avoidance requirement would be 24 acres (80 percent of 30 acres) leaving 16 acres available for the two housing sites.

- The type of open space easement dedicated over the avoided environmental resources on a conservation subdivision will depend on the types of resources being protected. For example, open space protecting agricultural land will not limit the use of the land but will foster the continuation of agricultural operations. Conversely, open space to avoid sensitive habitat lands may limit any use that would degrade the habitat value of those lands.

### **Proportionality**

There are some concerns that the proposed minimum avoidance standards for environmental resources are not proportional to the amount of impacts associated with a subdivision. However, this viewpoint does not take into account that nearly all land within a proposed subdivision could be impacted unless there is a mechanism in place that “runs with the land” to avoid disturbance of a given area. It is for this reason that most subdividers would prefer to avoid the majority of environmental resources on site rather than to address significant environmental effects through other means such as off-site mitigation purchases or fee programs. As such, the draft percentages listed in the table above are consistent with the amounts of open space typically seen on “rural lands” subdivisions. It is the design of the open space and the consolidation of the development footprint that further achieve General Plan Update goals and policies when compared to standard subdivisions. Furthermore, the proposed avoidance standards were crafted in a manner that does not characterize them as mitigation. Therefore, these lands can still be counted towards compensatory mitigation for other environmental impacts if the property owner is willing to place them in under an easement for those purposes.

### **Mandatory versus Voluntary**

A recommendation of the General Plan Update advisory groups was that the avoidance criteria be mandatory for all subdivisions in SR-10 and Rural Lands areas and this is what is currently proposed. Several reasons for making this program mandatory in low-density areas are listed below and discussed further in the following paragraphs:

- It reduces land consumption and infrastructure costs associated with new subdivisions.
- It minimizes interface with wildfire prone areas and habitat fragmentation.
- It provides clearer guidance and more certainty to the process and approval of rural subdivisions for applicants, communities, and interested parties.

A primary reason is to reduce low density sprawl in the backcountry. Subdivisions that propose dispersed development require more infrastructure such as roads and utilities and place a greater strain on public services such as fire protection, police protection and schools. This type of development is not consistent with goals and principles of the General Plan Update which are to minimize land consumption and reduce infrastructure costs. Currently, there is an abundance of undeveloped parcels in rural areas that will still be developed under the General Plan Update (without further subdivision) in a dispersed fashion. Application of the avoidance criteria to future subdivisions will help to curb the sprawling development pattern.

Coordination with other agencies has also led to the general agreement that future development of rural areas must be planned in a more consolidated manner. Fire protection experts have noted that the most defensible developments are those that are generally grouped together with shared access. The most difficult structures to protect, particularly from wildland fires, are those that are remote from other areas

of development and/or separated by blocks of open space. Discussions with wildlife agencies also indicated that consolidated development patterns are of critical concern for maintaining habitat linkages, movement corridors, and native species populations in San Diego County. State and federal water quality agencies have also issued stricter guidelines and regulations pertaining to minimization of impervious surfaces; and there are indications that additional mandates for consolidated development patterns with negligible runoff are forthcoming in the next few years.

Further support for the mandatory application of the avoidance criteria in rural areas comes from the concern that community planning groups or neighboring property owners will sometimes, if not often, oppose conservation subdivision design if participation in the Conservation Subdivision Program is voluntary. Garnering community support is a critical part of processing discretionary projects, particularly subdivisions. If consolidated development design is a starting requirement for subdivision proposals, then County staff and applicants can work more collaboratively with community groups and neighbors to incorporate rural design features that achieve compatibility with surrounding character without adding spatial distance between development footprints.

In fact, most rural subdivisions are already driven to compact designs as a result of existing regulations. A general rule of thumb is already used for projects in MSCP Pre-Approved Mitigation Areas that 75 percent of the biological habitat must be avoided. Subdivisions are also driven to minimize their development footprints or they need to purchase costly compensatory biological mitigation often at a ratio of 2 or 3 times that impacted. Unfortunately, many applicants do not realize these regulatory requirements when they start the process. The Conservation Subdivision Program avoidance criteria provide a clear statement of what a successful subdivision must achieve, thereby providing more clarity and certainty to all involved in the process.

## **Options for Modification by Board**

At the discretion of the Board of Supervisors, the Conservation Subdivision Program can be eliminated or modified. Some of the options and implications are provided here:

- **Removal** – The Board may opt to remove the Conservation Subdivision Program in its entirety. This would eliminate the need for associated amendments to the Subdivision Ordinance, Groundwater Ordinance, Zoning Ordinance, and Resource Protection Ordinance. It would also eliminate the Rural Subdivision Guidelines. However, since the Conservation Subdivision Program is proposed as mitigation in the General Plan Update Environmental Impact Report (EIR), the document would need to be revised and possibly recirculated for public review. Updated findings would be needed to describe why the Conservation Subdivision Program was rejected as infeasible mitigation. Such a finding may be difficult to make in the context of the overall project objectives, and in this case the project objectives may need to be revisited as well.
- **Voluntary Participation** – The Conservation Subdivision Program avoidance criteria could be made available as an option to subdividers in rural lands as opposed to being mandatory. This would result in minor changes to the program itself, but the EIR would need to be revised to reflect the voluntary nature of the program, and the conclusions as to mitigation would need to be revised. Updated findings would be needed to describe why the mandatory program was rejected as infeasible. The implications of this change are that participation in the program may be discouraged on a project-by-

project basis, thereby making it difficult to meet some of the guiding principles in the General Plan Update (e.g., promoting sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development).

This approach would result in the minimum percentages of avoided resources as listed in the table above being removed and the program would rely on qualitative criteria only for avoided resources. This would result in minor changes to the program itself and to the EIR, and updated findings would be needed to describe why quantitative success criteria were removed from this mitigation measure. The implications of this change are that minimum open space areas for conservation subdivisions would need to be determined on a case-by-case basis; it may become difficult in some cases to justify the benefits of granting reduced lot sizes and flexible lot design without an accompanying avoidance standard. The program will also lose some specificity and certainty that will likely make processing future conservation subdivisions more complex and lengthier as the applicant, staff, and interested parties attempt to find a middle ground on a project by project basis to balance environmental and community issues with development objectives.

- ***Modified Avoidance Percentages*** – Another possible option would be to modify the minimum percentages of avoided resources as listed in the table above. This would result in minor changes to the program itself and to the EIR, and updated findings may be needed.

Any of the above changes would result in concerns from certain stakeholders.

### **Additional Information**

The Conservation Subdivision Program was discussed in great detail at numerous Steering Committee and Interest Group meetings, and at Planning Commission hearings. The Planning Commission also formed a subcommittee that met twice to discuss issues on the Conservation Subdivision Program and provide recommendations to the whole commission. There were also numerous comments on the program during public review of the draft EIR which staff responded to. A complete description of the Conservation Subdivision Program is included in Appendix D.

## 18. Conservation Subdivisions – Multi-Family Building Allowance

### Statement of Issue

Included in the Conservation Subdivision Program is a proposed revision to County Zoning Ordinance Section 6627: Building Type. The revision would allow for multi-family attached housing in single family zoned neighborhoods under certain conditions. This change has been raised as a concern by some communities.

### Discussion

Section 6627 of the Zoning Ordinance is a subsection of the Planned Residential Development (PRD) regulations. It provides PRDs with an exception from the building type requirements except for PRDs in areas zoned exclusively for single family detached homes. Building type is a zoning designator that specifies what type of structure can be built on a given property such as single family detached homes, two unit attached homes (duplexes), three unit attached homes (triplexes), and multi-unit attached homes. The proposed Conservation Subdivision Program proposal would make this exception available to those areas zoned for single family detached homes. The proposed changes to the Zoning Ordinance are shown below:

#### *6627 BUILDING TYPE.*

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

PRDs are a tool provided in the Zoning Ordinance where subdivisions get greater flexibility from some zoning criteria as long as certain conditions are met. PRDs require approval of a Major Use Permit in addition to the subdivision map. The concern raised by the Valle de Oro Community Planning Group was that the proposed change would have the potential to allow for attached housing, such as townhomes or apartments in inappropriate areas, which are currently zoned for Single Family Residential (RS), Rural Residential (RR), Limited Agriculture (A70), or General Agriculture (A72).

The rationale for the proposed change is to allow greater flexibility for subdivisions that elect to pursue a PRD and the accompanying Major Use Permit. In the right conditions and with the right design, a new development within a single family neighborhood could include attached residential homes with negligible effects on the community's character. Trends in the building industry have resulted in more innovative design of attached homes to address character issues. Integration of these different product types can improve housing affordability, open up spaces within a development for community amenities, and help avoid certain site constraints while still achieving planned densities. In order to ensure that community character is not adversely impacted, the Major Use Permit findings from Zoning Ordinance Section 7350: Use Permit Procedures must still be met and specifically relevant is the requirement for *harmony in scale, bulk, coverage, and density*.

If approved, it is not anticipated that there would be widespread use of the exception for attached units in single family detached neighborhoods but it is another tool in the toolbox for accommodating development as our communities continue to grow.



### **Options for Modification by Board**

A possible modification to the proposed General Plan Update change to Zoning Ordinance Section 6627 is to restore the text proposed for deletion from Zoning Ordinance Section 6627, as shown above, to retain the requirement that only single family residential units can be constructed in areas of a PRD zoned RS, RR, A70, and A72. As stated above, this proposed change is not expected to gain widespread use and was not considered a critical element of the Conservation Subdivision Program. Therefore, while there may be some opposition expressed by some stakeholders, a modification to this section is considered minor and would require minimal document changes to accommodate it.

### **Additional Information**

For more background information refer to the Valle de Oro Community Planning Group comment letter and the Zoning Ordinance.

## 19. Conservation Subdivisions - Design

### Statement of Issue

Throughout the General Plan Update hearing process questions have been raised regarding how conservation subdivisions, which propose the use of smaller lot sizes in exchange for the preservation of on-site environmental resources, would be addressed to assure that they are designed in harmony with the community character of the surrounding area.

### Discussion

The issue of design in subdivisions was raised repeatedly during the General Plan Update process. At the Planning Commission hearings on the Conservation Subdivision Program (CSP) concerns specific to the design of conservation subdivisions gained additional attention. Recognizing the need to provide more guidance on the implementation of the General Plan Update policies as they relate to subdivision design, an implementation measure was included (Measure 1.2.2.C) to prepare Countywide Design Guidelines that provide further direction. Currently, a number of communities have design guidelines but they are mainly written for and applied to multifamily developments and non-residential uses. Countywide Design Guidelines would provide improved direction for subdivisions and the design of single-family homes so that they address community character.

After this issue gained additional attention at the Planning Commission, the Planning Commission recommended that not only should Countywide guidelines be prepared but that there should also be community-specific ones specifically because of conservation subdivisions. Therefore measure 1.2.2.D was added to respond to the Planning Commission's recommendation. Implementation measures 1.2.2.C and 1.2.2.D as they are currently proposed in the General Plan Update's Implementation Plan are provided below:

- 1.2.2.C Countywide Design Guidelines.** Prepare countywide design guidelines that can be used to facilitate discretionary project review and can be further refined for community-specific purposes. Design guidelines establish criteria and provide direction for project design review.
- 1.2.2.D Community-Specific Design Guidelines.** Prepare new community-specific design guidelines to provide guidance for development projects, including Conservation Subdivision Program projects. Community specific design guidelines facilitate project review to ensure development is consistent with the character of an individual community.

Both of these measures are identified to be implemented within 2 years of General Plan Update adoption. However, they are also identified as new programs that require additional funding. Therefore, implementation of these measures would be contingent upon availability of funding and resources. Also, under the 2 year implementation time frame, it is unlikely that sufficient time and resources will be available to prepare detailed guidelines for every community. A best-case time frame of four years would be achievable with adequate resources and community participation. A worst-case scenario would involve completing guidelines for a few communities at a time over a period of ten years. The approach envisioned with these measures is that the Countywide design guidelines would serve as a starting point for the community specific ones and additional community specifics could be added over time.

Development of the design guidelines are anticipated to be significantly driven by the public. Community and industry representatives will be involved in the process of developing design guidelines similar to how the current County Design Guidelines that apply to commercial, industrial and multi-family developments were conceived. Although Guidelines would be utilized to achieve desired residential design for conservation subdivisions, the Guidelines would likely also be applied to other subdivision projects to assure that residential development would be constructed to adhere to quality residential design consistent with the character of an area.

Some of the possible design considerations included in the guidelines are listed below:

- Appropriate lot design (grading, drainage, etc...)
- Design of roadways and driveway access
- Orientation and placement of structures on the lot
- Integration of natural features and topography
- Landscaping, screening, buffers and fencing
- Exterior lighting
- Trails and pathways
- Limitation of some types of accessory uses
- Overall residential architecture types and theme
- Architectural design components (color, building materials, etc...)
- Scale, mass and height of a residence
- Number, size and design of outbuildings
- Parking with special consideration given to visitor parking
- Fire resistant construction
- Energy conservation and sustainable design

### **Options for Modification by Board**

As currently proposed, the implementation measures for the design guidelines are loosely described. The Board has the discretion to modify the description and/or provide additional details. The Board could consider prioritization of completion and allocation of funding to support that. Further direction from the Board on these measures will likely require only minimal changes to the General Plan Update.

### **Additional Information**

Additional information on the Conservation Subdivision Program is provided in Appendix D. More background on this issue can be found by referring to minutes from the Planning Commission hearings and subcommittee meetings. Relevant references include the existing County Design Review Guidelines.

## 20. Groundwater Ordinance Lot Size Reductions

### Statement of Issue

Staff was requested to explore elimination of a provision in the County’s Groundwater Ordinance that allows for a 33 percent reduction to minimum lot sizes specified in the ordinance in certain circumstances. As part of the General Plan Update, this reduction was proposed to be extended to Conservation Subdivision Program. If eliminated, this changes would be removed from the Conservation Subdivision Program as well.

### Background

The County’s Groundwater Ordinance currently specifies minimum parcel sizes for subdivisions that propose the use groundwater to serve new lots and will not be served by a water service agency (see Subsection A of Section 67.722 of Title 6, Division 7 of the County Code). The parcel sizes are based on the average annual precipitation that the project area receives and range from 4 acres in areas receiving over 21 inches a year to 20 acres for areas receiving less than 9 inches a year (see Table 20-1).

**Table 20-1. County’s Groundwater Ordinance Minimum Parcel Sizes**

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

The Groundwater Ordinance also contains a provision that allows for exceptions to these minimum parcel sizes when using Lot Area Averaging in accordance with Section 4230 of the County’s Zoning Ordinance. As part of the General Plan Update Conservation Subdivision Program, this provision was proposed to be amended to expand its applicability to other Conservation Subdivision projects. The current provision with proposed amendments (underlined) is shown below:

2. *The provisions of paragraph 1 above shall not apply to either (1) a project which includes Lot Area Averaging in accordance with Section 4230 of The Zoning Ordinance, or (2) projects which include reduction of parcel sizes pursuant to the Conservation Subdivision Program and as permitted by the Zoning Ordinance, provided that all of the following are complied with:*
  - a. *The overall average density of the project does not exceed that which results from applying the applicable minimum parcel size set in paragraph 1 to the gross project area;*

- b. *No proposed lot is less than 67 percent of the required minimum lot size as set in paragraph 1; and*
- c. *The Director has reviewed and approved the lot density and water resource distribution. Projects shall not be allowed which place smaller lots in dry areas of the subdivision.*

This provision allows for new parcels as small as 67 percent of the minimum lot sizes specified by the ordinance (which equates to a reduction of up to 33 percent). Table 20-2 provides the smallest allowable parcel size after accounting for this reduction.

**Table 20-2. Reduction to 67 Percent of Minimum Parcel Size**

Minimum Parcel Size (Gross Acres)	67 Percent of Minimum Size (Gross Acres)
20	13.4
15	10.05
11	7.37
8	5.36
5	3.35
4	2.68

As proposed by the General Plan Update, the purpose of Lot Area Averaging and Conservation Subdivisions is to “allow flexibility in lot size so as to encourage site design that avoids environmental resources, preserves open space areas, and responds to unique site and area features.” However, Lot Area Averaging and other lot size reduction measures in the Zoning Ordinance only apply to the minimum parcels sizes specific in zoning. In some circumstances, especially in those areas further east with less rainfall, the minimum lot sizes in the Groundwater Ordinance are equal to or greater than those in zoning. As a result, the 33 percent reduction provision is provided in the Groundwater Ordinance to accommodate some design flexibility in the groundwater dependent areas.

Concerns have been raised regarding this allowed reduction. One concern relates to community character and some believe that these more eastern and remote communities require large lots to maintain their character. Another concern is that reductions in lot size in groundwater dependent areas may impact a property owner’s ability to locate suitable wells on their property.

**Options for Modifications by Board**

Staff was requested to explore elimination of the reduction provision from the Groundwater Ordinance. Under current practices, the effect of removing the reduction provision is low. No current or recent projects have used these provisions for reduced lot size. This is likely because there have been few subdivisions in groundwater-dependent areas, and those that have been proposed have been for few lots and would not benefit from reduced lot sizes. Under the General Plan Update, this is not expected to change. In fact, with the reduced densities in much of the eastern, remote, groundwater dependent areas,

the number of proposed subdivisions will likely stay the same or decrease and the size of the projects are also expected to remain small.

Should the Board wish to modify the Groundwater Ordinance and Conservation Subdivision Program to remove this provision, staff believes that it could be accomplished with minor revisions to the General Plan Update EIR. Furthermore, the change would not cause inconsistencies with the General Plan Update policies and guiding principles.

### **Additional Information**

Additional information on the Conservation Subdivision Program is provided in Appendix D. A complete version of the Groundwater Ordinance available on the County's website.

## **21. Alternative Septic Systems**

### **Statement of Issue**

During the public comment portion of the Board of Supervisor hearings for the General Plan Update, several comments were received related to alternative Onsite Wastewater Treatment Systems (OWTS). The comments made dealt with the County's current position on the use of alternative OWTS and voiced support for the use of alternative OWTS as a tool to implement the proposed General Plan Update.

### **Background**

In 2000, Assembly Bill 885 was signed into law requiring the State Water Resources Control Board (SWRCB) to adopt by January 1, 2004 uniform performance standards and regulations for the permitting and operation of OWTS in the State of California. These regulations are to include standards for both conventional and alternative OWTS. The regulations will allow the County of San Diego to use alternative OWTS for new construction and the creation of new lots without having to complete a countywide environmental review as part of changing the local ordinance.

Since the signing of the bill, SWRCB has worked with regulators, industry and environmentalists to generate several draft guidelines of the regulations; however, no agreement has been reached between SWRCB and all other parties on acceptable final version. In 2009, new SWRCB leadership responsible for drafting of the regulations produced a new version of regulations which were more generally acceptable to regulators (counties, cities and local agencies who oversee the use of OWTS); however, there was no consensus among all other parties. No additional drafts have been distributed since 2009. Staff with the SWRCB has verbally advised that they hope to produce new draft regulations by 2011.

The Department of Environmental Health (DEH) has a delegated agreement with the Regional Water Quality Control Board (RWQCB) to oversee the authorization and installation of OWTS in the unincorporated county. The RWQCB waives the requirement of a Waste Discharge Permit if OWTS are installed in accordance with the Comprehensive Water Quality Control Plan for the San Diego Basin (Basin Plan) and DEH's oversight. The purpose of the Basin Plan is to guide and coordinate the management of water quality in the region by designating beneficial uses of surface and ground waters, designating water quality objectives for the protection of the uses, and establishing an implementation plan to achieve the objectives. The RWQCB has the option to issue approval for the installation of an OWTS as part of a Waste Discharge Permit if the proposed OWTS site does not meet the Basin Plan requirements for waiving the Waste Discharge Permit.

### **Discussion**

The use of alternative OWTS came about to allow for development on home sites with shallow soil and groundwater conditions which prevented the use of conventional OWTS. They are not designed to significantly reduce the amount of area needed for an OWTS. For example, a site using a conventional OWTS that needs 500 feet of leach line and 100% reserve for a single family dwelling would need approximately 10,000 square feet of usable area not encumbered by structures, driveways or other setbacks to accommodate the disposal field. The same site using an alternative OWTS with drip dispersal would require approximately 5,000 square feet for the disposal field which could potentially result in reducing the lot size by approximately 5,000 square feet (approximately 0.1 acre). A site using a mound

system as the alternative OWTS would require an area the same or larger than needed for the conventional OWTS.

Alternative OWTS use advanced or supplemental treatment beyond the primary treatment that occurs in a septic tank and therefore need less unsaturated soil depth below the disposal system to adequately complete the treatment process. With the approval of their local RWQCB, some counties in California have adopted local regulations that allow the use of alternative OWTS due to the overall poor geologic conditions that exist in their counties. These conditions, which include shallow depths to bedrock and groundwater, make use of conventional OWTS infeasible. The geologic conditions within San Diego County are different by having adequate soil and groundwater depths that are generally sufficient for the installation of conventional OWTS on almost all of lots. Based on the number of projects that DEH receives each year for new development that are denied the ability to use a conventional OWTS as a result of specific geologic conditions, it is estimated that the number of lots that would need an alternative OWTS to allow for development would be less than 2% of the total number of lots developed each year (~10). The initial costs to install an alternative OWTS can range from \$20,000 to over \$40,000 compared to the cost of \$5,000 to \$10,000 for a conventional OWTS. Additionally, there is an ongoing cost of \$1,000 or more per year for an alternative OWTS (for maintenance contracts and permits).

#### Other Sewage Disposal Options

Clustered or community systems are sewage treatment systems that collect the wastewater flows from multiple dwellings/lots and treat and dispose of the sewage in a common disposal field or area. These systems may consist of individual or common septic tanks discharging to a conventional disposal field or may utilize advanced treatment systems or package treatment plants. Clustered or community systems fall under the jurisdiction of the RWQCB and this is also a tool that may meet the needs for the clustered subdivisions and higher densities proposed in the General Plan Update. These systems are used routinely throughout California including San Diego County for clustered developments and mobile home parks where public sewer is not available.

#### Current Use of Alternative OWTS in San Diego County

Currently, the RWQCB allows DEH to issue permits for alternative OWTS for repair purposes on sites with existing development where the conventional OWTS has failed and there is no ability to install a new conventional OWTS. In addition, when the Valley Center and S. Citrus Avenue moratoriums were lifted, language was added to County's Onsite Wastewater Treatment Systems Ordinance to allow for alternative OWTS to be used to develop existing legal lots in these areas. At this time, DEH cannot approve new development through the use of an alternative OWTS in any area of the unincorporated area other than for those lots within the former moratorium areas. The RWQCB can approve an alternative OWTS for new development on existing legal lots but the property owner must apply for a Waste Discharge Permit through the RWQCB. The current RWQCB Basin Plan prohibits the use of alternative OWTS to create new lots.

#### Alternative OWTS to develop existing legal lots and to create new legal lots

In order to use alternative systems to develop existing legal lots or create new lots prior to the State completing the development and implementation of statewide OWTS regulations, DEH would need to do the following:



- Modify and rewrite the County Codes related to OWTS
- Negotiate and enter into a Memorandum of Understanding (MOU) with the RWQCB
- Work with the RWQCB to modify their Basin Plan to allow the use of alternative OWTS
- Develop policies and guidelines for the design and use of OWTS with supplemental treatment
- Perform CEQA analysis since currently the use of alternative OWTS are not allowed for new development

However, as discussed above, the SWRCB is currently developing statewide OWTS regulations that include requirements for both conventional and alternative OWTS and has drafted a Programmatic EIR. The RWQCB is obligated under State law to incorporate these requirements into their Basin Plan when the new statewide OWTS regulations are put in place.

### **Options for Modification by Board**

DEH is committed to developing the ability to allow the use of alternative OWTS in the unincorporated areas of San Diego County and has evaluated two options for the implementation of their use for the Board to consider. Both options would require a funding mechanism to complete the work necessary to modify the local ordinances related to OWTS, negotiate and enter into a Memorandum of Understanding with the RWQCB, work with the RWQCB to modify their Basin Plan, develop policies and guidelines for the design and use of alternative OWTS and perform CEQA analysis.

#### Option 1

Wait until the State has developed and implemented statewide regulations for the use of OWTS which will include alternative OWTS and develop a program that is consistent with the new requirements. The SWRCB is currently developing statewide OWTS regulations and has drafted a Programmatic Environmental Impact Report. The RWQCB is obligated under State law to make Basin Plan amendments when the new statewide OWTS regulations are put in place.

#### Pros

- Significant cost savings to the County since the CEQA analysis would be completed by the State as well as required Basin Plan amendments. (Saves the County between \$50,000 and \$100,000).
- DEH will adopt the regulations developed by the State with no risk of developing our own regulations that would need to be modified at a later date.
- Should the State fail to complete or show significant progress on the regulations by late 2011, DEH can then re-evaluate the need to independently proceed with a proposal to allow the use of alternative OWTS.

#### Cons

- The ability to use alternative OWTS is dependent on the State completing regulations which has been delayed for years and no time table has been set for implementation.

#### Option 2

The County can proceed immediately to develop the ability to allow the use of alternative OWTS for the development of existing lots and the creation of new lots independent of the actions being taken by the State.

#### Pros

- There is a greater potential that the ability to use alternative OWTS would occur sooner than waiting for the SWRCB guidelines.
- Existing lots and possibly yet-to-be created lots would benefit from the ability to develop using an alternative OWTS.

#### Cons

- The County's cost to develop and implement the program would be between \$180,000 and \$240,000 and take 12-24 months to complete, depending upon the level of CEQA analysis that would be required
- Spending time and money to develop a program to implement the use of alternative OWTS while the State is proceeding with the same objective would potentially be a duplication of effort and expenditure of resources that are not currently identified.
- There is a risk that the County would develop regulations that are in conflict with the future State regulations that would require further work and expenditure of resources.
- The cost of developing the program will benefit a potentially small percentage of project proponents (approximately 2%).
- The ability to create new lots using alternative OWTS will have a negligible effect on reducing lot sizes and therefore minimal to no benefit as an implementation tool for the General Plan Update.

#### **Additional Information**

Additional information including definitions and criteria for the use of conventional and alternative OWTS can be found in Appendix A.

## 22. Open Space Lands Maintenance

### Statement of Issue

As part of the General Plan Update hearing process, additional information was requested concerning the ownership and maintenance of open space lands that would be created as a result of new development projects. In addition, concerns were raised during testimony that land owners who develop land are required to preserve substantial acreages of land while also having to pay for open space stewardship and management in perpetuity.

### Discussion

For any discretionary development projects that are proposed on lands supporting sensitive environmental resources, several determinations must be made based on environmental analysis:

- Is open space required for avoidance or needed for mitigation purposes?
- If so, will dedication of an easement and appropriate signage suffice to protect sensitive resources on the avoidance/mitigation site?
- If not, what additional maintenance or management measures are needed?

There are many variables that factor into the determinations that result from these questions. One of the primary factors is whether on-site open space will be dedicated on a buildable parcel of land (known as backyard open space) or on a separate open-space parcel. These two scenarios are discussed below in more detail. In either case, the future land owner of the property with open space on it will be the main party responsible for keeping the open space intact. This is typically referred to as stewardship of the open space. The extent of stewardship activities will depend on the type of open space and the environmental setting. Some examples are described below in Table 22-1.

**Table 22-1. Open Space Easement Types and Associated Stewardship Needs**

Open Space Type	Setting	Stewardship
Biological Open Space for protection of habitat/species	Rural setting with no trails or roads	Remove occasional debris and maintain any signage around open space
	Populated area with high potential for disturbance and edge effects	Maintain signage as well as any applicable protective fencing, buffers, noise barriers, and/or BMPs; notify County if trespassing is occurring regularly (e.g., hiking, equestrian activity, off-road vehicular recreation, etc.).
Cultural Resource Open Space for protection of archaeological resources	Remote rural setting	Keep open space area free from any land disturbance
	Near roads or multi-use trails	Maintain fencing and/or open space signs; minimize potential human encroachment

Agricultural open space for protection of on-going agricultural operations	Agricultural uses or other uses compatible with agricultural operations	Limit use to existing agricultural operations and compatible uses; notify the County if any incompatible uses are initiated on adjacent properties
	Uses incompatible with agriculture (dense residential, commercial, school sites, etc.)	Maintain fencing, buffers, and BMPs
Open space for protection of a wetland or floodplain	Rural setting, well vegetated with minimal impervious surfaces	Remove occasional debris and maintain any signage around open space
	Dense residential, industrial, or commercial uses.	Maintain any applicable buffer areas; keep area clear of debris; maintain BMPs
Steep-slope open space for protection lands having a natural gradient of 25% or greater and a minimum rise of 50 feet	Rural setting, well vegetated	Limit to allowable uses, remove occasional debris and keep area vegetated (whether agricultural uses, landscaping, or native vegetation)
	Urban setting and/or subject to erosion	Limit to allowable uses, remove occasional debris and keep area vegetated (whether agricultural uses, landscaping, or native vegetation); may need to employ additional BMPs

### **“Backyard” Open Space**

“Backyard” open space is the most frequent approach to addressing open space in current projects processed by the County and almost all subdivisions in semi-rural and rural areas include one of the above described types of open space. In most cases, development projects proposing on-site open space will make the preserved area part of one or more buildable lots. For example, if the project is a residential subdivision, the open space easement may be placed entirely on one large lot while still leaving room on that lot for residential uses and defensible (fire-cleared) space. Alternatively, open space can be proposed such that it covers many lots in the subdivision. In these cases, the owner of the residential lot has the responsibility for the stewardship of the open space. This responsibility is communicated to the property owner by way of the open space easement, which is recorded on the property.

In rare circumstances, the backyard open space may require active on-going management for the special care of sensitive resources. For example, if the open space is to protect one or more listed species requiring special permitting from state and/or federal agencies, then a Resource Management Plan (RMP) may need to be prepared and implemented by a biologist. Generally, RMPs are applied to separate open space parcels rather than backyard open space. This is because qualified biologists must be able to routinely access the site.

### **Separate Open Space Parcel(s)**

A developer may purchase a separate open-space parcel for mitigation purposes or create an open space parcel as part of a subdivision. In most cases, the open space will be for the protection of cultural and/or biological resources. Most open space parcels must be deeded to an established conservancy group (i.e. the Nature Conservancy), to the County (managed by the Department of Parks and Recreation), or to

another government agency, such as the CDFG, USFWS, or BLM. In some cases a Homeowners Association (HOA) or similar group may own and manage an open space lot; this arrangement is often discouraged since HOAs may have little incentive to maintain the open space in perpetuity.

Separate open space parcels typically require an on-going RMP for the long-term maintenance of the resources and an endowment or other financing mechanism sufficient to pay the maintenance costs of the property in perpetuity. The scope of the RMP will vary for each project. Details as to what RMPs generally entail can be found in Attachment E of the County's Biological Resource Report Format and Guidelines: [http://www.sdcountry.ca.gov/dplu/docs/Biological\\_Report\\_Format.pdf](http://www.sdcountry.ca.gov/dplu/docs/Biological_Report_Format.pdf).

## **Challenges to Open Space Maintenance**

The various types of open space in the county provide an array of public benefits. Yet the means by which open space preserves are established and maintained can be costly or problematic. In recent years, many have questioned the effectiveness or the cost-benefit ratio of County preservation methods. For example, the creation of backyard open space on residential projects has been heavily criticized because some areas were found to be poorly maintained and subject to degradation from residential uses. In response to these concerns, the Department of Planning and Land Use conducted a study in 2005 to determine the effectiveness of open space easements on private residential lots. The study showed 88.7 percent of private residential lot open space preserving the integrity of the easement, with no identified encroachment. Encroachment was identified on 11.2 percent of the lots. This is a relatively low level of encroachment and suggests that this approach to open space is quite effective at preserving it. The encroachments were divided into two categories: fire related clearing which was usually contemplated when the easement was proposed (9.1%) and prohibited uses within the open space (2.1%). Measures such as installation of fencing and signs, as well as inclusion of site-specific fire-clearing buffers, referred to as limited building zone easements, have been shown to improve the effectiveness of backyard open space.

While separate open space parcels are often suggested to be better protected from encroachments and edge effects, they can have variable success and present their own challenges in terms of ownership and stewardship. Separate open space lots have the potential for increased illegal uses of the site (such as off-road vehicle use and trash dumping) because the owner does not reside onsite or nearby and may have numerous properties to manage. When open space land is transferred in fee title to a private entity, such as a conservancy group or an HOA, there is a risk that the entity may disband or attempt to sell or abandon the property, thereby creating enforcement issues for the County. In some cases, this risk can be minimized by contracting with established conservancies or even transferring ownership to government agencies. The long-term funding for stewardship or management of the open space must also be assured. If the open space is meant to serve as mitigation for a private development, it can be onerous for the developer to provide the endowment up-front for perpetual maintenance of the land. In addition, the endowment must be held by a trusted third party. These issues have been addressed on a case-by-case basis in the past, usually depending on the types of resources and the location of the land.

## **Options for Modifications by Board**

At the discretion of the Board of Supervisors, open space maintenance criteria can be standardized through a board policy or General Plan policy. Some of the options and implications are provided here:

***Stewardship Criteria*** – The Board may opt to reduce or expand the open space stewardship measures that are typically applied to backyard open space. A reduction may result in degradation of open space areas and more impacts to resources. Expansion of these measures may be difficult to implement and enforce long term as land changes ownership.

***Management Criteria*** – Similarly, the Board may choose to modify the current ownership and management requirements for open space parcels. If additional entities are allowed to own fee title of open space, the County may incur greater risk of abandoned or misallocated open space lots. If fewer entities are deemed qualified to own open space parcels, it may become too onerous or even infeasible for developers to set aside open space properties. In addition, the RMP guidelines can be revised to expand, reduce, or clarify the goals and requirements for management of open space lands.

***County Oversight*** – Should the Board wish to encourage separate open space parcels as the preferred method of avoiding or mitigating environmental impacts, the County could expand its role in managing such lands. The Department of Parks and Recreation will manage lands that meet certain criteria. These criteria could be explored to allow for more options.

Board Policy J-37 allows for the formation of a Landscape Maintenance District (LMD) for the maintenance of open space. This option is rarely used by private developers, possibly due to overall costs or restrictions within the standards and criteria. This policy could be re-evaluated to determine ways to make LMDs more feasible for future projects.

***Private Ownership of Open Space*** – The Board could consider a policy that reflects its preference with regard to private ownership and access to open space. Some comments were raised about access to agricultural lands placed in an agricultural open space easement. While the standard is currently to allow continued farming of the land under easement by the owner of the property as well as other uses accessory to the agricultural use, a policy could be developed so that this approach remains a priority for the County. The Board could also consider a policy related to other types of open space and whether private ownership, common (such as HOA) ownership, ownership by a third party, or another type of ownership and maintenance structure is preferred.

## **Additional Information**

For additional information on County ownership and management of open space, refer to Board Policies I-138 and J-37: <http://www.sdcounty.ca.gov/cob/policy/>. For more information on establishing and managing open space, refer to the County Report Format Guidelines and Guidelines for Determining Significance for Biological Resources and Cultural Resources:

<http://www.sdcounty.ca.gov/dplu/procguid.html>.

## 23. Community Planning & Sponsor Group Positions

### Statement of Issue

Most of the Community Planning Groups (CPGs) and Community Sponsor Groups (CSGs) have stated their positions on the proposed General Plan Update either through testimony or written correspondence or both. It was requested that staff clarify and summarize each CPG or CSG position, particularly with regard to the preferred land use map, the approach to the Conservation Subdivision Program (CSP), and recommended lot size limitations. Overall, the 23 of the 26 groups generally support the recommended General Plan Update land use map as is or with relatively minor adjustments. While little active support for the CSP can be found among the groups, only 8 of the 26 said that they oppose it.

### Discussion

The following discussion briefly summarizes the position of each CPG or CSG. This discussion is further summarized in Table 1 below.

- **Alpine** – The Alpine CPG has no opposition to the PC-Staff Recommended Map with the understanding that future planning efforts will be focused on areas currently designated as Forest Conservation Initiative (FCI) lands and also on the area around the proposed high school. Alpine does not oppose the CSP or the staff recommended minimum lot sizes described in residential policy 3.a.3 located in the Alpine Community Plan.

The Alpine CPG requests that FCI lands be dealt with quickly, since the initiative is now expired. The CPG also requests that concerns raised regarding Alpine Boulevard improvements and the location of the new high school be addressed in subsequent planning initiatives.

- **Bonsall** – The Bonsall CSG prefers the Draft Land Use Map alternative with the exception of BO12 (San Luis Rey Downs). For BO12, the Bonsall CSG is requesting an SR2 Designation. The Draft Land Use Map shows this site as VR20, while the PC-Staff Recommended Map designates it as VR15. Bonsall opposes property-specific requests in its planning area. The CSG also requests Special Study Areas for BO25, BO26, and BO27. Bonsall is opposed to the CSP and proposes various lot size limitations in addition to those noted in the draft Bonsall Community Plan.

In addition, the Bonsall CSG has raised other concerns about the General Plan Update related to population estimates, sewer capacity, impacts to agriculture, and water availability.

- **Borrego Springs** – The Borrego Springs CSG prefers the PC-Staff Recommended Map. Borrego Springs supports the CSP and does not specify minimum lot size restrictions.
- **Boulevard** – The Boulevard CPG prefers the PC-Staff Recommended Map. Boulevard is opposed to the CSP and requests that minimum lot sizes be coupled with density in this community.
- **Campo/Lake Morena** – The Campo/Lake Morena CPG is opposed to all of the available land use map alternatives. The CPG has requested an expanded area of VR2 designation, to match the Rural Village Boundary included for Cameron Corners. In addition, it suggests a wider application of SR10 in place of the proposed rural lands designations, with little or no area to have densities as low as RL40. Campo/Lake Morena does not oppose the CSP and does not specify minimum lot size restrictions. The Campo/Lake Morena CPG wishes to have their updated community plan included in the Mountain Empire Subregional Plan that is proposed with the General Plan Update. It has not been included due to the timing of the plan submittal and is scheduled for the next phase of community plan updates subsequent to adoption of the General Plan Update.

- **Crest/Dehesa/Granite Hills/Harbison Canyon** – The Crest/Dehesa/Granite Hills/Harbison Canyon CPG supports the PC-Staff Recommended Map. In addition, the CPG does not oppose the CSP and does not request additional lot size restrictions other than those already described in the community plan.
- **Cuyamaca** – The Cuyamaca CSG prefers the PC-Staff Recommended Map. Cuyamaca supports the CSP and the minimum lot sizes that are already specified in the draft Central Mountain Subregional Plan (4-acre minimums outside of rural villages).
- **Descanso** – The Descanso CPG supports the PC-Staff Recommended Map. Descanso is opposed to the CSP but would support a compromise in the Central Mountain Subregional Plan under draft Policy D.1: “support conservation subdivisions that result in a better project design by preserving open space, significant resources, habitat, and community character.” The Descanso CPG requests that FCI lands be addressed quickly, now that initiative has expired.
- **Fallbrook** – The Fallbrook CPG supports PC-Staff Recommended Map with two exceptions: FB1 and FB4. For these two areas, the PC-Staff Recommended Map has commercial designations. Fallbrook CPG requests an SR2 designation for the FB1 area and a split designation of SR10 and RL40 for the FB4 area.

Fallbrook does not oppose the CSP and it supports the minimum lot sizes described in the draft community plan (half acre lots for semi-rural designations and one-acre lots for rural lands designations).

- **Hidden Meadows** – The Hidden Meadows CSG supports the PC-Staff Recommended Map. Hidden Meadows does not oppose the CSP and does not specify minimum lot size restrictions. However, the Hidden Meadows CSG wishes to have their updated community plan included in the North County Metropolitan Subregional Plan that is proposed with the General Plan Update. It has not been included due to the timing of the plan submittal and is scheduled for the next phase of community plan updates subsequent to adoption of the General Plan Update.
- **Jacumba** – The Jacumba CSG prefers the PC-Staff Recommended Map. In addition, Jacumba does not oppose the CSP and does not specify minimum lot size restrictions.
- **Jamul / Dulzura** – The Jamul/Dulzura CPG is opposed to all of the available land use map alternatives due to density reductions when compared to the existing General Plan. Jamul/Dulzura does not oppose the CSP.

The Jamul/Dulzura Community Plan sets minimum lot sizes in Policies 2 and 3. Jamul Dulzura objects to the 0.5-acre minimum lot size set for SR1 and requests a 1-acre minimum. In addition, the CPG requests a 6-acre minimum lot size for RL40 rather than the 4-acre minimum that could be allowed for conservation subdivisions.

- **Julian** – The Julian CPG supports the PC-Staff Recommended Map with the exception of proposed RL80 designations, which they recommend be changed to RL40. Julian does not oppose the CSP and does not specify minimum lot size restrictions.
- **Lakeside** – The Lakeside CPG supports the PC-Staff Recommended Map. However, Lakeside opposes the CSP. No minimum lot sizes for Lakeside have yet been specified.
- **Pala-Pauma** – The Pala-Pauma CSG supports the PC-Staff Recommended Map with the inclusion of an equity mechanism. In addition, Pala-Pauma supports the CSP and has not specified minimum lot sizes.



- **Pine Valley** – The Pine Valley CPG prefers the PC-Staff Recommended Map with one exception: for CM12 (the Oliver property) the CPG would prefer the RL80 designation over the Planning Commission recommendation of RL20.

Pine Valley is opposed to the CSP and supports the minimum lot sizes specified in the draft Central Mountain Subregional Plan (4-acre minimums outside of rural villages).

Pine Valley CPG wishes to have their updated community plan included in the Central Mountain Subregional Plan that is proposed with the General Plan Update. It has not been included due to the timing of the plan submittal and is scheduled for the next phase of community plan updates subsequent to adoption of the General Plan Update.

- **Potrero** – The Potrero CPG prefers the PC-Staff Recommended Map; however, requests RL80 on outlying lands in Potrero, as was originally recommended by staff to the Planning Commission which had additional RL40 and RL80 properties. Exceptions to the group position from the original recommendation are that they support the Karp properties as currently shown at RL40 and the three Dahlgren parcels near State Route 94 shown at RL20.

Potrero is opposed to the CSP and has draft recommendations for minimum lot sizes specified in the Mountain Empire Subregional Plan (8 acres for SR10 and 16 acres for rural lands).

- **Rainbow** – The Rainbow CPG supports the PC-Staff Recommended Map. In addition, Rainbow does not oppose the CSP and does not specify minimum lot size restrictions.
- **Ramona** – The Ramona CPG is opposed to all of the available land use map alternatives for the following reasons: (1) extreme upzones and downzones on the maps; (2) Ramona Municipal Water District wastewater treatment limitations; (3) resultant legal non-conforming lots; and (4) economic impacts to properties and community from changes in density. In addition, Ramona has provided specific designation requests for the proposed land use map (e.g., that the land use designation in the Bunnie King Lane area be revised from SR-10 to SR4, which is indexed as RM20).

The CPG discourages conservation subdivisions in Ramona due to community character inconsistencies pursuant to Policy LU 1.1.4 in the draft Ramona Community Plan. In addition, Ramona opposes the CSP for the following reasons: (1) groundwater limitations that may be exacerbated by clustering of development; (2) on-site spatial limitations to residential and agricultural uses; and (3) the preference that development be dispersed in the community rather than consolidated in certain areas.

Should conservation subdivisions be allowed in Ramona, the CPG recommends specific guidelines: (1) open space should allow agricultural uses; (2) lot sizes should not be less than 50% of the lot size that would be coupled with the density -- such as 5 acres for SR10, 10 acres for RL20, 20 acres for RL40, etc.; and (3) minimum lot sizes should not be less than 2.5 acres.

- **San Dieguito** – The San Dieguito CPG prefers the PC-Staff Recommended Map with two exceptions: (1) for SD3 the planning group would prefer RL20 instead of SR4; and (2) for NC17 the planning group would prefer SR2 rather than SR1. San Dieguito supports the CSP and does not specify minimum lot size restrictions.
- **Spring Valley** – The Spring Valley CPG supports the PC-Staff Recommended Map with one exception: for SV17 (the Massey property) the CPG would prefer a combination of SR1 and VR2.9 rather than the PC-recommended combination of VR4.3, VR7.3, and VR20. Spring Valley supports the CSP with inclusion of qualitative guidelines as provided in the draft Spring Valley Community Plan. Minimum lot size restrictions are not specified. The Spring Valley CPG also requests that their

recommended community plan recommendations, LU 2.1.1 and LU 2.1.2, be included as enforceable policies rather than recommendations. The recommendations are worded as follows:

- LU 2.1.1 -- The Spring Valley Community Planning Group recommends that the land use maps to reflect smaller densities to reduce density allowances for the community altogether. The heaviest density suggested shall be no more than 15 dwelling units per acre.
- LU 2.1.2 -- The Spring Valley CPG recommends that, because of the loss of tax revenues, new, tax subsidized housing is not be constructed and/or converted in Spring Valley until other unincorporated areas contain the same density as Spring Valley.
- **Sweetwater** – The Sweetwater CPG supports the PC-Staff Recommended Map. In addition, Sweetwater does not oppose the CSP and does not specify minimum lot size restrictions.

The following requests to the Board of Supervisors were also made by the Sweetwater CPG: (1) preserve the rural character of our communities by supporting and using the community plans; (2) preserve the ranches, farmlands, open space, slopes and natural resources; and (3) preserve planning and sponsor groups to insure the process of community input during the implementation of the General Plan Update maps which are needed in the future to support the unincorporated areas

- **Tecate** – The Tecate CSG prefers the PC-Staff Recommended Map. In addition, Tecate does not oppose the CSP and does not specify minimum lot size restrictions.
- **Twin Oaks Valley** – The Twin Oaks Valley CSG supports the PC-Staff Recommended Map with the following exceptions:
  1. Board referral area on the east side adjacent to I-15 is proposed to be High-Impact Industrial but should be SR4 due to proximity to residential uses.
  2. County Islands proposed for VR2.9 adjacent to Richland Road, between Tres Rancho Lane and Carmen Ct., should be SR1. This area backs up to open space and one of the homes in this area is a historic structure and one of the oldest in the Twin Oaks Valley/San Marcos area.
  3. Areas east of Low Chaparral Drive proposed to be SR2 should be SR4 because 25%-35% of this area has slopes equal to or greater than 25%.
  4. Flat areas to the west of Low Chaparral Drive shown as SR2 should be SR1 to match the character of existing development to the south and to provide a transition buffer with the adjacent area of San Marcos.
  5. Areas on the western side of the Twin Oaks community shown as SR1 should be SR2 to acknowledge the constraints of steep slopes.

Twin Oaks Valley is opposed to the CSP. No minimum lot size restrictions have been specified. In addition, the CSG has expressed concerns with the draft North County Metropolitan Subregional Plan language supporting city annexations, and with the Mobility Element Network (e.g., Deer Springs Road to be widened to six lanes).

- **Valle De Oro** – The Valle De Oro CPG prefers the PC-Staff Recommended Map. Valle De Oro supports the CSP with the exception of proposed revisions to Zoning Ordinance Section 6627 regarding Building Type. Minimum lot size restrictions as well as qualitative standards for conservation subdivisions are specified in the draft Valle De Oro Community Plan.
- **Valley Center** – The Valley Center CPG prefers the PC-Staff Recommended Map with the following exceptions: (1) VC2 and VC20 should be SR10 rather than SR4; (2) VC3 should be RL20 rather than SR2; (3) VC4 should be SR10 rather than SR2; (4) VC6 and VC7 should be RL20 rather than SR4;

(5) VC5, VC13, VC15, and VC29 should be RL40 rather than RL20; and (6) VC27 and VC28 should be SR2 rather than SR1.

Valley Center supports the CSP with the application of community design guidelines. Minimum lot size restrictions are specified in the draft Valley Center Community Plan. In addition, the Valley Center CPG supports the General Plan Update Mobility Element with the exception of Road 3A. The planning group also requests an equity mechanism for agricultural properties.

## Summary

Table 23-1 below provides a quick summary of the above information regarding each Community Planning or Sponsor Group position.

## Options for Modifications by Board

Modifications to property specific issues that are recommended by planning groups are addressed in the property specific reviews.

Other requests from community planning and sponsor groups can be included in the General Plan Update at the discretion of the Board of Supervisors. Some of the options and implications are provided here:

- ***Specific lot size restrictions*** - Some community planning and sponsor groups recommended that larger minimum lot size standards be included in their community plan. Depending on the minimum size recommended and the allowable density proposed for that community or subregion, such restrictions may limit future development and/or affect the ability to implement a conservation subdivision.
- ***Revised community plan policies and language*** - Some community planning and sponsor groups recommended alternate policy language or additional policies and language than what is included in the recommended community plan revisions. The reason that a group's recommended language was not included varies from case to case but it was typically because it could result in a conflict with the proposed General Plan Update, it would impede implementation of the Conservation Subdivision Program as proposed, or it provided unnecessary or inappropriate language or restrictions for a County adopted policy document.
- ***Community written community plans*** - Some community planning and sponsor groups have gone through a significant effort to write or rewrite their community plan and wish to have them adopted as part of the General Plan Update. While some plans are included, there are also at least three (Hidden Meadows, Pine Valley, and Campo/Lake Morena) that were not submitted in time to be included with the General Plan Update. The current strategy is for these plans to be brought forward for consideration following adoption of the General Plan Update. However, the Board has the option of including these plans with the General Plan Update. In order to ready the plan for consideration, they require further review by staff and the public, analysis in an environmental document, and a hearing by the Planning Commission.

## Additional Information

No additional information is relevant to this issue.

**Table 23-1. Summary of Community Group Positions**

Community Group	Community Plan or Subregional Plan	Preferred Map	Exceptions or Specific Requests	CSP Program		Other Issues
				Opposed to CSP?	Minimum Lot Size Restrictions	
Alpine CPG	Alpine Community Plan	PC-Staff Recommended	FCI Lands and areas around High School	No	None	<ul style="list-style-type: none"> <li>• FCI</li> <li>• Alpine Boulevard improvements</li> <li>• High School location</li> </ul>
Bonsall CSG	Bonsall Community Plan	Draft Land Use	BO12 SSA for BO25-27	Yes	Requests additional restrictions in Community Plan	<ul style="list-style-type: none"> <li>• Population estimates</li> <li>• Sewer capacity</li> <li>• Impacts to Agriculture</li> <li>• Water availability</li> </ul>
Borrego Springs CSG	Borrego Springs Community Plan	PC-Staff Recommended	N/A	No	None	None
Boulevard CPG	Mountain Empire Subregional Plan	PC-Staff Recommended	N/A	Yes	Request coupling of lot size to density	None
Campo / Lake Morena CPG	Mountain Empire Subregional Plan	None	Expand VR2; Expand SR10 and remove RL40	No	None	Requests Community Plan Update
Crest/Dehesa/Granite Hills/Harbison Canyon CPG	Crest/Dehesa/Granite Hills/Harbison Canyon Subregional Plan	PC-Staff Recommended	N/A	No	Limits proposed in Community Plan	None
Cuyamaca CSG	Central Mountain Subregional Plan	PC-Staff Recommended	N/A	No	Limits proposed in Community Plan	None
Descanso CPG	Central Mountain Subregional Plan	PC-Staff Recommended	N/A	Yes	None	FCI
Fallbrook CPG	Fallbrook Community Plan	PC-Staff Recommended	FB1 and FB4	No	Limits proposed in Community Plan	None

Community Group	Community Plan or Subregional Plan	Preferred Map	Exceptions or Specific Requests	CSP Program		Other Issues
				Opposed to CSP?	Minimum Lot Size Restrictions	
Hidden Meadows CSG	North County Metropolitan Subregional Plan	PC-Staff Recommended	N/A	No	None	Requests Community Plan Update
Jacumba CSG	Mountain Empire Subregional Plan	PC-Staff Recommended	N/A	No	None	None
Jamul/Dulzura CPG	Jamul / Dulzura Community Plan	None	Oppose downzoning	No	Limits proposed in Community Plan; CPG requests additional restrictions	None
Julian CPG	Julian Community Plan	PC-Staff Recommended	Oppose RL80 Designations	No	None	None
Lakeside CPG	Lakeside Community Plan	PC-Staff Recommended	N/A	Yes	None	None
Pala-Pauma CSG	Pala/Pauma Subregional Plan	PC-Staff Recommended	Request Equity Mechanism	No	None	None
Pine Valley CPG	Central Mountain Subregional Plan	PC-Staff Recommended	CM12	Yes	Limits proposed in Community Plan	Requests Community Plan Update
Potrero CPG	Mountain Empire Subregional Plan	PC-Staff Recommended	Apply RL80 to additional properties	Yes	Limits proposed in Community Plan	None
Rainbow CPG	Rainbow Community Plan	PC-Staff Recommended	N/A	No	None	None

Community Group	Community Plan or Subregional Plan	Preferred Map	Exceptions or Specific Requests	CSP Program		Other Issues
				Opposed to CSP?	Minimum Lot Size Restrictions	
Ramona CPG	Ramona Community Plan	None	Bunnie King Lane (RM20)	Yes	Limits proposed in Community Plan	<ul style="list-style-type: none"> <li>• Sewer capacity</li> <li>• Non-conforming lots</li> <li>• Upzones and downzones</li> <li>• Economic impacts</li> <li>• Zoning consistency</li> <li>• Open Space requirements</li> </ul>
San Dieguito CPG	San Dieguito Community Plan	PC-Staff Recommended	SD3 and NC17	No	None	None
Spring Valley CPG	Spring Valley Community Plan	PC-Staff Recommended	SV17	No	None (Community Plan includes qualitative standards)	LU 2.1.1 and LU2.1.2 are to be policies, not recommendations.
Sweetwater CPG	Sweetwater Community Plan	PC-Staff Recommended	N/A	No	None	<ul style="list-style-type: none"> <li>• support community plans;</li> <li>• preserve the ranches, farmlands, open space, slopes and natural resources; and</li> <li>• preserve planning and sponsor groups</li> </ul>
Tecate CSG	Mountain Empire Subregional Plan	PC-Staff Recommended	N/A	No	None	None
Twin Oaks Valley CSG	North County Metropolitan Subregional Plan	PC-Staff Recommended	Five Exception Areas Specified	Yes	None	<ul style="list-style-type: none"> <li>• Community plan language supporting city annexations</li> <li>• Concerns with Mobility Element Network</li> </ul>

Community Group	Community Plan or Subregional Plan	Preferred Map	Exceptions or Specific Requests	CSP Program		Other Issues
				Opposed to CSP?	Minimum Lot Size Restrictions	
Valle de Oro CPG	Valle De Oro Community Plan	PC-Staff Recommended	N/A	No	Limits proposed in Community Plan	Request change to Zoning Ordinance Section 6627: Building Type.
Valley Center CPG	Valley Center Community Plan	PC-Staff Recommended	VC2, VC3, VC4, VC5, VC6, VC7, VC13, VC15, VC20, VC27, VC28, and VC29	No	Limits proposed in Community Plan	<ul style="list-style-type: none"> <li>• Remove Road 3A.</li> <li>• Support an Equity Mechanism for agricultural lands.</li> </ul>

## 24. Climate Change

### Statement of Issue

Staff was asked to provide supplemental information on the relationship of the General Plan Update (General Plan Update) to climate change legislation and how it is addressing the County's role in global climate change.

### Staff Response

In summary, there are no State policies that prescribe standards for the County related to climate change. Although AB 32 and SB 375 are frequently raised by commenters as mandates to local jurisdictions, they do not contain definitive thresholds to be met. However, AB 32 does contain a State adopted target for reducing greenhouse gas (GHG) emissions and the draft General Plan Update was prepared to support achievement of that target. Additionally, the California Environmental Quality Act (CEQA) requires that the County evaluate the General Plan Update's consistency with the State's programs to achieve AB 32. The purpose of SB 375 is to support the target in AB 32 by requiring regional planning agencies such as the San Diego Association of Governments (SANDAG) to consider emissions from vehicles when producing regional transportation and land use plans. GHG targets specific to this process are developed by the State and then local governments are incentivized to achieve them through transportation project funding and CEQA streamlining provisions. There are no specific requirements or thresholds to be met in SB 375 for the County; however, staff has been working in close coordination with SANDAG to support its role in complying with this regulation.

In general, the General Plan Update is consistent with AB 32 and SB 375. It contains draft policies that will reduce the County's GHG emissions and support regional and State efforts to do the same. Draft policies that address climate change are best summarized in Chapter 1 of the draft General Plan Update, in the Global Climate Change: AB 32 Compliance section starting on page 1-16.

### Summaries of Relevant State Policy

The State has enacted numerous policies and regulations relating to global climate change. There are three regulations that provide general targets for greenhouse gas emission reductions. These regulations are frequently raised in the context of general plans for local jurisdictions and serve to guide Statewide policies on climate change related to land use planning.

#### **A. Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006 (Health and Safety Code Section 38500 et seq.)**

In September 2006, the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. AB 32 focuses on reducing GHG emissions in California. It establishes a Statewide goal of reducing GHG emissions equivalent to Statewide levels in 1990 by 2020. The California Air Resource Board (CARB) is given the primary responsibility for reducing GHG emissions through the adoption of rules and regulations. As required under AB 32, CARB prepared and adopted a scoping plan (Scoping Plan). The AB 32 Scoping Plan contains the main strategies California will use to reduce the GHGs that cause climate change. The Scoping Plan has a range of GHG reduction actions which include direct regulations, alternative compliance mechanisms, monetary and non-monetary



incentives, voluntary actions, market-based mechanisms such as a cap-and trade system, and an AB 32 cost of implementation fee regulation to fund the program. The Scoping Plan references a role that local governments can play in assisting in the State's achievement of the AB 32 GHG target but does not identify specific programs for local governments to implement. However, many parties have argued that AB 32 can only be achieved through action and policies at all levels of government urging local governments to a more active role in achieving AB 32. Subsequent legislation amended CEQA to require discretionary actions of local governments to be evaluated for GHG emissions compliance with applicable policies (including AB 32). Litigation or threat of litigation on general plans of other local governments by the California Attorney General and other parties also demonstrated a need to address AB 32 compliance in local general plans.

### **B. Senate Bill (SB) 375**

SB 375 provides a land use and transportation policy to meet the GHG target established by AB 32. SB 375 builds on the existing regional transportation planning process (which is overseen by local elected officials with land use responsibilities) to connect the reduction of GHG emissions from cars and light trucks to land use and transportation policy. SB 375 requires the CARB to establish the GHG emission reduction targets for each region and to review the region's determination that its plan achieves those targets. SB 375 has three goals to: 1) use the regional transportation planning process to help achieve AB 32 goals; 2) use CEQA streamlining as an incentive to encourage residential projects which help achieve AB 32 goals to reduce GHG emissions; and 3) coordinate the regional housing needs allocation process with the regional transportation planning process. SB 375 is seen as a mechanism to achieve reductions in GHG emissions mainly through reduced vehicle miles travelled. SB 375 relates specifically to the regional transportation planning process which is conducted by SANDAG. Local governments, such as the County, are only indirectly affected by SB 375 through the regional housing needs allocation (RHNA) process, transportation findings, and CEQA streamlining incentives.

### **C. Executive Order S-3-05**

California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S--3--05, the following GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. The 2020 target is consistent with AB 32 which has been the main focus of the State. The 2050 target is also relevant to climate change planning and policy being prepared by local governments. However, because achievement of the 2050 target will require initiatives and policies at the State level (similar to the 2020 standard), local governments will need more information from the State on statewide strategies for addressing the target in order to determine the appropriate local role.

## **Consistency of the General Plan Update with State Policy**

The General Plan Update takes steps to address the challenging issue of climate change by reducing GHG emissions, retaining and enhancing natural areas, improving energy efficiency, reducing waste, recycling, and managing water use. The General Plan Update will reduce GHG emissions primarily through minimizing vehicle trips and approving land use patterns that support increased density in areas where there is infrastructure to support it, increased opportunities for transit, pedestrians, and bicycles, and through green building and land development conservation initiatives. Policies also address adaptation to climate change, such as continued wildfire management and protection, monitoring flood hazards, and

regional collaboration on biological preservation, water use and supply, and other areas of concern. Climate change and GHG emissions reduction are addressed in policies and programs from multiple elements of this General Plan Update rather than in a single section. Table I-1 (General Plan Policies Addressing Climate Change) identifies the policies in the General Plan Update that help achieve AB 32 GHG emission target: mitigation (reduce GHG emissions) and adaptation (changing current strategies to adapt to climate change). Table I-1 further categorizes the General Plan policies according to the strategies identified to accomplish the two primary objectives.

The County has included in the draft policies and mitigation measures for the General Plan Update a firm commitment to achieving the AB 32 targets. This commitment serves as a performance standard that will achieve the AB 32 targets and in committing to this standard, the County will implement the measures necessary for it to be achieved. The County has also committed to the preparation of a Climate Action Plan (CAP) which will detail the measures necessary at a local level for the County to support achievement of the AB 32 standards.

In order to address CEQA requirements regarding GHG emissions, the draft Environmental Impact Report (DEIR) for the General Plan Update includes an analysis of the General Plan Update's consistency with AB 32 (Section 2.17.3.1, Compliance with AB 32). By the year 2020, GHG emissions in the unincorporated County are projected to increase to 6.9 million metric tons of CO<sub>2</sub> equivalent (MMT CO<sub>2</sub>e), from 5.3 MMT CO<sub>2</sub>e in 1990, without incorporation of any GHG-reducing policies or mitigation measures. This amount represents an increase of 24 percent over 2006 levels, and a 36 percent increase from estimated 1990 levels. This is considered a potentially significant impact associated with compliance with AB 32. However, the DEIR also identifies mitigation measures to reduce this impact to the extent feasible and as a result of these commitments is expected to comply with and would not impede the implementation of AB 32.

With regard to SB 375, the County has been in close coordination with SANDAG and all work done by SANDAG to date has accounted for the draft General Plan Update. SANDAG is required to prepare a plan for the regional that meets targets for reducing vehicle emissions. This plan must consider local general plans and in order for local agencies to take advantage of streamlining provisions, they must be consistent with SANDAG's plan. As a result, it is advantageous for the General Plan Update that is adopted by the Board and SANDAG's plans to be similar. Initial work conducted by SANDAG using the General Plan Update shows that the SB 375 targets are achievable. Compared to the County's existing general plan, the General Plan Update greatly reduces vehicle miles travelled (VMT) and vehicle emissions. Therefore, the County's General Plan Update is likely a key factor in SANDAG's SB 375 plan.

### **Options for Modifications by Board**

This information is provided as reference information for the General Plan Update. No modifications to the project by the Board were evaluated as part of providing this information.

## **Additional Information**

Additional information on climate change can be found in the draft General Plan Update and the draft EIR and responses to comments. Information on State regulations can be found in the draft EIR and on the state website.

## **25. Impacts to Unrecorded Subdivision Maps**

### **Statement of Issue**

Staff was asked to provide additional information on the effects of the General Plan Update on tentatively approved subdivision projects that have not been recorded.

### **Discussion**

The process of implementing a subdivision has two steps. The first is obtaining tentative map approval, the second is obtaining final map approval. Proposals to subdivide land into 5 residential lots or less can typically be accomplished by Tentative Parcel Map (TPM). Proposals for more than 5 residential lots require a Tentative Map (TM). The first part of the approval (the tentative approval) comes with a number of conditions that must be satisfied prior to recording a final map as final at which time the land is effectively subdivided. Recording the map is the second step. The land is not subdivided until both steps are accomplished.

Tentative approval of the map comes with an expiration date. This expiration date is 3 years from the date of tentative approval. State law and County regulations allow the County to approve an extension to the expiration date for up to 5 years. Additionally, recent State legislation has provided automotive extensions for certain existing tentative approvals for up to an additional 3 years depending on their date of approval.

A number of projects are currently between the two steps of approval and could be affected by the General Plan Update when adopted. The adoption of the General Plan Update would have no immediate effect on an approved TPM or TM. The applicant will still be able to satisfy the conditions of approval and record the TPM or TM (completing the second step and obtaining a final map subdividing the property). If, however, the applicant proposes to amend the approved conditions of the TPM or TM (Resolution Amendment), propose revisions to the map (Revised Map) or propose to extend the expiration date of the map (Time Extension), such application cannot legally be approved if the subdivision map or proposed revision(s) are inconsistent with the General Plan Update densities and policies as adopted. The clearest solution for a property owner to avoid such complications is to satisfy the conditions of the TPM or TM and complete the recordation process before expiration of the tentative approval.

### **Noticing of Tentatively Approved Projects**

The General Plan Update and its potential impacts to projects has been widely publicized, noticed, and discussed during the processing of the project. Applicants that have been processing tentative map and tentative parcel map over the past decade have been told repetitively about General Plan Update and its potential to affect their projects. However, those that had already achieved their tentatively approval, may not have contemplated the effect or may not have been contemplating changes or an extension to their map at that time. To ensure that applicants were fully informed of the implications, notices were sent in November 2010 to all property owners and their representatives with tentatively approved projects. There were few responses to these notices; however, property-specific analyses were completed for the applicants that did respond.

### **Number of Potentially Impacted Projects**

DPLU estimates that there are approximately 200 tentatively approved subdivision maps in the unincorporated area that have not yet been recorded. However, only a subset of these projects are proposed for changes in density with the General Plan Update. DPLU reviewed available records to identify those projects that could be impacted by the General Plan Update. The review required consideration of the number of proposed lots, lot sizes, existing and proposed designations, steep slopes, and other relevant information. In some cases, data on all these factors were not available or cannot be confirmed as accurate and therefore this review potentially omits some projects. Based on the review, 28 TMs and TPMs were identified as potentially being impacted by the General Plan Update. However, it should be noted that even if the General Plan Update changes the densities on the sites of their tentatively approved TPMs and TMs, they could still record a final map after the Plan is adopted. The only negative impact the General Plan Update would have on these 28 maps is that they could not obtain further extensions of time to record the final maps, or could not modify their projects further after the General Plan Update is adopted. Staff believes that the number of maps this situation would affect is quite minimal. Of the public comments received from owners in this situation, there are only three that have expressed an objection to the General Plan Update and requested that their land use designations not be changed. They have made these requests because they do not intend to complete the projects they had approved as tentative maps, and want to keep the ability to file new maps in the future under existing general plan densities.

### **Options for Modifications by Board**

DPLU considered the changes necessary to the General Plan Update in order to reflect the tentatively approved project and avoid any impacts. In many cases, the densities approved for the projects would not be consistent with the General Plan Update objectives and mapping principles. However, because these are tentatively approved projects that have already been evaluated for environmental impacts and have the right to record as long as their conditions are satisfied, the lots were treated as existing lots when determining the level of change to the General Plan Update. As a result, DPLU determined that a number of these projects could be addressed with minor changes to the General Plan Update.

The detailed review of the 29 project potential impacted by the General Plan Update is provided in Appendix E of this report. A summary is provided below in Table 25-1 and a more detailed summary is provided after in Table 25-2. Table 25-1 identifies the projects by the date that they were tentatively approved and level of change that would need to address their inconsistency with the General Plan Update. The date of approval is important because tentatively approved maps have a number of years to record. Typically, the maps are provided 3 years from tentative approval. State legislation during the past couple of years has automatically extended this timeframe for some maps.

**Table 25-1. Tentatively Approved Unrecorded Subdivisions Potentially Impacted by the General Plan Update with Level of Change Needed to Resolve Inconsistency**

Date of Tentative Approval	TM		TPM	
	Minor	Major	Minor	Major
2005	1	0	1	0
2006	2	0	0	0
2007	0	0	7	0
2008	1	0	1	0
2009	1	0	6	3
2010	3	0	3	0
<b>Total</b>	<b>8</b>	<b>0</b>	<b>18</b>	<b>3</b>

The more detailed review information contained in Table 25-2 and in the review sheets in Appendix E provide the information necessary if the Board chooses to modify the General Plan Update to resolve these issues. In most cases, the change necessary is considered minor because it would remain consistent with the Community Development Model and is close to similarly designated properties. However, there are a few case where the change was considered major because it would result in an isolated, out of place designation that would not be in keeping with the Community Development Model.

### **Additional Information**

For additional information on pipelining refer to the pipeline policy fact sheet. Refer to Appendix E of this report for the detailed review sheets for unrecorded subdivisions.

**Table 25-2. Tentatively Approved Unrecorded Subdivision Review Summary**

ID	Community	Application Name	Date Approved	Existing GP	GPU Alternatives		Recommended Project	Needed Designation	Community Recommendation	Opposition Expected	Spot Designation / Zone	EIR Recirculation Needed?	Level of Change
					Referral Map	Draft Land Use							
<b>Tentative Maps</b>													
TM4700	North County Metro (Twin Oaks)	Jaoudi Country Estates	February 2, 2005	(2) 1du/ac	RL20	RL20	RL20	SR1	Unknown	Yes	No	No	MINOR
TM5158	Bonsall/Twin Oaks	CPH Vista Palisades	October 26, 2006	(18) 1 du/4,8,20 ac	SR4/RL20	SR4/RL20	SR4/RL20	Expand SR4	Unknown	Maybe	No	No	MINOR
TM5194	Ramona	Teyssier L&M Family	July 31, 2006	(18) 1 du/4,8,20 ac	RL40	RL40	RL40	SR4	SR4	No	No	No	MINOR
TM5236	Central Mountain (Pine Valley)	Dhalliwal Joseph	May 14, 2010	(1) 1 du/1, 2, 4 ac	RL40	RL40	RL80	RL20	RL80	Yes	No	No	MINOR
TM5373	Desert	Basara LLC	October 17, 2008	(21) Specific Plan Area	SR10/RL80	SR10/RL80	SR10/RL80	Specific Plan Area	Unknown	No	No	No	MINOR
TM5484	Mountain Empire (Potrero)	JMK Properties	September 15, 2010	(18) 1 du/4,8,20 ac	RC/SR4/RL40	SR4/RL40	SR10/RL40	SR4/RL20	SR10/RL40	Yes	Yes	No	MINOR
TM5516	North Mountain	MCS Company	December 18, 2009	(18) 1 du/4,8,20 ac	SR10/RL40	SR10/RL80	SR10/RL40	SR4	n/a	Yes	Yes	No	MINOR
TM5532	Fallbrook	Frulla Inc.	March 12, 2010	(17) 1 du/2, 4 ac	SR4/SR10	SR10	SR4/SR10	SR2	Unknown	No	Yes	No	MINOR
<b>Tentative Parcel Maps</b>													
TPM20611	Pala-Pauma	Jiles Ranch Inc.	April 23, 2005	(18) 1 du/4,8,20 ac	RL20	RL20	RL20	SR10	Unknown	No	Yes	No	MINOR
TPM20719	Mountain Empire (Boulevard)	Lansing Inc.	March 8, 2007	(18) 1 du/4,8,20 ac	RL80	RL80	RL80	RL40	Unknown	No	No	No	MINOR
TPM20726	Jamul/Dulzura	Robnett Albert	May 17, 2007	(18) 1 du/4,8,20 ac	RL40	RL40	RL40	SR10	Unknown	No	No	No	MINOR
TPM20756	Mountain Empire (Campo/Lake Morena)	Arellano Ignacio	January 26, 2009	(18) 1 du/4,8,20 ac	RL40	RL40	RL40	SR4	Unknown	No	Yes	No	MAJOR
TPM20778	Jamul/Dulzura	Pijenberg	August 6, 2009	(18) 1 du/4,8,20 ac	RL40	RL40	RL40	SR10	Unknown	Yes	Yes	No	MAJOR
TPM20780	Valley Center	RCDK Realty II LTD	November 30, 2007	(18) 1 du/4,8,20 ac	RL20	RL20	RL20	SR4	Unknown	No	No	No	MINOR
TPM20788	Bonsall	Cunningham California	December 16, 2009	(18) 1 du/4,8,20 ac	SR10	SR10	SR10	SR4	Unknown	No	Yes	No	MINOR
TPM20793	Fallbrook	Winter Family	June 21, 2007	(17) 1 du/2, 4 ac	SR4	SR10	SR4	SR2	Unknown	No	Yes	No	MINOR
TPM20811	Valley Center	Mustafa Bassam	August 10, 2009	(17) 1 du/2, 4 ac	SR4	SR4	SR4	SR2	Unknown	No	Yes	No	MINOR
TPM20840	Crest/Dehesa	Leslie/Bersztyn	September 5, 2007	(17) 1 du/2, 4 ac	RL20	RL20	RL20	SR2	Unknown	No	No	No	MINOR
TPM20846	North County Metro (Twin Oaks)	Pizzuto	January 29, 2009	(18) 1 du/4,8,20 ac	SR10	RL20	SR10	SR4	Unknown	No	Yes	No	MINOR
TPM20848	Valley Center	House Daren	August 1, 2007	(18) 1 du/4,8,20 ac	RL20	RL20	RL20	SR2	Unknown	No	Yes	No	MINOR
TPM20954	Bonsall	Nystrom	November 27, 2007	(17) 1 du/2, 4 ac	RL20	RL20	RL20	SR4	Unknown	No	Yes	No	MINOR
TPM20999	Valley Center	Avorg Corp	December 22, 2008	(17) 1 du/2, 4 ac	SR4	SR4	SR4	SR2	Unknown	No	Yes	No	MINOR
TPM21001	Valley Center	Goodnight	December 8, 2009	(17) 1 du/2, 4 ac	SR4	SR4	SR4	SR2	Unknown	No	Yes	No	MINOR
TPM21004	Valley Center	Fallbrook Development	May 11, 2009	(18) 1 du/4,8,20 ac	SR2/RL20	SR2/RL20	SR2/RL20	SR10	Unknown	No	Yes	No	MINOR
TPM21060	Jamul/Dulzura	Hamilton	March 6, 2009	(18) 1 du/4,8,20 ac	RL40	RL40	RL40	SR4	Unknown	No	Yes	No	MAJOR
TPM21094	Central Mountain (Descanso)	Shellstrom	October 6, 2010	(1) 1 du/1, 2, 4 ac	RL40	RL40	RL40	SR4	Unknown	No	Yes	No	MINOR
TPM21095	North County Metro (Twin Oaks)	Rimsa Family	April 8, 2009	(18) 1 du/4,8,20 ac	SR10	SR10	SR10	SR4	Unknown	No	Yes	No	MINOR
TPM21155	Bonsall	Anderson	April 23, 2010	(17) 1 du/2, 4 ac	SR4	SR4	SR4	SR2	Unknown	No	Yes	No	MINOR
TPM21159	Bonsall	Brown/Hefner	December 10, 2010	(18) 1 du/4,8,20 ac	SR10	SR10	SR10	SR2	Unknown	No	Yes	No	MINOR

## **26. Removal of Agricultural Preserve Designators**

### **Statement of Issue**

Part of the project description for the General Plan Update is the disestablishment of agricultural preserves, where appropriate, and removal of the “A” special area designator from those properties which is applied through the Zoning Ordinance. This component of the project is further described in Sections 5.3.1.D and 5.3.1.E of the draft Implementation Plan. Staff was requested to provide more information on this component of the General Plan Update.

### **Discussion**

Agricultural preserve designators were broadly applied to lands many years ago with the anticipation that those lands would be placed under Williamson Act contract and maintained in an agricultural use. The purpose of establishing preserves is set forth in Board Policy I-38 as follows:

“Preserves are established for the purpose of defining the boundaries of those areas within which the County will be willing to enter into contracts pursuant to the [Williamson] Act.”

Criteria for agricultural preserves are also provided in State law in the Williamson Act. Specifically, the Act states:

“An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two years of the effective date of any contract on land within the preserve be restricted by zoning, including appropriate minimum parcel sizes that are at a minimum consistent with this chapter, in such a way as not to be incompatible with the agricultural use of the land, the use of which is limited by contract in accordance with this chapter.”

Numerous properties that were designated as agricultural preserves in the County have never been used for agriculture; and very few Williamson Act contracts have been established in recent years. As currently proposed under the General Plan Update, most properties that have agricultural preserves will be designated as rural lands or semi-rural lands with low densities. These land-use designations, along with compatible zoning, will still be conducive to agricultural uses as well as open space.

Therefore, through the course of the General Plan Update it was acknowledged that many agricultural preserves are no longer needed or relevant. Additionally, agricultural preserves can become problematic to future non-agricultural uses on those properties such as additional homes, accessory structures, non-agricultural businesses, etc. Property owners proposing to subdivide lands within agricultural preserves for residential uses are advised to propose and process disestablishment of the preserve for their property concurrently with their subdivision. This is an added approval required by the Board of Supervisors that increases process costs and adds a layer of review to the application when most subdivisions can be approved by the Director or Planning Commission.

The General Plan Update implementation measure to disestablish agricultural preserves for certain properties was seen as a way to update the County’s preserves to better reflect current conditions and to do it in a batched process so individual property owners would avoid the expense and complexity of



processing the disestablishments individually. The disestablishment option would only be available to lands that are not under Williamson Act Contract and, in most cases, are not being used for agricultural production. Approximately 321,590 acres of land throughout the unincorporated County are in agricultural preserves and not under contract. However, disestablishment would only be available for those properties whose owners make the request to be included and only when the disestablishment would comply with State law (all preserves are generally required to be greater than 100 acres unless specific conditions exist).

Ultimately, any proposed disestablishment of agricultural preserves must be brought back before the Board for approval. Removal of the “A” zoning designator for Agricultural Preserves will require consideration of the Planning Commission as well.

### **Options for Modifications by Board**

At the discretion of the Board of Supervisors, this component of the General Plan Update project can be eliminated or modified with little impact to the overall project. The Board may opt to remove this implementation measure from the project; thereby maintaining all of the existing agricultural preserves. This action would result in minor changes to the Implementation Plan and the Environmental Impact Report (EIR). The implications of this action are that the Department of Planning and Land Use may continue to encounter development projects that are restricted by “A” zoning designators even though there are no agricultural operations on the project site. However, there will also be less potential for incompatible development in areas adjacent to agricultural uses. The Board could also modify the implementation measure by providing additional direction to staff on how it would be implemented or restricting it from affecting a certain subset of properties.

### **Additional Information**

For additional information on Agricultural Preserves, refer to the existing General Plan Open Space Element, Board Policy I-38, and state law – the Williamson Act.

## **27. Mapping Clean-up Process**

### **Statement of Issue**

The General Plan Update was prepared over the course of many years, with much of the analysis occurring on a macro scale. During the course of the General Plan Update hearings, interest was expressed in developing a mechanism for property owners to raise issues regarding the General Plan Update. This process may lead to revisions to the General Plan Update. It was also contemplated that this process could accommodate some of the changes that are being requested at this time in the General Plan Update that require additional analysis and hearings.

### **Staff Analysis**

Staff has always contemplated that a clean-up process would be followed after the adoption of the General Plan every two years through regular monitoring and reporting on the General Plan. Applying this concept now would simply move the follow up review closer to the adoption of the General Plan Update. However, changes to an adopted General Plan must follow the process specified by State law, even when they are corrections or clean-up. This process includes evaluation/analysis, public and agency review, Planning Commission review, and Board of Supervisors approval. For minor changes, efficiencies can be achieved by grouping the changes and processing them in a batch. By adopting a formal approach to such a review,, certainties and assurances can also be achieved in the process.

### **Recommendation**

Should the Board wish to formally establish such a clean-up mechanism, staff recommends the following approach:

- Individuals requesting a change to the General Plan Update not already considered by the Board of Supervisors may submit their request up to 3 months following adoption of the General Plan update.
- These changes may include those items that have been discussed during the General Plan Update hearings, but that have not been acted on by the Board during these hearings. This would allow for these changes to be considered and implemented without delaying adoption and implementation of the rest of the General Plan Update.
- The changes directed by the Board and individual requests that are found to be consistent with the General Plan will be evaluated pursuant to the California Environmental Quality Act, made available for public review, and presented to community planning groups and the Planning Commission for recommendations.
- Staff will present the clean-up changes to the Board for consideration and possible adoption 9-12 months after adoption of the General Plan update.

For efficiency, staff may batch the clean-up changes with the Forest Conservation Initiative remapping general plan amendment.

### **Options for Modifications by Board**

Staff currently does not have direction to implement a clean-up process as described above. It is at the Boards discretion whether or not to direct staff to implement this process. The Board also has the

discretion to modify this process as they desire. Consideration should be given to the staff involvement needed to support the process as that will affect the overall costs to the County and timeline. The Board also has the option of directing that specific issue areas or properties be included in the analysis.

### **Fiscal Impacts**

The fiscal impacts of making changes to the General Plan Update are discussed in the main part of staff's February 9, 2011 report. The clean-up process described above would be comparable to implementing changes characterized as Moderate changes as discussed in the report.

### **Additional Information**

No additional information is relevant to this issue.

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