

Appendix A

Purchase of Agricultural Conservation Easements (PACE) Program

COUNTY OF SAN DIEGO



Purchase of Agricultural Conservation Easement Program

Program Guidelines

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DRAFT

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I. Introduction

Overview

The County of San Diego Purchase of Agricultural Conservation (PACE) program is intended to promote the long term preservation of agriculture in the County. The program is based on the framework of what is traditionally referred to as a Purchase of Development Rights (PDR) program. Under the PACE program, willing agricultural property owners are compensated for placing a perpetual easement on their agricultural property that limits future uses and extinguishes future development potential. As a result, the agricultural land is preserved and the property owner receives compensation that can make its continued use for agriculture more viable.

As proposed, the program would initially be made available to only those agricultural property owners impacted by density reductions associated with the General Plan Update. Density reductions are one of the key components of the General Plan Update. It has been acknowledged that density reductions will have both real and perceived impacts to property owners and agricultural operations. The compensation provided in exchange for the development rights as part of the PACE program is considered one of many tools that can address perceived loss of equity in local agricultural operations.

Another way that the PACE program may support continued agriculture in the County is by creating properties that are more affordable to entry level farmers. This is accomplished with the agricultural easement which should remove any additional value from the property related to its development potential.

One of the biggest challenges with initiating a PACE program involves funding. Typically, local jurisdictions are able to obtain a substantial amount of funding from outside funding sources. American Farmland Trust analyzed the nation's leading PACE programs and found that, on average, 63% of acquisition funding came from state and federal funding sources. However, two of the primary criteria that state and federal programs examine when awarding funds are soil quality and parcel size. These criteria are in direct contrast to the unique characteristics of San Diego County farms which are predominately small, (68% are under 10 acres in size) and contain relatively little prime soils (less than 6%). Based on uncertainties regarding San Diego County's ability to leverage outside funding and other unknown factors such as ultimate demand for the program, County staff drafted the program to be initially implemented on a limited scale as a pilot project. For this initial period, the program would target approximately 10 acquisitions totaling approximately 450-500 acres. Implementing the program on this limited scale would allow program staff to assess overall demand for the program and evaluate the County's success at obtaining outside funding. Program staff would report back to the Board of Supervisors at the conclusion of the program's initial phase (approximately 18 months) and deliver a recommendation report to address program funding needs and long term implementation strategy. The program specifics are detailed below.

Program Modifications

Although there are numerous PACE programs in existence throughout the State and nation, no two PACE programs are exactly alike. This is because the circumstances surrounding their implementation vary greatly by jurisdiction and region. The program described in this document is based on other successful PACE programs with customization to account for the unique characteristics of the region and the objectives of this program. Further, the County of San Diego has never implemented a PACE program. Therefore, it is likely that in implementing the program, necessary modifications for improved effectiveness will be identified. It is recommended that the Chief Administrative Officer or implementing department director be given authority to modify the program as necessary for effective implementation. Such modification should be reviewed by the PACE advisory committee.

II. PACE Program Structure

Eligibility

Setting minimum eligibility standards allows for the program to stay focused on those properties that best support the overall objectives of the program. It also helps property owners understand what properties are most appropriate for the program.

Because the program is intended to preserve lands for long term agricultural use, it is important that the lands brought under the program are viable for that use. A number of variables affect the viability of agriculture in San Diego County to the extent that it is not easily evaluated. Arguably the best factor in determining whether the land is viable for agricultural operations is its past use. As a result, program participants would be required to have been actively farmed and/or ranched for a minimum of two years prior to applying for the program. This ensures that the property is actively engaged in agricultural operations and increases the likelihood that it will continue to be used for agriculture.

Because this program is associated with the General Plan Update, it is also proposed to be limited to property owners who receive density reductions under the General Plan Update and have viable subdivision potential under the existing General Plan. Properties which, by virtue of parcel size, would not be able to obtain subdivision entitlements under the existing General Plan would not be eligible for the program. Table 1 provides the total acreage of lands estimated to be eligible for the program as recommended.

Table 1 – Eligibility in Total Acres

Total Acres Down-Zoned in Agricultural Production	Down-Zoned Agricultural Acres Without Subdivision Potential	Total Down-Zoned Agricultural Acres With Subdivision Potential currently in Agriculture
110,737	38,682	72,055

Based upon GIS analysis, a total of 110,737 acres of agricultural land in production are proposed for density reductions under the General Plan Update. A total of 72,055 acres of these agricultural properties have subdivision potential under the existing General Plan and are therefore eligible for the program if they have been actively farmed/ranched for the last two years.

Application Process

All eligible property owners would be invited to participate in the PACE program. A list of eligible property owners would be placed on the County website at least 30 days prior to the start of the application period. Property owners who believe their property may have been omitted from the eligibility list in error would have an opportunity to contact the County and ask for a property specific eligibility analysis. A sample application has been included in these guidelines (Appendix A). The final application would be posted on the web and made available in print format. An application acceptance window would be set for a 30 day time frame, during which time all interested property owners would need to submit an application. The application provides basic demographic information about the property owner and collects all information necessary to determine program eligibility and to rank the property. In the future, applications could be accepted and reviewed on a rolling basis with the application window closing on a specific date each year to allow program staff to rank the properties. Properties not selected for acquisition could be automatically re-ranked the following year, but competition from new applications may keep low-scoring properties on the waiting list indefinitely.

Ranking Criteria

Ranking criteria would be utilized from information provided in the application process and GIS analysis and would ensure that PACE program funds are allocated to properties most important for the preservation of agriculture in the County. Ranking would include the degree by which a property is impacted by density reductions under the General Plan Update. Additional criteria to ensure agricultural viability and factors that may enable the program to leverage funds from outside funding sources are incorporated into the ranking system. In addition, in order to maximize County funds, a “discount” criterion has been included in the ranking system. A number of active PACE programs throughout the nation use a “discount” method. Property owners willing to accept less than full easement value may voluntarily discount their easement to receive a more favorable ranking and increase the likelihood of easement acquisition. Based on information from the Farmland Protection Program, programs which utilize “discounting”, such as the State of Maryland, reported an average discount rate of 29% in 2009. Other state programs have reported average discount rates as high as 50% during the same period. A sample ranking document has been included in these guidelines (Appendix B).

Ranking Factors

Density Reduction
Percent decrease in allowable density due to GP Update
Development Pressure
Availability of Sanitary Sewer/ Water
Extent of Non- Agricultural Uses in Proximity to Property
Access to Public Roads

Agricultural Potential
% of Property Used for Cropland/ Grazing Land
% of adjoining properties in Agricultural Production
% of Prime/Important Soils
Owner Income Generated From Property
Habitat Protection
Inside/outside PAMA
Discount Factor
Percent Discount Property Owner Willing to Accept

Easement Selection

Easement selection decisions would be based on scoring the ranking criteria and any additional factors determined by program staff. Additional factors may include:

1. Cost of easement relative to total allocations and appropriations
2. Percent discount offered by landowner
3. Availability of time-sensitive matching funds such as state, federal or private contributions
4. Proximity to other land subject to conservation easements
5. Consistency with County plans
6. Urgent situations that threaten a property with high agricultural importance

Program staff would engage property owners whose properties have been selected for acquisition to discuss appraisals and easement terms, and to address any other questions or issues a landowner may have. Property owners would be given a specified period of time to determine if they wish to accept the County’s purchase offer. Easement valuations would be obtained through the process described below.

Easement Valuation

The two approaches that established PACE programs use to determine easement values are: 1) appraisals, and 2) point systems. Easement acquisitions which utilize state or federal funds are required to use the appraisal method. In cases where state or federal funding is not utilized, point systems are used as an alternative valuation method. In addition to speeding up and simplifying the valuation process, point systems can compensate for non-market values such as density reductions. Since the majority of farms in San Diego County are small (68% of farms are under 10 acres) and the state and federal farmland conservation program generally award funding to larger farms, the County’s PACE Program is recommended to utilize a point system for properties under 50 acres in size and appraisals for properties larger than 50 acres.

The County's point system would utilize the program's ranking criteria. A dollar amount will be applied to each point awarded under the ranking system; points awarded for discounting will not be included in the valuation. Based on current easement values reported by the California Farmland Conservancy Program (CFCP), easement values typically range from \$4,000 to \$6,000 per acre. The CFCP reported that the highest easement values are realized in agricultural areas under the highest threat of development. In one such case, the CFCP reported an easement value of \$8,000 per acre. Therefore, the maximum dollar amount awarded per acre under the County's point system would be initially set to not exceed \$8,000. Easement values reported by the CFCP for grazing lands are 50% less or greater than land in agricultural production. The dollar amount awarded per point for properties which are utilized as grazing lands will therefore be reduced by 50%. In all cases, the maximum dollar amount per acre may be adjusted up or down as more localized appraisal data become available.

Larger properties (50 acres or greater) would determine easement value through the traditional appraisal process. Under the appraisal valuation approach, appraisers estimate fair market value then subtract an estimate of restricted value to determine the value of the easement. The State of California's, *California Farmland Conservancy Program – Guidelines for the Preparation of Agricultural Conservation Easement Appraisals* should be used to guide the County's PACE program appraisal process (Appendix C). It is important to note that research suggests that in some cases local appraisers by default consider a property's subdivision build out as its highest and best use when determining fair market value. Subdivision build out as the highest and best use should only be acceptable when supported by data from the market place. Unsupported or over speculative assumptions should not be accepted. Subdivision build out values must also factor all development/subdivision costs including permitting, surveys, studies infrastructure, etc.

Easement Provisions

Agricultural conservation easement contracts contain provisions that limit uses and activities that are inconsistent with commercial agriculture and permit agricultural uses, agricultural structures and related agricultural enterprises. A standardized easement document would be utilized; however, in cases where funding partnerships and/or unique circumstances require specific easement language/terms, allowances would be made to alter the document. A sample easement document has been included in these guidelines (Appendix D). Monitoring and enforcement provisions would be included in all easement agreements to ensure the land complies with the terms of the easement.

III. Funding and Administration

Funding

Multiple sources of funding are proposed to support the PACE program. An allocation of County funds is proposed to support acquisitions, leverage outside funding sources and administer the program. While a number of outside funding sources exist, it is important to note that each source has limitations. In many cases funding is awarded on a competitive basis and larger farms with prime soils hold a competitive edge as state and federal farmland conservation

programs prioritize soil quality and believe protecting larger farms will discourage development on neighboring properties. In other cases, with funding sources such as TransNet, 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. Restricting properties to specific crops may discourage farmers from participating in the program, as this type of restriction is generally not viewed favorably among farmers. In cases where program staff believes a property may be eligible for outside funding, the County will take the lead on coordinating with the outside agency and applying for the funds. The following list outlines outside funding sources which may be leveraged/ utilized for partial funding of the program.

Proposition 40 & 84

Proposition 40 and 84 funding is administered through the California Farmland Conservancy Program (CFCP). The CFCP provides statewide grant funding on a competitive basis to establish agricultural conservation easements and planning projects. Administered by the California Department of Conservation, the program requires land to sustain commercial agricultural production. This assessment involves market, infrastructure and agricultural support services, as well as acreage requirements. Surrounding parcel sizes and land uses also are expected to support long-term commercial agricultural production.

CFCP easements do not restrict what crops can be grown and are intended to complement the Williamson Act. The CFCP currently reports \$7.6 million in available funds statewide. Applications are accepted at any time. The CFCP will match up to 95 percent if matched by actual funds. However, the CFCP historic matching average is approximately 55 percent. CFCP staff has reported that funding will likely be exhausted within the next two years, unless additional revenue is directed to the program.

TransNet

TransNet is a ½ cent sales tax that funds a variety of transportation projects throughout the County. The program is administered by SANDAG. In November 2004, voters approved an extension ordinance expenditure plan that authorizes TransNet through 2048. The estimated \$14 billion in sales tax revenue collected by TransNet will be distributed equally among highway, transit and local road projects. SANDAG's expenditure plan also created an Environmental Mitigation Program (EMP). The EMP will receive \$850 million to mitigate the impact of transportation projects on critical habitat: \$650 million for the mitigation of regional and local transportation projects and \$200 million for regional habitat acquisition, management and monitoring activities. The goals of the County's Multiple Species Conservation Plan (MSCP) are acknowledged as a priority for the regional habitat conservation fund. The County's MSCP program has identified certain agricultural lands as critical wildlife corridors and therefore agricultural properties within MSCP Pre Approved Mitigation Areas could be eligible for TransNet funding on a limited basis. Funding priority is typically given to properties which can be acquired outright and restored to native habitat.

Quality of Life

The TransNet ½ cent sales tax measure passed in November 2004, the measure included a commitment by the SANDAG Board of Directors to “act on additional regional funding measures to meet long-term requirements for implementing habitat conservation plans in the San Diego region.” No policy decision has been made to date regarding what mechanism to utilize to fund the Quality of Life initiative. Sales tax, user fees, bond measures, special assessments and impact fees are all being considered. The current deadline for establishing a program is November 2012. The PACE program could likely leverage Quality of Life funding should the program be enacted.

Water Conservation Grants

Due to the limited supply and cost of water, there is a potential that agricultural land owners would execute agricultural conservation easements in exchange for cheaper and/or more certain water. The Federal Natural Resource Conservation Service (NRCS), Agricultural Water Enhancement Program (AWEP) is a voluntary conservation initiative that provides financial and technical assistance to agricultural producers to implement agricultural water enhancement activities on agricultural land for the purposes of conserving surface and ground water and improving water quality. As part of the Environmental Quality Incentives Program (EQIP), AWEP operates through program contracts with producers to plan and implement conservation practices in project areas established through partnership agreements. Producers would be eligible to apply for cost share grants to cover up to 75% of the cost of installing approved practices. Installation of more efficient irrigation systems would qualify; in fact, San Diego Farm Bureau has approached NRCS about adding installation of nano-filtration systems to its list of approved practices. The County could offer matching funds to cover the producers share in exchange for easements. A spending cap could be utilized to ensure the County’s matching fund contribution does not exceed the easement valuation that would otherwise be realized via the point-system valuation method.

Farm and Ranchlands Protection Program

The Federal Farm and Ranch Lands Protection Program (FRPP) provides matching grants to established state, local, private and tribal farmland protection programs. Administered by the NRCS, the FRPP pays up to half of the appraised fair market value of a conservation easement, while the qualifying program must pay at least twenty-five percent of the purchase price. California PACE programs currently use FRPP funds to match the California Farmland Conservancy Program (CFCP) and leverage local and private monies as available. This matching funding source is competitive, with California’s allocation determined on an annual basis by the NRCS. The FRPP has several provisions in addition to those of the CFCP, including limits on impervious surface coverage and a conservation plan requirement. Federal and state criteria related to soil quality and/or farm size may make San Diego projects less competitive. In 2009, the FRPP awarded \$114,786,826 nationwide. California received \$3,646,078 in funding contributions towards the acquisition of 5 easements totaling 2,110 acres.

CEQA Project Mitigation

The County’s *Agricultural Resources Guidelines for Determining Significance* outlines parameters for determining the significance of impacts on agricultural lands as well as acceptable mitigation practices. The guidelines discuss both on and offsite mitigation as acceptable mitigation practices and refer to the County’s PACE program efforts as a future method to implement offsite mitigation. Without a program such as PACE in place it is difficult to implement offsite agricultural mitigation on a project by project basis. With an established the PACE program, developers would be able to acquire (through fee) offsite lands on a one to one ratio to mitigate impacts on agricultural lands.

Section 6 ESA

The California Department of Fish and Game is the state sponsor of the federal Endangered Species Act (ESA) Section 6 grants program. The program offers annual grants to support conservation planning and purchases of vital habitat for threatened and endangered fish, wildlife, and plant species. ESA Section 6 grants have been utilized successfully in the past to acquire County MSCP lands. The County MSCP has identified certain agricultural lands as important for preserve design and therefore Section 6 ESA funds may be a viable funding source for PACE program acquisitions within the MSCP.

General Fund

An initial General Fund allocation of \$2,125,000 is recommended to implement the program. This allocation is intended to fund approximately 10 easement acquisitions totaling approximately 450-500 acres. The acquisition estimate is based on an average easement value of \$5,000 per acre and an expected average eligible parcel size of 44 acres. It is estimated that an additional 25% of the program costs will be realized through leveraging outside funding sources and owner discounting. The total number, size and cost of the easement acquisitions is a projection and may need to be adjusted up or down as a result of actual easement values and program administration expenses.

Table 2 – Funding Projection

Easement Value	County Acquisition Expense	County Program Administration Cost(1)	Total County Cost	Outside Contribution Discount(2)	Total Cost	Acre(s) Preserved
\$5,000	\$3,750	\$500	\$4250	\$1,250	\$5,500	1
\$2,500,000	\$1,875,000	\$250,000	\$2,125,000	\$625,000	\$2,750,000	500

- (1) Assumes program administration and project costs (appraisals, legal, etc.) will represent 10 percent of the program cost to acquire.
- (2) Assumes matching funds and landowner discounts will cover 25 percent of easement acquisition costs.

While the program as prepared is focused on the initial pilot period, a long term funding projection has been provided to inform decision makers and the public on what a long term funding strategy may involve. A refined long term funding strategy would be presented to the

Board of Supervisors at the conclusion of the initial phase of the program as a component of a recommendation report. The overall acquisition goal and program costs would be adjusted based on the demand and costs realized during the initial phase of the program.

- This projection focuses on an annual allocation of County funds with an overall acquisition objective of 1,000 acres per year for 20 years.
- The projection uses the same assumptions as noted in the Table 2 funding projection and incorporates a 2% cost adjustment increase annually.

Table 3 – Annual Allocation

Year	Easement Value	County Acquisition Expense	County Program Administration Cost(1)	Total County Cost	Outside Contribution Discount(2)	Total Cost	Acre(s) Preserved
2011	\$5,000,000	\$ 3,750,000	\$500,000	\$ 4,250,000	\$ 1,250,000	\$ 5,500,000	1,000
2012	5,100,000	3,825,000	510,000	4,335,000	1,275,000	5,610,000	1,000
2013	5,202,000	3,901,500	520,200	4,421,700	1,300,500	5,722,200	1,000
2014	5,306,040	3,979,530	530,604	4,510,134	1,326,510	5,836,644	1,000
2015	5,412,160	4,059,120	541,216	4,600,336	1,353,040	5,953,376	1,000
2016	5,520,404	4,140,303	552,040	4,692,343	1,380,101	6,072,444	1,000
2017	5,630,812	4,223,109	563,081	4,786,190	1,407,703	6,193,893	1,000
2018	5,743,428	4,307,571	574,342	4,881,913	1,435,857	6,317,771	1,000
2019	5,858,296	4,393,722	585,829	4,979,551	1,464,574	6,444,126	1,000
2020	5,975,462	4,481,597	597,546	5,079,143	1,493,865	6,573,009	1,000
2021	6,094,972	4,571,229	609,497	5,180,726	1,523,743	6,704,469	1,000
2022	6,216,871	4,662,653	621,687	5,284,340	1,554,217	6,838,558	1,000
2023	6,341,208	4,755,906	634,120	5,390,026	1,585,302	6,975,329	1,000
2024	6,468,033	4,851,024	646,803	5,497,827	1,617,008	7,114,836	1,000
2025	6,597,393	4,948,045	659,739	5,607,784	1,649,348	7,257,133	1,000
2026	6,729,341	5,047,006	672,934	5,719,940	1,682,335	7,402,275	1,000
2027	6,863,928	5,147,946	686,392	5,834,338	1,715,982	7,550,321	1,000
2028	7,001,207	5,250,905	700,120	5,951,025	1,750,301	7,701,327	1,000
2029	7,141,231	5,355,923	714,123	6,070,046	1,785,307	7,855,354	1,000
2030	7,284,055	5,463,041	728,405	6,191,446	1,821,013	8,012,461	1,000
Totals	\$121,486,841	\$ 91,115,130	\$ 12,148,678	\$ 103,263,808	\$ 30,371,706	\$133,635,526	20,000

- (1) Assumes program administration and project costs (appraisals, legal, etc.) will represent 10 percent of the program cost to acquire.
 (2) Assumes matching funds and landowner discounts will cover 25 percent of easement acquisition costs.

Based on the assumptions noted above it is estimated it would require \$103,263,808 in County funds to place 20,000 acres into agricultural easements over a period of 20 years. \$91,115,130 would be required for acquisitions, while an additional \$12,148,678 would be required for

administrative costs. An additional, \$30,371,706 in funds may be realized through leveraging and discounting.

Based on this projection, approximately 28 percent of the agricultural lands receiving reduced densities under the General Plan Update could be included under the program in the 20 year period. This assumes a relatively high participate rate which likely exceeds the amount of interest the program would see from eligible property owners.

Program Administration

One full-time staff person would be assigned program management responsibility at the onset of the project. Additional staff support would be needed from the General Services Group, Real Estate Services Division to assist with easement valuations, County Counsel for contract review, and GIS and administrative staff for as needed program support. A PACE Program Advisory Committee is also recommended to oversee the program. The committee would assist in tasks such as finalizing the ranking criteria, easement selection, monitoring and adjusting the point-system valuation method, and developing program recommendations. It is recommended that the committee consist of representatives from internal departments, the Farm Bureau, community planning groups, environmental organizations, and the building or realtors associations. The committee would be appointed by the Chief Administrative Officer or implementing department director.

IV. Program Implementation

The following framework is provided to guide the implementation of the program and provide program participants with an understanding of the easement acquisition process. Typically, the timeline from application to easement settlement averages 12-18 months among other jurisdiction's PACE programs. The overall length of the process varies based on the number of applications received and whether or not outside funds are used. The County's implementation timeline outlined below has been set at 18 months.

1) Establish Eligibility List and Webpage

- a. Within 30 days of program kick-off, create and post an eligibility list which contains the assessor's parcel number and address of all eligible program properties. Property owners who believe their property may have been omitted from the list in error will be provided contact information to request a property specific eligibility analysis. The eligibility list will be updated as needed.
- b. Within 30 days of program kick-off, create a program specific Webpage. The webpage will provide an overview of the program, contact information, eligibility list and will be routinely updated to reflect the status of the program.
- c. Launch of the program Webpage should be coordinated with Communications Office staff to ensure it is publicized through multiple media sources.

2) Establish PACE Program Advisory Committee

- a. Within 30 days of program kick-off, establish a PACE Program Advisory Committee. Committee members should include representatives from the Department of Planning and Land Use, Agricultural Weights and Measures, Parks and Recreation, Farm and Home Advisors, Assessor's Office, community planning groups, environmental organizations, the building or realtors associations, and County Farm Bureau.
- b. Within 45 days of program kick-off, conduct a PACE Program Advisory Committee, program kick-off meeting. The sample application and ranking criteria documents contained in these guidelines will be reviewed and finalized as the primary action item of the meeting.

3) Open Application Window

- a. Within 14 days of the program kick-off meeting, the finalized application should be posted to the program webpage and made available in print format.
- b. The application submittal deadline will be set for 30 days from its public posting.
- c. Launch of the program application period will be coordinated with Communications Office staff to ensure it is publicized through multiple media sources.

4) Property Ranking/ Easement Selection

- a. Within 7 days of the closing of the application acceptance window all applications will be cataloged and screened for eligibility.
- b. Within 45 days of the closing of the application acceptance window, all applications will be analyzed and ranked.
- c. Within 60 days of the closing of the application acceptance window, a ranking list should be presented to the PACE Program Advisory Committee for review. The final ranking order will be finalized based on the consensus of the Committee and may include non-ranking factors such as availability of funds, ability to leverage outside funding, proximity to other easement selection, etc. County staff will pursue easements with the ten highest ranking properties.

5) Easement Valuation

- a. The ten highest ranking property owners will be notified they have been selected for easement acquisition within 7 day of the advisory committee finalizing the ranking list. Property owners will be given 14 day to determine if they wish to continue with the program. Should any property owners choose not to proceed, the next highest ranking property owner will be notified and the process will repeat as necessary.

- b. Valuations will be conducted based on the size of the property. Properties under 50 acres in size will utilize the point system valuation method, while large properties (over 50 acres) will utilize traditional appraisals and be coordinated through General Services Group, Real Estate Services Division.
 - c. Opportunities to leverage outside funding sources will be pursued during this phase based on the selected properties and their ability to meet outside funding sources eligibility requirements
 - d. Property owners will be notified of their easement valuation (easement purchase price) and presented with a draft Agricultural Conservation Easement Contract within 90 days of entering the Easement Valuation phase. Property Owners will be given 14 days to accept the easement purchase price and terms of the easement contract.
- 6) Easement Acquisition
- a. A Board letter will be drafted and docketed requesting authorization to execute all finalized easement agreements. The board letter will follow all established docketing, noticing and acquisition procedures.
 - b. Properties on which outside funding is being pursued will be processed on an independent track and brought before the Board as the funding agreements are finalized with the partnering funding agencies.
- 7) Recommendation Report
- a. A recommendation report will be submitted to the Board of Supervisors within 18 months of program kick-off.
 - b. The report will detail the opportunities and challenges realized, provide an analysis of program demand and property characteristic of interested PACE program participants, detail the programs ability to leverage outside funding and provide the Board with a long term implementation strategy.

County of San Diego
Purchase of Agricultural Conservation Easement Program
Attachment B: Ranking Criteria

Density Reduction

This factor measures the extent of density loss as a result of the General Plan Update. Those properties that have lost the greatest number of lots will score the highest. Please note a constraints analysis will be utilized. Density reductions will be based on a properties viable development yield. Lots that could not be otherwise realized do to constraints such as steep slopes, sensitive habitat, etc. will not be factored into the lot loss total.

1) Density Reduction of:

10 or more lots	50 points
8 -10 lots	40 points
6 - 8 lots	30 points
4-6 lots	20 points
2-4 lots	10 points
Less than 2 lots	0 points

Score _____

Development Pressure

These factors measure the extent to which development pressures may cause the conversion of agricultural land to a non-agricultural use. The greater the likelihood of a properties conversion to a non-agricultural use, the higher the score will be in this category.

2) Availability of Sanitary Sewer and Public Water

Explanation: a farm is more likely to be surrounded by incompatible land uses or be converted to a non agricultural use if it is in an area that has access to public sewer and water service.

Public sewer and/or water adjacent to property	10 points
Public sewer and/or water within 1,500 feet of property	8 points
Public sewer and/or water within ¼ mile of property	5 points
Public sewer and/or water greater than ¼ mile of property	0 points

Score _____

3) Extent of Non-Agricultural Use in Area

A property with extensive non-agricultural uses in the area shall receive a higher score than a tract that is more distant from such non-agricultural uses.

Intensive development adjacent or in immediate vicinity
(15 lots or more – commercial, industrial, residential uses) 10 points

Intensive or extensive scattered development within 1/4 mile radius
(20 lots or more – commercial, industrial, residential uses) 8 points

Scattered non-agricultural development within 1/2 mile radius
(20 lots or more) 5 points

No significant non-agricultural development in area 0 points

Score _____

4) Access to Public Roads

Access to public roads increases the suitability of a parcel for subdivision potential. Properties with immediate access to public roads will score highest.

Property with public road frontage 10 points

Property within 500 feet of public road 8 points

Property within 500 - 1,000 feet of public road 5 points

Property greater than 1,000 feet from public road 0 points

Score _____

Agricultural Potential

These factors measure the agricultural viability and or agricultural potential of a property.

5) Percentage of Property Used as Cropland or Grazing Land

One of the primary goals of this program is to protect viable farmland. If a property devotes a large percentage of the property to non- agricultural uses, it will receive a lower score.

90 -100% 10 points

80 - 89%	8 points
70 - 79%	6 points
60 - 69%	4 points
50 - 59%	2 points
49% or less	0 points

Score _____

6) Percentage of Adjoining Land Uses in Agricultural Production

Properties located in area with other agricultural properties will help to develop a nucleus of agricultural operations which can support each other and reduce conflicts with incompatible land uses.

100% of adjoining properties in agricultural production	10 points
75 -99% of adjoining properties in agricultural production	8 points
50 -74% of adjoining properties in agricultural production	6 points
25 -49% of adjoining properties in agricultural production	4 points
Less than 25% of adjoining properties in agricultural production	2 points
75 -99% of adjoining properties in agricultural production	8 points

Score _____

7) Percentage of Property Designated Prime Farmland or Farmland of Statewide Importance.

Properties which contain soils designated prime and or of statewide importance are limited and more conducive to agricultural production.

50% or Greater	10 points
25 - 49%	5 points
1 - 25%	2 points

No Prime or Farmland of Statewide Importance 0 points

Score _____

8) Percentage of Owners Income Generated From Properties Agricultural Operation.

Properties which are the primary source of the owner's income are more likely to remain in production and continue as an ongoing enterprise.

100% owner's income produced from property's agricultural 10 points

75 – 99% owner's income produced from property's agricultural 8 points

50 – 74% owner's income produced from property's agricultural 6 points

25 – 49% owner's income produced from property's agricultural 4 points

5 – 24% owner's income produced from property's agricultural 2 points

<5% owner's income produced from property's agricultural 0 points

Score _____

Habitat Protection

This factor measures the biological importance of the property. In some cases agricultural lands may provide habitat or linkages to critical habitat for endangered or threatened species. Outside funding may be available to preserve agricultural land where there is a nexus to biological protection.

9) Is the property within a Multiple Species Conservation Program, Pre-Approved Mitigation Area?

Inside MSCP, PAMA Area 5 points

Outside MSCP, PAMA Area 0 Points

Score _____

Discounting

Discounting is a common practice among agricultural conservation easement programs throughout the Country. Property owners may voluntarily agree to accept less than the full value of their easement will rank higher.

10) Percentage of Easement Value Owner is Willing to Accept

50% or less	50 points
60%	40 points
70%	30 points
80%	20 points
90%	10 points
100%	0 points

Score _____

Total Score _____

CALIFORNIA FARMLAND CONSERVANCY PROGRAM

Guidelines for the Preparation of Agricultural Conservation Easement Appraisals

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CALIFORNIA FARMLAND CONSERVANCY PROGRAM

Guidelines for the Preparation of Agricultural Conservation Easement Appraisals

I. INTRODUCTION

The Department of Conservation's California Farmland Conservancy Program (CFCP) offers the following advisory "Guidelines for the Preparation of Agricultural Conservation Easement Appraisals" as a resource for appraisers and grant applicants to use when developing appraisals that will be submitted with applications for grant funding under the CFCP. The primary intent of these guidelines is to encourage the preparation of agricultural conservation easement appraisals that are as complete and thorough as possible, thereby facilitating the program's review of such appraisals. Incomplete or inadequate appraisal reports can result in the program requesting additional information and analysis in the form of supplements to the appraisal, requests that entirely new appraisals be conducted, or outright rejection of grant applications.

These appraisal Guidelines are not intended to be the final word on the conduct of conservation easement appraisals. Other resources such as the *Uniform Standards of Professional Appraisal Practices* (USPAP) of the Appraisal Foundation and the Land Trust Alliance's publication, *Appraising Conservation Easements* serve as important resources for appraisers and entities seeking to acquire conservation easements. Instead, these Guidelines are intended to focus on specific issues directly related to *agricultural* conservation easement appraisals in California.

A. Organization of These CFCP Appraisal Guidelines

These Guidelines have been organized to provide specific advice and direction concerning the development of agricultural conservation easements. Beginning with some background information and general suggestions for potential CFCP grant applicants and appraisers, specific suggestions are provided concerning the form of appraisal reports, described as three components: the Appraisal Introduction, Market Area and Subject Property Discussion, and Agricultural Conservation Easement Valuation. This section is followed by a set of specific recommendations included in a Discussion of Significant Issues of Consideration in Agricultural Conservation Easement Appraisals. Finally, these Guidelines include example documents, including an Appraisal Content Checklist (Exhibit A); an example of a comparable sale data sheet (Exhibit B); examples of tabulated data charts (Exhibit C).

B. CFCP's Role in the Use and Review of Appraisals

The CFCP's enabling legislation requires that every grant proposal submitted to the program be accompanied by a qualified appraisal¹ conducted by an independent appraiser (Public Resources Code section 10260). The CFCP has the authority to commission the preparation of such appraisal reports directly, but the program typically relies upon grant applicants working with landowners of targeted properties to commission the preparation of appraisals. While the CFCP may not be a direct client of the appraiser, it should be understood that any appraisal being submitted for the purpose of applying for CFCP grant funds will be thoroughly reviewed by the CFCP, and the CFCP should be identified as a user of the appraisal. Appraisers should therefore recognize that their appraisal reports meet the needs of the CFCP as well as their direct clients and should state that they have been provided with a copy of these Program Guidelines.

C. Special Challenges of Agricultural Conservation Easement Appraisals

Agricultural conservation easement appraisals can be very challenging assignments. The use of agricultural conservation easements is still relatively new, and such deed restrictions are not yet commonplace in many agricultural regions of California. As such, there is still very little resale data for agricultural conservation easement-encumbered properties that can be directly used in the appraisal process. In addition, each agricultural conservation easement tends to have elements that are specific to a given property, and may have unique implications for the valuation of that property.

Agricultural conservation easement valuation is closely tied to the proximity and timing issues of a given property in relation to the path of urban and non-agricultural rural growth. Simply because one agricultural conservation easement is concluded to diminish the estimated fair market value of a property by a certain percentage does not mean that the same conclusion can be immediately drawn for another property, even if it is in close proximity. In certain situations, an appraiser may have to depart from traditional methods of valuation to satisfactorily assess the market and other conditions that affect the valuation of easement-restricted properties. However, at all times, the valuation methodology and assumptions must be firmly tied to market-based factors.

The CFCP recognizes the special challenges associated with the development of many agricultural conservation easement appraisal assignments. As a general suggestion, the program recommends that the more complex or difficult an agricultural conservation easement assignment, the greater the need for even more thorough narrative discussion and presentation of relevant data and information within appraisal reports.

¹ An appraisal prepared by a qualified appraiser and as required in Federal Public Law No: 108-357

D. Suggestions for CFCP Grant Applicants when Commissioning Appraisal Assignments

Applicants for CFCP grant funding should engage potential appraisers as early as possible in the agricultural conservation easement acquisition process. The scope of work and the specific requirements of the appraisal should be discussed with the appraiser, and the appraiser should be informed of the documents and information necessary to complete the appraisal assignment properly. Identifying appraisers who can demonstrate strong writing and analytical skills and have direct experience in the appraisal of agricultural conservation easements are important considerations in making appraisal assignments. However, appraisers with broad experience in other easement or partial property rights appraisal would also be helpful.

The grant applicant should inform the appraiser that CFCP and possibly other public agencies will be reviewing the appraisal, and these entities should be identified as intended users of the appraisal report.

The grant applicant should assure that the appraiser has relevant information concerning the appraisal assignment as early as possible. Briefly, the key documents and other information that a grant applicant should ensure that the selected appraiser obtains include:

- The proposed agricultural conservation easement text (a summary or advanced draft of the easement if that is all that is available). *[Note: at this point, it is appropriate to review and include essential language required by the CFCP and other potential funding sources, such as the federal Farm and Ranch Lands Protection Program, if funding is being sought from other sources as well. Consult grant funders for this information];*
- The number of separate agricultural conservation easements being contemplated to encumber the subject property. Detail any provisions that would allow for partitioning of the easement-encumbered property in the future;
- Any areas of the property to be excluded from the easement and any areas of the property that are not being used for agricultural purposes (e.g., riparian setbacks, lands not suitable for farming, etc.);
- The number of any existing and/or proposed home sites and any building envelopes the landowner may seek to reserve within each easement. Include principal residence(s) as well as farm labor/support residence(s);
- The subject property's legal description;

- A copy of a preliminary title report for the subject property;
- Details of any lease(s) affecting the subject property;
- The status of any Williamson Act or Farmland Security Zone contracts on the subject property; and
- Details of any mineral rights associated with the subject property, including both hydrocarbon and mineral aggregate rights, whether mineral rights have been severed from the property, and the access rights for mineral extraction.

Many of the above items are discussed in greater depth later in this document.

E. Self-Contained versus Summary Formats

Appraisals should conform to the Uniform Standards of Professional Appraisal Practice (USPAP) Reports prepared in a summary appraisal format as defined by USPAP Standard 2-2(b), rather than in the self-contained format, will generally be acceptable. However, for the purposes of the CFCP, the summary format should still be comprehensive and quite detailed. Within the summary appraisal report, the reader should expect to find all of the significant data reported, with the same depth of analysis and level of detailed information as that which would be provided in a self-contained report. Because of the inherent complexities of many agricultural conservation easement appraisal analyses, summary appraisal reports are strongly encouraged to be extremely thorough in the presentation of information and the accompanying narrative analysis. If an appraisal report makes reference to significant information contained in the appraiser's work files, but not included in the report, the report will be considered as a restricted use appraisal report, and will not typically be considered acceptable for the purposes of the CFCP.

II. Appraisal Guidelines: Specific Information to include in Appraisals

The following are suggested components for the preparation of agricultural conservation easement appraisals that will be submitted for review by the CFCP. This information is summarized in an accompanying Appraisal Content Checklist provided in Exhibit A.

A. The Appraisal Introduction

This general section of the report includes basic conditions of the appraisal and facts about the property being appraised. A title page indicating the property or project name (or both), and the name of the appraiser should be included. A letter of transmittal should be included indicating that the report is either a self-contained or summary report, and that the California Farmland Conservancy Program is an authorized user of the appraisal (if this is known or anticipated at the time the appraisal is commissioned).

In addition to the title page and letter of transmittal, the following elements should be included as part of the introduction:

- A Table of Contents for the Appraisal
- A Summary of the Appraisal's Important Facts and Conclusions
- The Certificate of Value
- A Description of the Purpose and Intended Use of the Appraisal
- The definition of market value
- An indication of the rights appraised
- The Date of Value and the Date of the Report

B. The Market Area and Subject Property Discussion

1. Market Area Analysis

Appraisal reports should describe market area characteristics with a level of detail that gives a complete overview of the conditions affecting the subject property. The market area analysis should provide thorough discussion of relevant characteristics, including prevailing land uses, the types and ranges of size of typical agricultural operations in the area, tangible non-agricultural development pressures in the subject area, directions of urban growth, transitional areas, linkages to transportation and urban services areas relative to the property being appraised, and the likelihood of non-agricultural uses of the subject property in the future.

The market area analysis should include information on relevant county and/or city general plan and present growth policies. The analysis should also identify and discuss the impact of existing or anticipated changes in the location of LAFCO-defined spheres of influence, city limits, urban reserve areas, or urban limit lines on the market values of the subject property and its market area. The analysis should be sure to identify and discuss any trends in speculative land purchases, land subdivisions, rural non-agricultural ranchette development in the vicinity of the property being appraised or mitigation policies within the market area.

The marketability of the subject area for uses other than agriculture should be identified and discussed. The analysis should include the community's growth in population in recent years and, if available, projections of future growth. Based on this information, the demand for and of absorption of currently available land should be discussed as well as any local mitigation requirements, if any. Conclusions should be substantiated with factual market evidence.

The analysis of the market area should establish a credible basis for determining the highest and best use of the subject property in the before valuation, as well as serve as the basis for explaining the relationship of the subject property to the comparable sales that are used in the report.

2. Subject Property Analysis

The subject property description should provide a comprehensive narrative description of the subject property, its location, significant features and improvements that influence its market value. The analysis should provide a thorough overview of the property.

It is recommended that this section include the following information concerning the subject property:

A narrative description of the subject property's size, shape, and topography and net farm acreage

- The legal description of the property (typically included as part of the preliminary title report)
- The number of legal parcels
- Identification of assessor's parcel number(s)
- Current real estate taxes and any special assessments
- Reclamation district assessments or charges, if any
- Any relevant flooding or FEMA flood zone information
- Any existing farmstead and proposed farmstead areas reserved in the easement and their locations on the subject property
- Any farm structures and other improvements including their sizes, ages, quality of construction, condition, remaining economic life, and contributory value
- Any perennial plantings and crops, including their age, condition, and remaining economic life
- Water resource factors, including source, quantity, quality, and reliability for irrigation
- The access to the property (public or private, and paved or unpaved roads)
- Utilities available to the site including availability for the development of domestic water supplies and septic system.
- Whether there are Williamson Act or Farmland Security Zone contracts on the property, and, if under non-renewal, the date(s) at which contracts would terminate
- Any lease or rental data including a discussion of the implications for the market value of the subject property
- Ownership of the mineral rights, including hydrocarbons, sand, and other aggregates, and discussion of rights of surface entry; discuss any mining activities that are known to have taken place on the subject or nearby properties

In addition to the narrative section, maps and photographs of the property are essential for users of the appraisal to properly understand the property's setting and

physical characteristics. These should be included as exhibits in the appraisal report, including:

- Photographs of the subject property, including improvements, with delineated reference points on the property
- A general location map
- A topographic map (if there are significant variations in topography on the subject property)
- A FEMA flood zone map, if applicable
- Drainage maps and its direction, if applicable
- An assessor's parcel map
- A map detailing the soils comprising the subject property, including the soil mapping units and their USDA Land Capability Classifications
- Important Farmland maps capturing the subject property as well as surrounding lands.

III. The Valuation of the Agricultural Conservation Property (Easement) Highest and Best Use in the Before and After Conditions

Appraisals should identify and discuss the highest and best use of the property before and after it would be encumbered with the proposed agricultural conservation easement. The highest and best use should be the most probable use of the property, appropriately documented and supported within the context of the criteria normally considered in a highest and best use analysis. The appraisal should provide the appropriate factual details to support the conclusions of highest and best use. Any assumptions establishing the basis for highest and best use should be supported with data from the marketplace; unsupported or speculative assumptions as a basis for the highest and best use conclusions should be avoided. The highest and best use conclusions should be consistent with data contained in the market area analysis and the subject property analysis and within the context of the appraisal's date of value (i.e., the present time).

Highest and best use analysis should be based on scenarios that are clearly documented and supported, and should avoid gross speculation. For example, if rural ranchettes are concluded to be the highest and best use of the property in the before condition, there should be direct evidence to identify actual development of ranchettes in proximity to the property to support this conclusion. Any assumptions involving changes in zoning or general plan modifications should be considered within the context of being reasonably probable events. The highest and best use analysis should distinguish between highest and best use of the property as if vacant and as though improved, particularly in situations where the improvements include perennial plantings that have a significant value to the property as a whole.

A. Direct Sales Comparison Approach to Valuation

The direct sales comparison approach, using the before and after valuation technique, is generally considered to be the most reliable method for establishing the market value of an agricultural conservation easement. The appraisal should provide sufficient market data and analyses to support a credible opinion of market value. Only valid comparable sales data should be used.

In the appraisal of the property in the before condition, only comparables from a location with very similar market forces and conditions to the subject property should be used. Comparables from other population centers may not be a reliable indicator of market value because the market factors in each location may be quite different. If a comparable for the before condition is encumbered with a Williamson Act or Farmland Security Zone contract, any effect of the contract on the sales price should be fully analyzed and discussed.

In the appraisal of the property in the after condition, comparables should be selected for which values derived solely from agricultural uses and any other uses that the easement does not specifically preclude (e.g., hunting, fishing, etc.). In this approach, it is generally possible to seek out appropriate comparable sales from a much broader geographic area than the subject, provided that other factors, such as the similarity of agricultural attributes, are evident. Larger contiguous blocks of agricultural land may be particularly significant in this analysis. Whenever available, proximate sales of properties already encumbered by *agricultural* conservation easements may be extremely useful. However, in such cases, it will be very important to compare specific terms of the existing and proposed easements, since permitted and prohibited uses in conservation easements can vary considerably, and have significant impacts upon value.

In both the before and after condition, the following items should be included in the discussion of each comparable:

- Support the reasons for the selection of the comparable
- Identify the buyer's purpose for purchasing the comparable property, if known
- Provide representative photograph(s)
- Provide an assessor's parcel map
- Provide a location map

It is generally helpful to include summary comparable sales details in a comparable sales data sheet, an example of which is provided in **Exhibit B**.

1. History of Ownership

It is recommended that appraisals discuss any changes in the ownership of the subject property that may have taken place during the period of up to five years prior

to the effective date of the appraisal. If the change in ownership is an open market, arms-length transaction, it is generally reasonable to include this sale within the comparable sales analysis. It may be given considerable weight in the analysis and conclusion of market value for the property in the before valuation, but this is at the appraiser discretion to do so.

2. Adjustments to comparable sales

Adjustments to comparable sales should be explained and justified in the narrative analysis. The individual and gross adjustments to the data should be reasonable and conform to generally accepted appraisal practice standards. Sales that require large adjustments are not generally comparable to the subject property and should be avoided if at all possible. When it is necessary to include a sale with large adjustments, the appraisal should provide an acceptable explanation for including the sale and should provide a well-grounded justification for the adjustments. Brokers' opinions, unexercised purchase options, and expired listings may be used as supportive documentation in conjunction with and support of comparable market data.

The appraisal may consider including tabulated charts summarizing the important similarities and differences between the comparable sales and the subject property. Likewise, tabulated charts that summarize the important adjustments may be included, but if not used either explain why they are not included or provide a qualitative analysis to the assist the reader understand conclusions of value. . Two examples of tabulated charts are attached as Exhibits C.

3. Minimum Number of Comparables

There is no set number of sales considered necessary to establish the market value of an agricultural conservation easement. However, the CFCP recommends that each estimate of market value contain no fewer than three sales, provided they are highly similar to the subject property in the before condition, or strong indicators of residual agricultural value in the after condition. Ideally, each estimate of market value should contain four to six comparable sales. An appraisal that uses fewer than three comparable sales should thoroughly explain and justify the reason for doing so.

B. Income Approach to Valuation

The use of the income approach as a method of valuation for agricultural land is most valid in areas of the state where agricultural land is commonly purchased as an investment for its rental income. As a method of valuation, the sales comparison approach is generally considered more reliable. However, the decision as to which approach is the more reliable method should be left up to the appraiser and it is the responsibility of the appraiser to inform the reader

within the report and within the reconciliation section as to which valuation method is the most reliable for the particular assignment.

If the income approach is used, it should be properly documented in accordance with the Uniform Standards, Rule 1-4(c)(i-iv). Rents and capitalization rates should be documented and derived from the marketplace. The rental information should indicate whether the rent is annual cash or share rent. When the property is subject to a lease, the information should include the term of the lease, date the lease was signed, and any expenses paid by the lessor. The comparables used in the development of the income approach should be documented, discussed, and confirmed in the report to the same degree that the comparables are considered in the sales comparison approach to valuation. In cases where the landowner does not want to release specific lease information, acknowledge that fact to the reader and provide a share rent in the market area instead.

IV. Additional Suggestions for Agricultural Conservation Easement Appraisals

The following is a listing of issues that have been found to be significant in CFCP reviews of agricultural conservation easements, with recommendations for how each issue should be considered and addressed within appraisal reports.

A. Preliminary Title Report

The appraiser should be sure to obtain a preliminary title report from the client, and review title exceptions contained in the title report. Exceptions may include mineral rights exclusions, easements, leases, life estates, deed restrictions, Williamson Act or Farmland Security Zone contracts, disputed claims over water rights, etc. The appraisal should summarize the title exceptions and detail their potential effect on the market value of the subject property. A statement should be included confirming that the preliminary title report was provided, that the outstanding title issues identified in the preliminary title report were reviewed, and that the conclusion of value has accounted for any relevant title exceptions. *[Note to appraisers and grant applicants: existing easements on the subject property, such as Army Corps of Engineers or Department of Water Resources flowage easements, should be closely reviewed to determine whether they may impact valuation of subsequent agricultural conservation easements].*

B. Specific Agricultural Conservation Easement Language and Permitted and Prohibited Uses

The appraiser should request from the client a copy of the proposed agricultural conservation easement for the specific property or a model easement that can be used as a sample. The proposed easement terms for the subject property should be fully discussed with the clients and landowners of the subject property, including permitted and prohibited uses. The proposed easement might have variables such as provisions for more than one farmstead area, exclusion of the farmstead area from the easement, lot line adjustments, and potential division of the easement-encumbered property into different ownerships in the future. The farmstead is a delineated area of the farm or ranch usually reserved for farm buildings. The appraisal should provide a summary of each easement's permitted and prohibited uses, and clearly summarize how any of these provisions were factored into conclusions of value. *[Note to grant applicants: It is best to include specific easement language requirements of anticipated grant funders, including the CFCP and the federal Farm and Ranch Lands Protection Program. If unfamiliar with these requirements, contact the programs].*

C. Arm's Length Transactions

Appraisals should strive to use only verified open market, arm's length transactions within the comparable sales analysis. Sales involving public or quasi-public entities

should generally be avoided, unless there are compelling arguments to justify their use. Public entities are frequently motivated by a set of concerns and specific requirements that are different from those of a private buyer. Transactions involving public or quasi-public entities may result in inflated purchase prices, because these entities are targeting a specific property and seek to avoid unfavorable relationships with owners and any negative publicity associated with potential condemnation proceedings. These properties are frequently not listed and the sellers are less motivated than typical sellers.

D. Appraisals of Agricultural Conservation Easements on Smaller Properties

The CFCP does not define a minimum parcel size under which an agricultural conservation easement may be established using CFCP grant funds. However, the CFCP is required to fund easements on properties that are justified as being likely to remain as economically viable agricultural units. In general, the smaller the property under consideration for an agricultural conservation easement, the greater the challenge in finding justification for continued agricultural use of the property over the long term, particularly since most agricultural conservation easements do not dictate a minimum level of continued agricultural activity.

In areas where there is an established or developing market for rural ranchettes, it can be difficult to assign significant value to the imposition of agricultural conservation easements. For example, a 20-acre property, retaining a homesite and perhaps a secondary dwelling unit, could still ultimately become a rural ranchette, regardless of whether or not there is an agricultural conservation easement on the property (i.e., there may be a minimal impact of the imposition of the easement on the conclusion of highest and best use for the property). When dealing with smaller agricultural units that retain homesites, appraisals should be especially clear and deliberate in explaining valuation conclusions.

In cases where an already small property is valued based upon its potential breakup into smaller ranchettes (e.g., an easement that would prevent a 20 acre property from being broken into four 5-acre parcels), grant applicants should be aware that funders such as the CFCP will have difficulty in rationalizing the expenditure of funds where the continued threat of rural ranchetting of agricultural properties cannot be minimized.

E. Williamson Act Contracts and Farmland Security Zone Contracts

Appraisals should identify whether or not the subject property is subject to either Williamson Act (10 year) or Farmland Security Zone (20 year) contracts, and the status of any such contracts (i.e., specify if any contracts have initiated the process of non-renewal). Appraisals should provide a complete analysis of any effects of land conservation contracts on the near-term or long-term development potential

and market value. This analysis should be comprehensive, including properties within the county, generally, as well as the subject property specifically. Conclusions of valuation impacts should be correlated with the conclusions of highest and best use in the before valuation.

In addition, appraisals should identify whether the sales comparables being used are likewise under Williamson Act or Farmland Security Zone contracts. The analysis should fully discuss and justify conclusions concerning the effect of such contracts on the comparables' sale prices and the appropriateness of their use in the overall analysis (and any adjustments that must be made).

Attention should also be given to neighboring properties in the path of growth that may likewise be in Williamson Act or Farmland Security Zone contracts, and what effects the presence of other contracted lands may have on the conversion potential of the subject property.

F. Potential Flooding Conditions on Subject Properties

If there are issues of potential flooding (e.g., FEMA or other flood risk designations) associated with the subject property, the impact upon valuation of an agricultural conservation easement should be fully addressed. This becomes particularly true when significant portions of a property lie within a 100-year flood designation. A highest and best use conclusion in the after condition that is based upon non-agricultural uses requiring construction within a flood plain, or alteration of the landscape in response to the threat of flooding, should acknowledge and account for the full costs associated with the development of the property to attain those uses.

G. Allocation of Value to Agricultural and non-Agricultural Portions of the Property

When subject properties include significant acreages of both agricultural and non-agricultural lands, or acreages of both irrigated cropland and non-irrigated grazing land, grant applicants and appraisers should fully discuss and delineate these different lands. In such cases, it is common for different grant funding sources to consider funding conservation easements on different portions of a given property. The CFCP therefore requests that appraisals separately allocate the before and after values to these different lands comprising the subject property.

H. Subdivision Development Analysis

Appraisals should not unconditionally present a subdivision analysis technique that assumes the property can be subdivided into smaller units, such as ranchettes or other smaller units, based solely on the current zoning or potential future changes in

zoning. Subdivision development analysis requires technical assistance from other branches of knowledge in real estate development, including land planners, registered engineers, and real estate marketing experts.

The assumption that a property can be legally subdivided beyond current zoning should not be made unless tentative parcel maps have been approved for the property. Analysis based upon subdivision of a property down to its current zoning minimum acreage should include discussion of the likelihood of such subdivision, based upon recent comparable actions that have been taken by the relevant local government jurisdiction. Analyses should account for the cost, time, and risk associated with attempts to divide property.

I. Additional Diminution of Value of Easement-Encumbered Property below its Residual Agricultural Value

Any additional downward adjustment that is made to account for a projected loss of market value in the *after* valuation of the subject property, due to opinions about the intrusive nature of ongoing monitoring and enforcement of the proposed agricultural conservation easement, should be fully explained and justified with market evidence. An automatic additional discount to the property's *after* valuation that is tied to the monitoring and enforcement of the easement or a "hassle factor" involved with the sale of an easement-encumbered property will not be accepted without complete justification. Actual market data on this point is scant, but evidence from sales of properties encumbered by agricultural conservation easements indicates that additional discounts below the residual agricultural value of the easement-encumbered lands are not warranted without justification as to why it is deducted from the property's value.

Exhibit A, Appraisal Checklist

The following is a suggested checklist of appraisal components that are appropriate for development of a complete conservation easement appraisal. Please refer to the narrative section of the guidelines for more specific details as noted in the footnote sections of the checklist.

Please note: These guidelines do not constitute complete guidance for appraisals. For more definitive guidelines please refer to such resources as the *Uniform Standards of Professional Appraisal Practices (USPAP)* of the Appraisal Foundation or the Land Trust Alliance's publication, *Appraising Conservation Easements*

A. APPRAISAL INTRODUCTION

- 1. Include a title page that indicates:**
 - a. the property or the project name or both
 - b. the date of the report
 - c. the name of appraiser
- 2. Include letter of transmittal that indicates:**
 - a. the report is either a self-contained or summary report²
 - b. the date of value and the date of the report
 - c. the value conclusions
 - d. the California Farmland Conservancy Program is an authorized user of the appraisal (if this is known or anticipated at the time the appraisal is commissioned)
- 3. Include a Table of Contents for the Appraisal**
- 4. Include a Summary of the Appraisal's Important Facts and Conclusions**
- 5. Include the Certificate of Value**
- 6. Describe the Purpose and Intended Use of the Appraisal**
- 7. Include the definition of market value**

² For CFCP appraisal purposes, a summary appraisal report format is generally acceptable. The essential difference in the two reporting options is the way in which the information is presented. In the self-contained appraisal report, the reader should expect to find all the significant data reported in comprehensive narrative detail; while in the summary appraisal report, the reader should expect to find all significant data reported in tabular or abbreviated narrative format. Under either option, the depth and detail of information in the report should be the same. Under either option, the report should contain all of the information significant to the completion of the appraisal assignment and necessary for the client and users of the report to properly understand the rationale for the opinions and conclusions. If the report utilizes significant information contained in the appraiser's work files but not included in the report, the report is considered a

- 8. Indicate the Rights Appraised
- 9. Indicate the Date of Value and the Date of the Report

restricted use appraisal report and will not typically be considered acceptable for the purposes of the CFCP.

SUBJECT PROPERTY AND MARKET AREA INFORMATION

- 1. Provide a Description of the Subject Market Area that fully discusses:**
- a. subject property's marketability and the prevailing land uses in the subject's market area
- b. changes taking place that impact the current and future agricultural use of the subject property and its market area
- c. projected changes in the community population and its impact on the development in the market area in which the subject property is located
- d. any speculative land purchases, land subdivision, or ranchetting in proximity to the subject's market area
- e. urban service areas and transportation linkages to the subject's market area
- f. anticipated changes in the location of urban limit lines, city limits, spheres of influence, and urban reserve areas impact on the market values of the subject property and its market area
- g. the current and anticipated future changes in the county and city general plans as they may affect the market value and potential development of the subject property.³
- 2. Provide a detailed description of the subject property that includes:**
- a. any sale(s) that occurred in the last 5-years prior to the date of value
- b. photos of the land, significant features, and improvements
- c. the property's legal description is optional if it is included in the preliminary title report (PTR)
- d. statement confirming the PTR was provided and reviewed
- e. the outstanding title issues identified in the PTR
- f. the number of legal parcels (may not always correspond to assessor's parcel)
- g. assessor's parcel numbers, current real estate taxes, and special assessments
- h. reclamation district assessments or charges, if any

³ The market area analysis should provide the reader with a general understanding of the area characteristics, development pressures on the subject area, direction of urban growth, and the likelihood of a non-agricultural use of the subject property in the future. It should also establish a basis for determining the highest and best use of the subject property in the before valuation.

- i. narrative description with maps of subject property's size, shape, and topography
- j. the existing farmstead and proposed farmstead areas reserved in the easement and their locations on the subject property
- k. access to the property (public or private, and paved or unpaved roads)
- l. the FEMA Flood Zone information and map
- m. a soils map including the soil mapping units and their USDA Land Capability Classifications
- n. water resources, including quantity, quality, and reliability for irrigation
- o. utilities available to the site
- p. whether there is a Williamson Act (10-year contract) or Farmland Security Zone (20-year contract) on the property
- q. lease or rental data including a statement as to affect of the lease on the market value of the subject property
- r. ownership of the mineral rights, including hydrocarbons, sand, and other aggregates
- s. the farm structures and improvements including their sizes, ages, quality of construction, condition, remaining economic life, and contributory value
- t. perennial plantings and crops including their age, condition, and remaining economic life

MARKET DATA ANALYSIS AND VALUATION

- 1. **Provide a highest and best use analysis for the subject property both before and after it is encumbered with the proposed agricultural conservation easement.**
- a. highest and best use should be the most probable use of the property appropriately documented and supported within the context of the criteria normally considered in a highest and best use analysis.
- b. highest and best use analysis should distinguish between highest and best use of the property as if vacant and as improved, particularly in situations where the improvements including any perennial plantings that have a significant value to the property as a whole.
- c. assumptions establishing the basis for highest and best use should be supported with data from the market place; unsupported assumptions as a

basis for the highest and best use conclusion are speculative and should be avoided in the appraisal reports.

- d. highest and best use analysis is considered improper and speculative when it is based on a scenario of short-term or long-term events taking place in the future.
 - e. changes in zoning, general plan designations, and land use should be considered within the context of being reasonably probable events.
 - f. the highest and best use conclusions should be consistent with data contained in the area and site analysis and within the context of the appraisal's date of value.
 - g. highest and best use analysis should provide appropriate factual details in support of the highest and best use conclusion.
 - h. address flood plain and wetlands issues as they would apply to the potential development of the subject property.
 - i. if the analysis concludes ranchettes are considered to be the highest and best use of the property in the before valuation, the analysis should identify the actual development of ranchettes in proximity to the subject property to support the conclusion.
- 2. Provide a sales comparison approach for the valuation of the subject property both before and after it is encumbered with the proposed agricultural conservation easement:**
- a. support reasons for the selection of the comparables in both the before and after valuations.
 - b. identify the buyers' purposes for purchasing the comparable properties, i.e. agricultural production or future development
 - c. avoid utilization of sales involving public or quasi-public entities⁴

⁴ Appraisers should be sure to use only verified open market, arm's length transactions. Public or quasi-public entities are frequently motivated by a set of concerns and specific requirements that at times are different from those of a typical buyer. Transactions involving these entities frequently have willing sellers and buyers, but they may pay inflated prices for property to avoid unfavorable consequences and bad publicity, e.g. through exercising the power of eminent domain. These properties are usually not listed and the sellers are less motivated than the typical sellers.

- [] d. include tabulated charts summarizing the important similarities and differences between the comparable sales and the subject property.⁵
- [] e. include tabulated charts that summarize the important adjustments.
- [] f. provide sufficient market data and analyses of the data to support credible opinion of market value⁶
- [] g. provide a narrative explanation and justification for all of the adjustments to the market data⁷
- [] h. utilize valid comparable sales data in the sales comparison approach
- [] i. brokers' opinions, unexercised purchase options, and expired listings should not be used as comparable market data. Current listings are acceptable if appropriate adjustments are made for the prevailing market conditions.
- [] j. discuss the effect of the Williamson Act or the Farmland Security Zone on the sale prices of the comparables and the before and after valuation of the subject property
- [] k. negative adjustment for the loss of market value in the after valuation of the subject property due to the perceived intrusive nature and monitoring

⁵ Two examples of tabulated charts, which may be utilized for summarizing and visually distinguishing important characteristics in the subject property and comparables sales and important adjustments for differences between the comparable sales and the subject property, are attached as Exhibit C. These charts provide a quick visual overview and a way of comparing the various characteristics in each sale with those in the subject property. The type of comparative analysis demonstrated in Exhibit C is an effective way to rank the sales overall as superior, similar, or inferior overall to the subject property as a condition for bracketing the market value of the subject property. The use of percentage adjustments instead of qualitative adjustment as demonstrated are also considered appropriate. Charts should be located in the body of the sales analysis for the reader's convenience. The use of these charts is of course optional.

⁶ The sales comparison approach, utilizing the before and after valuation technique, is considered the most reliable and the generally accepted method for establishing the market value of an agricultural conservation easement. The direct comparison of sale properties with agricultural conservation easements is not generally utilized because there is insufficient market data. In general, there is no set number of sales necessary to establish the market value for an agricultural conservation easement. CFCP suggests that each estimate of market value should contain no fewer than three sales, providing they are similar to the subject property. Ideally, each estimate of market value should contain four or six comparable sales. The utilization of fewer than three comparable sales should be fully explained and justified.

⁷ The individual and gross adjustments to the data should be reasonable. Sales that require large adjustments are not generally comparable to the subject property and should be avoided if at all possible. When it is necessary to include a sale with large adjustment(s), the appraisal should provide an acceptable explanation for including the sale and should provide a well-grounded justification for the adjustment(s).

aspects of the proposed agricultural conservation easement should be fully explained and justified with market evidence.

- [] I. For each comparable the analysis should include the information requested on the sales profile sheet, as well as a photograph(s), assessor's parcel map, and location map for the comparable. See "Exhibit C"

3. Income Approach

- [] a. CFCP considers the use of the income approach optional
- [] b. the income approach should not be the principal method for estimating both the before and after market values of the subject property
- [] c. provide complete analysis and documentation of the data as are available, including the comparable rental data, operating expenses, and the development of the capitalization rates, if the income approach is applicable and utilized as method of valuation of the subject property

4. Cost Approach ⁹

- [] a. include the cost approach if it is applicable to the solution of the appraisal or necessary in order to result in opinions and conclusions that are credible

5. Subdivision Analysis

- [] a. presentation of a subdivision analysis assuming that the property can be subdivided into smaller units, such as ranchettes, is not generally considered an acceptable valuation technique for agricultural land, but if used should account for the cost, time, and risk associated with attempts to divide property and should be weighed against other components of the evaluation.

6. Reconciliation of the market value indicators

- [] a. if two or more approaches are used in the valuation of the property, the two values should be reconciled into a final estimate of value.
- [] b. the analysis should indicate which comparables were given the most weight in the final conclusion of value
- [] c. discuss and provide support for the market value concluded

ADDENDA

- [] **1. include of the copy agricultural conservation easement specific to the subject property.**

- 2. include a preliminary title report**
- 3. include location map(s) of the comparable sales and rentals properties**
- 4. include photo of the comparable sale and rental properties**
- 5. included assessors parcel number(s) and parcel map(s) of comparable sales and rentals properties**
- 6. include comparable data sheets with the following information ⁸**
 - a. Number of legal parcels
 - b. Name of grantor and grantee
 - c. Date of the deed and date of the recording
 - d. Recorded book and page number
 - e. Amount of the transfer tax
 - f. Sale price
 - g. The dollar amounts of the down payment and the deeds of trust, if any.
 - h. Acreage
 - i. Zoning
 - j. Present use
 - k. Williamson Act or Farmland Security Zone information, if any
 - l. Description of the Improvements
 - m. Available utilities
 - n. Topography
 - o. Soils Information
 - p. FEMA flood zone information
 - q. Reclamation district information and fees, if any
 - r. Disposition of the mineral rights
 - s. Name of the person involved in the transaction and person confirming the transaction.

⁸ An example of a comparable sales data sheet is attached as Exhibit C and is provided as a visual aid and a form for presenting the information requested on the comparable sales data sheet. Its use of course is optional.

Exhibit B – Comparable Sales Data Sheet Example

Property Type:

County:

Assessor's Parcel Number:

Location:

Grantor:

Grantee:

Date of Deed:

Recording Date:

Book/Page:

Documentary Tax:

Sale Price:

Down Payment:

Mortgage:

Land:

Improvements:

Overall Price/Acre:

Size:

Zoning:

Price/Acre of Land:

Present Use:

Legal Description:

Improvements:

Access:

Utilities:

Topography:

Crops:

Soils:

Source of Water:

Flood Plain:

Reclamation District:

Mineral Rights:

Sale Confirmed By: Name of the Person Involved in and the Person Confirming the
Transaction

Exhibit C – Market Data Analysis and Valuation

	Subject	Sale No. 1	Sale No. 2	Sale No. 3	Sale No. 4	Sale No. 5
Sale Price		\$500,000	\$500,000	\$552,000	\$690,000	\$380,000
Financing		Market	Cash	Market	Market	Cash
Conditions of Sale		Arm's Length	Arm's Length	Arm's Length	Arm's Length	Arm's Length
Market Conditions (Time)		Current	Current	Current	Current	Current
Indicated Sales Price		\$500,000	\$470,000	\$552,000	\$640,000	\$380,000
Improvements		\$0.00	(\$30,000)	\$0.00	(\$50,000)	\$0.00
Adjusted Sales Price		\$500,000	\$470,000	\$552,000	\$640,000	\$380,000
Acres	120	100	110	120	160	80
Adjusted Price/Acre		\$5,000	\$4,270	\$4,600	\$4,000	\$4,750
Location		Hwy 4	Cherokee Lane	River Ranch. Rd	Willow. Rd.	Hwy 88
Physical Characteristics						
Zoning Designation	AG-60	AG-40	AG-60	AG-40	AG-80	AG-40
Access	Paved	Paved	Paved	Unimproved	Paved	Paved
Topography	Level	Undulating	Gently Sloping	Level	Undulating	Level
Predominate Soil Class	Class I	Class I & II	Class I & II	Class III	Class I	Class I & II
Source of Water	Wells	Irrigation District	Riparian Rights	Wells	Spring	Irrigation District
Utilities	Public	Public	Public	Public	Public	Public
Flood Plain Designation	Zone C	Zone C	1/3 Zone A, 2/3 Zone C	Zone C	Zone B	Zone B
Reclamation District	None	None	Yes	None	Yes	None
Mineral Rights Included	All	None	½ Mineral Rights	All	All	None
Number of Legal Parcels	3	1	2	2	1	1
Subdivision Potential Based on Current Zoning	2	2	1	3	2	2

Exhibit C Example of Qualitative Comparables Sales Comparison and Adjustment Grid

	Sale No. 1	Sale No. 2	Sale No. 3	Sale No. 4	Sale No. 5
Sale Price	\$500,000	\$500,000	\$552,000	\$690,000	\$380,000
Financing	Market	Cash	Market	Market	Cash
Condition of Sale	Arm's Length	Arm's Length	Arm's Length	Arm's Length	Arm's Length
Market Conditions (Time)	Current	Current	Current	Current	Current
Indicated Sales Price	\$500,000	\$470,000	\$552,000	\$640,000	\$380,000
Improvements	\$0.00	(\$30,000)	\$0.00	(\$50,000)	\$0.00
Adjusted Sales Price	\$500,000	\$470,000	\$552,000	\$640,000	\$380,000
Acres	100	110	120	160	80
Adjusted Price/Acre	\$5,000	\$4,270	\$4,600	\$4,000	\$4,750
Location	Superior	Similar	Similar	Similar	Slightly Superior
Size	Slightly Superior	Slightly Superior	Similar	Inferior	Superior
Access	Similar	Similar	Inferior	Similar	Similar
Topography	Inferior	Slightly Inferior	Similar	Inferior	Similar
Soils Classification	Slightly Inferior	Slightly Inferior	Inferior	Similar	Slightly Inferior
Source of Water	Slightly Superior	Superior	Similar	Inferior	Similar
Utilities	Similar	Similar	Similar	Similar	Public
Flood Plain Designation	Similar	Inferior	Similar	Slightly Inferior	Slightly Superior
Reclamation District	Similar	Slightly Inferior	Similar	Slightly Inferior	Similar
Mineral Rights Included	Inferior	Slightly Inferior	Similar	Similar	Inferior
Number of Parcels	Inferior	Slightly Inferior	Slightly Inferior	Inferior	Inferior
Subdivision Potential	Similar	Slightly Inferior	Slightly Superior	Similar	Similar
Overall Rating	Superior	Slightly Inferior	Similar	Inferior	Slightly Superior

**Attachment D: County of San Diego
Sample Agricultural Conservation Easement
(Not for execution)**

DEED OF AGRICULTURAL CONSERVATION EASEMENT

THIS DEED OF AGRICULTURAL CONSERVATION EASEMENT (the "Easement") is made by is made by xxxx ("Grantor"), to the County of San Diego, ("Grantee").

WITNESS THAT:

WHEREAS, Grantor is the owner in fee simple of that certain real property in San Diego County, California, comprising County of San Diego Assessor's Parcel(s) No(s). xxx-xxx-xx, xxx-xxx-xx and xxx-xxx-xx, and more particularly described in Exhibit A attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property possesses significant agricultural, open space and scenic values of great importance to Grantor, the people of San Diego County and the people of the State of California; and

WHEREAS, Grantor and Grantee intend that the Property be maintained in agricultural production by the maintenance of the agricultural values thereof and that the open space and scenic values of the Property be preserved by the continuation of the agricultural and ranching uses that have proven historically compatible with such values; and

WHEREAS, the County of San Diego supports and encourages farming (Policy I-133) and the protection and preservation of agricultural land uses and agricultural land; and

WHEREAS, Grantor intends, as owner of the Property, to convey to Grantee the right to preserve and protect the agricultural, and to the extent consistent with agricultural values, the open space, and scenic values of the Property in perpetuity; and

WHEREAS, Grantee intends, by acceptance of the grant made hereby, forever to honor the intentions of Grantor to preserve and protect the agricultural, open space, and scenic values of the Property in perpetuity;

NOW, THEREFORE, for good and valuable consideration, in consideration of the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of California including, inter-alia, sections 815-816 of the California Civil Code, Grantor does hereby voluntarily grant to Grantee an Agricultural Conservation Easement in gross in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (the "Easement").

1.Purpose. It is the purpose of this Easement to enable the Property to remain in agricultural uses (as defined in Exhibit B, section 2), by preserving and protecting in perpetuity its agricultural values, character, use and utility, and by preventing any use or condition of the Property that would significantly impair or interfere with its agricultural values, character, use or utility. To the extent that the preservation of the open space and scenic values of the Property is consistent with such use, it is within the purpose of this Easement to protect those values.

2.Affirmative Rights and Interests Conveyed. To accomplish the purpose of this Easement, the following rights and interests are conveyed to Grantee by this Easement:

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(a) To identify, to preserve and to protect in perpetuity the agricultural values, character, use and utility, including the agricultural productivity, vegetation, soil and water quality, and the open space and scenic values of the Property. (The agricultural values, character, use and utility, and the open space and scenic values of the Property are hereinafter referred to collectively as "the Protected Values".)

(b) To enter upon, inspect, observe, and study the Property for the purposes of (i) identifying the current condition of, uses and practices thereon, and the baseline condition thereof; and (ii) monitoring the uses and practices to determine whether they are consistent with this Easement. Such entry shall be permitted upon prior notice to Grantor, and shall be made in a manner that will not unreasonably interfere with Grantor's use and quiet enjoyment of the Property.

(c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement, and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent condition, activity or use. However, it is the intention of this Easement not to limit Grantor's discretion to employ their choices of farm and ranch uses and management practices so long as those uses and practices are consistent with the purpose of this Easement.

(d) Subject to Grantor's consent, to erect and maintain a sign or other appropriate marker in a prominent location on the Property, visible from a public road, bearing information indicating that the Property is protected by Grantee. The wording of the information shall be determined by Grantee, but shall clearly indicate that the Property is privately owned and not open to the public. Grantee shall be responsible for the costs of erecting and maintaining such sign or marker.

3. Uses and Practices. Grantee and Grantor intend that this Easement shall confine the uses of the Property to agriculture, residential use associated with the agricultural use of the Property, and the other uses which are described herein. Examples of uses and practices which are consistent with the purpose of this Easement and which are hereby expressly permitted, are set forth in Exhibit B, attached hereto and incorporated herein by this reference. Examples of uses and practices which are inconsistent with the purpose of this Easement, and which are hereby expressly prohibited, are set forth in Exhibit C, attached hereto and incorporated herein by this reference. The uses and practices set forth in Exhibits B and C are not necessarily exhaustive recitals of consistent and inconsistent activities, respectively. They are set forth both to establish specific permitted and prohibited activities, and to provide guidance in determining the consistency of other activities with the purpose of this Easement.

4. Baseline Data. In order to establish the present condition of the Protected Values, Grantee has examined the Property and prepared a report (the "Baseline Documentation Report") containing an inventory of the Property's relevant features and conditions, its improvements and its natural resources (the "Baseline Data"). A copy of the Baseline Documentation Report has been provided to Grantor, and another shall be placed and remain on file with Grantee. The Baseline Documentation Report has been signed by Grantor and Grantee, and thus acknowledged to represent accurately the condition of the Property at the date of the conveyance of this Easement. The parties intend that the Baseline Data shall be used by Grantee to monitor Grantor's future uses of the Property, condition thereof, and practices thereon. The parties further agree that, in the event a controversy arises with respect to the condition of the Property or a particular resource thereof, the parties shall not be foreclosed from utilizing any other relevant document, survey, or report to assist in the resolution of the controversy. Grantor and Grantee recognize that changes in economic conditions, in agricultural technologies, in accepted farm and ranch management practices, and in the situations of Grantor may result in an evolution of agricultural uses of the Property, provided such uses are consistent with this Easement.

5. Reserved Rights. Grantor reserves to itself, and to its personal representatives, heirs, successors, and assigns, all rights accruing from their ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, the following rights are expressly reserved: (i) all right, title, and interest in and to all tributary and non-

tributary water, water rights, and related interests in, on, under, or appurtenant to the Property, provided that such water rights are used on the Property in a manner consistent with the purpose of this Easement and in accordance with applicable law; and (ii) all right, title, and interest in subsurface oil, gas and minerals; provided that the manner of exploration for, and extraction of any oil, gas or minerals shall be only by a subsurface method, shall not damage, impair or endanger the Protected Values, shall be in accordance with applicable law, and shall be approved by Grantee prior to its execution.

6. Mediation. If a dispute arises between the parties concerning the consistency of any proposed use or activity with the purpose of this Easement, and Grantor agrees not to proceed with the use or activity pending resolution of the dispute, either party may refer the dispute to mediation by request made in writing upon the other. Within thirty (30) days of the receipt of such a request, the parties shall select a single trained and impartial mediator. If the parties are unable to agree on the selection of a single mediator, then the parties shall, within fifteen (15) days of receipt of the initial request, jointly apply to the American Arbitration Association for the appointment of a trained and impartial mediator with relevant experience in real estate, and conservation easements. Mediation shall then proceed in accordance with the following guidelines:

(a) Purpose. The purpose of the mediation is to: (i) promote discussion between the parties; (ii) assist the parties to develop and exchange pertinent information concerning issues in the dispute; and (iii) assist the parties to develop proposals which will enable them to arrive at a mutually acceptable resolution of the controversy. The mediation is not intended to result in any express or de facto modification or amendment of the covenants, terms, conditions, or restrictions of this Easement.

(b) Participation. The mediator may meet with the parties and their counsel jointly or ex parte. The parties agree that they will participate in the mediation process in good faith and expeditiously, attending all sessions scheduled by the mediator. Representatives of the parties with settlement authority will attend mediation sessions as requested by the mediator.

(c) Confidentiality. All information presented to the mediator shall be deemed confidential and shall be disclosed by the mediator only with the consent of the parties or their respective counsel. The mediator shall not be subject to subpoena by any party. No statements made or documents prepared for mediation sessions shall be disclosed in any subsequent proceeding or construed as an admission of a party.

(d) Time Period. Neither party shall be obligated to continue the mediation process beyond a period of ninety (90) days from the date of the selection or appointment of a mediator or if the mediator concludes that there is no reasonable likelihood that continuing mediation will result in mutually agreeable resolution of the dispute.

(e) Costs. The cost of the mediator shall be borne equally by Grantor and Grantee; the parties shall bear their own expenses, including attorney's fees, individually.

7. Grantee's Remedies. If Grantee determines that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use, condition or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured. If Grantor fails to cure the violation within thirty (30) days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fails to begin curing such violation within the thirty (30) day period, or fails to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any Protected Values, including damages for any loss thereof, and to require the restoration of the Property to the condition that existed prior to any such injury. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Protected Values, Grantee may pursue

its remedies under this section without waiting for the period provided for cure to expire. Grantee's rights under this section apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this section, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

7.1 Costs of Enforcement. Any costs incurred by Grantee in enforcing the terms of this Easement against Grantor, including, without limitation, costs of suit and attorneys' fees, and any costs of restoration necessitated by Grantor's violation of the terms of this Easement, shall be borne by Grantor. If Grantor prevails in any action to enforce the terms of this Easement, Grantor's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee.

7.2 Grantee's Discretion. Any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

7.3 Acts Beyond Grantor's Control. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to any person or to the Property resulting from such causes.

8. Costs and Taxes. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property. Grantor shall pay any and all taxes, assessments, fees and charges levied by competent authority on the Property or on this Easement. It is intended that this Easement constitute an enforceable restriction within the meaning of Article XIII section 8 of the California Constitution and that this Easement qualify as an enforceable restriction under the provisions of California Revenue and Taxation Code section 402.1.

9. Hold Harmless. Grantor shall hold harmless, indemnify, and defend Grantee and its directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: (a) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, except to the extent of the adjudicated proportionate fault of any of the Indemnified Parties; and (b) the obligations specified in section 8.

9.1. Grantee Not Operator. Nothing in this Easement shall be construed as giving any right or ability to Grantee to exercise physical or managerial control of the day to day operations of the Property, of Grantor's activities on the Property, or otherwise to become an operator with respect to the Property within the meaning of the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, or the Carpenter Presley Tanner Hazardous Substance Account Act, California

Health and Safety Code sections 25300-25395, or any other federal, state, or local law or regulation making operators of property responsible for remediation of contamination.

10. Access. No right of access by the general public to any portion of the Property is conveyed by this Easement.

11. Development Rights. The parties acknowledge that under currently applicable zoning regulations of the County of San Diego the Property is so classified that upon receipt of required government approvals the Property could be developed to a density of up to xx one-hundredths (xx) single family residential dwelling units ("the Development Rights") The parties agree to deal with the Development Rights as follows:

(a) Grantor retains one (1) of the xxxx one-hundredths (x.xx) Development Rights associated with the Property. The Development Right retained by Grantor shall apply and relate to the existing residential improvements on the Property, which consists of x residences. Grantor reserves the right to maintain, use, repair, and replace the existing improvements on the Property with approval of appropriate governmental agencies and in conformity with section 3 of Exhibit B and all other applicable provisions of this Easement. The Development Right retained by Grantor shall not be used to support or enable the creation of any additional residential uses or units on the Property except as expressly provided in section 3 of Exhibit B hereto.

(b) The balance of the xx one-hundredth (x.xx) Development or similar rights associated with the Property, and any other development or similar rights that may be or become associated with the Property are hereby extinguished.

(c) Neither Grantor nor Grantee shall use or receive the benefit from any increase in allowable development or similar rights associated with the Property resulting from future zoning changes or otherwise.

12. Conveyance of Separate Parcels; Merger. Grantor acknowledges that the Property currently consists of x separate Assessor's parcels (numbers xx-xxx-xx, xxx-xx-xx and xxx-xxx-xx) which under existing law and regulations might be sold or conveyed separately from one another as separate legal parcels. It is agreed that the sale or conveyance of parcels separate or apart from the others is inconsistent with the purpose of this Easement. Therefore, Grantor covenants and agrees:

(a) Grantor will apply for and pursue to completion an application to the County of San Diego for consolidation or merger of the x parcels of the Property into one legal parcel, or pursue such other applicable legal restrictions so that neither parcel may be separately sold or conveyed from the other.

(b) Whether or not the x parcels are merged, Grantor and its successors in interest will not, without the prior written consent of Grantee, sell, alienate or convey any such parcels separately or apart from the other, and Grantor and its successors in interest will at all times treat all parcels as a single integrated economic unit of property. Upon any request to Grantee for consent to a separate sale, alienation or conveyance of either parcel, such consent may be granted, withheld or conditioned by Grantee in the exercise of its sole discretionary judgment regarding the consistency or inconsistency of the proposed transaction with the purpose of this Easement, which judgment exercised in good faith will be final and binding.

13. Extinguishment. If circumstances arise in the future such as render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction, and the amount of the compensation to which Grantee shall be entitled from any sale, exchange, or involuntary conversion of all or any portion of the Property subsequent to such termination or extinguishment, shall be determined, unless otherwise provided by California law at the time, in accordance with section 14.

14. Compensation. This Easement constitutes a real property interest immediately vested in Grantee. For the purpose of section 13, the parties stipulate that the Easement has a fair market value determined by multiplying (i) the fair market value of the Property by (ii) the ratio of the value of the Easement at the time of this grant to the value of the Property, unencumbered by the Easement, at the time of this grant. The values of the Property shall exclude any amounts attributable to improvements on the Property. For the purposes of this section, Grantor and Grantee agree that the ratio of the value of the Easement to the value of the Property unencumbered by the Easement is ____ (_____). This ratio shall remain constant.

15. Condemnation. Should all or part of the Property be taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by the Easement, Grantor and Grantee shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking, which proceeds shall be divided in accordance with the proportionate values of Grantor's and Grantee's interests as specified in section 14, unless otherwise provided by applicable law. All expenses incurred by Grantor and Grantee in such action shall be first paid out of the recovered proceeds.

16. Assignment of Grantee's Interest. Grantee may assign its interest in this Easement only to a "qualified organization", within the meaning of section 170(h) of the Internal Revenue Code, as amended, or any successor provision, and which is authorized to acquire and hold conservation easements under California law.

17. Executory Limitation. If Grantee shall cease to exist for any reason, or to be a qualified organization under section 170(h) of the Internal Revenue Code, as amended, or to be authorized to acquire and hold conservation easements under California law, then Grantee's rights and obligations under this Easement shall become immediately vested in the County of San Diego.

18. Amendment of Easement. This Easement may be amended only with the written consent of the Grantor and the Grantee. Any such amendment shall be consistent with the purposes of this Easement and with the Grantee's easement amendment policies, and shall comply with section 170(h) of the Internal Revenue Code, or any regulations promulgated in accordance with that section, and with section 815 et seq. of the Civil Code of California, or any regulations promulgated there under. No amendment shall diminish or affect the perpetual duration or the Purpose of this Easement nor the rights of the Grantee under the terms of this Easement.

19. Applicable Law. All uses, practices, specific improvements, construction or other activities permitted under this Easement shall be in accordance with applicable law and any permits or approvals required thereby.

20. General Provisions.

(a) Controlling Law. The interpretation and performance of this Easement shall be governed by the laws of the State of California.

(b) Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement and the policy and purpose of the California Conservation Easement Act of 1979, as amended. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

(c) Severability. If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the

application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(d) Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.

(e) No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

(f) Joint Obligation. The obligations imposed by this Easement upon Grantor shall be joint and several.

(g) Successors. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

(h) Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

(i) Future Conveyance. Grantor agrees that reference to this Easement will be made in any subsequent deed or other legal instrument by means of which Grantor conveys any interest in the Property (including but not limited to a leasehold interest).

(j) Not Governmental Approval. No provision of this Easement shall constitute governmental approval of any specific improvements, construction or other activities that may be permitted under this Easement.

IN WITNESS WHEREOF, Grantor has executed this Deed of Agricultural Conservation Easement this _____ day of _____, 2010.

Grantor:
Name on Title Report

By: _____
Grantor

Accepted by Grantee:
COUNTY OF SAN DIEGO

By: _____
Grantee

[Notarization of Grantor's and Grantee's signatures]

EXHIBIT A

All that certain real property situate in the County of San Diego, State of California, described as follows:
[Insert Property Legal Description]

EXHIBIT B
PERMITTED USES AND PRACTICES

The following uses and practices, though not necessarily an exhaustive recital of consistent uses and practices, are expressly permitted as set forth herein.

1. Residential Use. To reside on the Property.
2. Agriculture. To engage in agricultural uses of the Property in accordance with sound, generally accepted agricultural practices that do not threaten or degrade significant natural resources. For the purposes of this Easement "agricultural uses" shall be defined as: breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aquacultural, horticultural, and forestry crops and products of every nature and description; and the processing, storage, and sale, including direct retail sale to the public, of crops and products harvested and produced principally on the Property, provided that the processing, storage, and sale of any such crops or products that are not food or fiber shall require the consent of Grantee; further provided, however, that such agricultural uses shall not result in significant soil degradation, significant pollution or degradation of any surface or subsurface waters, and that all uses and activities are consistent with applicable laws.
3. Improvements and Facilities.
 - (a) Maintenance and Repair of Existing Improvements and Facilities. To maintain and repair existing structures, housing, fences, corrals, roads and other improvements and facilities on the Property.
 - (b) Construction of Additional Improvements and Facilities. Additional improvements and facilities accessory to the residential use of the Property, and additional structures, housing, roads, and other improvements and facilities reasonably necessary to the agricultural uses of the Property, shall be permitted, provided that Grantor obtain the express written approval of Grantee for the construction of structure, housing, road, or other improvements and facilities, including the size, function, capacity and location, which consent should not be unreasonably withheld, and that such construction is made in accordance with applicable laws. Grantor shall provide Grantee written notice of Grantor's intention to undertake any such construction, together with information on its size, function, capacity and location, not less than forty-five (45) days prior to the commencement thereof. Additional fencing and corrals deemed by Grantor to be reasonably necessary to ranching and agricultural activities may be constructed without Grantee's consent.
 - (c) Replacement of Improvements and Facilities. In the event of destruction, deterioration or obsolescence of any structures, housing, fences, corrals, roads, or other improvements and facilities, whether existing at the date hereof or constructed subsequently pursuant to the provisions of this section, Grantor may replace the same with structures, housing, fences, corrals, roads, or other improvements and facilities of similar size, function, capacity and location.
4. Water Resources and Impoundments. To develop and maintain such water resources on the Property as are necessary or convenient for ranching, agricultural, irrigation, and residential uses in a manner consistent with the purpose of this Easement, provided that the creation, alteration or enlargement of any water impoundment shall not damage, impair or interfere with the Protected Values and that all such water resources shall be developed in accordance with applicable laws.
5. Agrichemicals. To use agrichemicals, including, but not limited to, fertilizers and biocides, in those amounts and with that frequency of application necessary to accomplish reasonable

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grazing and agricultural purposes. Such use shall be carefully circumscribed near surface water and during periods of high ground water.

6. Predator Control. To control predatory and problem animals by the use of selective control techniques.

7. Recreational Uses. To utilize the Property for recreational or educational purposes, (including, without limitation, hiking, horseback riding, hunting and fishing) that require no surface alternation or other development of the land.

Exhibit C

Prohibited Uses and Practices

The following uses and practices, though not necessarily an exhaustive recital of inconsistent uses and practices, are inconsistent with the purposes of this Easement and are expressly prohibited upon or within the Property:

1. Impairment of Protected Values. The impairment of the Protected Values, except as otherwise provided herein.
2. Commercial or Industrial Use. The establishment and conduct of commercial or industrial uses or the construction, placing, or erection of any signs or billboards; provided, however, that neither ranching, agriculture, nor the production or processing of food and fiber products as contemplated by the provisions of Exhibit B, shall be considered prohibited commercial or industrial uses. Further provided, however, that Grantee shall have the right in its sole discretion to approve the establishment and conduct of non-agricultural commercial and industrial uses or activities which are compatible with the Protected Values of the Property and which are ancillary and subordinate to the agricultural uses of the Property. Notwithstanding the prohibition above on the placing or erecting of signs, Grantee, in its sole discretion, may also approve signs related to any such commercial or industrial uses approved by Grantee.
3. Construction. The construction, reconstruction, or replacement of structures, housing, roads and other improvements and facilities except as provided in section 11 (a) of this Easement and section 3 of Exhibit B.
4. Subdivision. The division, subdivision, or de facto subdivision of the Property, provided, however, that a lease of a portion of the Property for agricultural use shall not be prohibited by this section.
5. Motorized Vehicles. The use of motorized vehicles, except by Grantor or others under Grantor's control for agricultural, ranching or attendant residential use of the Property. Any use of motorized vehicles off of roadways is prohibited except when necessary for agricultural and ranching purposes.
6. Tree Cutting. The harvesting or removal of trees; provided, however, that Grantor shall have the right to (i) cut or collect firewood for the heating of ranch and residential facilities on the Property; and (ii) cut or remove trees as reasonably necessary to control insects and diseases, prevent personal injury and property damage, and to allow construction or repair of residential or agricultural facilities. Grantor may also develop and, with the express prior written approval of Grantee, implement a long-range plan for the growing and/or harvesting of trees in a manner that is consistent with the purpose of this Easement.
7. Dumping. The dumping or other disposal of wastes, refuse or debris on the Property, except for organic material generated by permitted agricultural uses on the Property; provided, that any such dumping or disposal of organic material shall be in accordance with applicable law and generally accepted agricultural management practices. No trash, refuse, vehicle bodies or parts, rubbish, debris, junk, waste, or hazardous waste shall be placed, stored, dumped, buried, or permitted to remain on the Property except as reasonably required for the use of the Property for agricultural purposes, and in accordance with applicable law.

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8. Soil Degradation. Ranching, agricultural or other uses, otherwise permitted under this Easement, which result in significant degradation of soil quality.

9. Water Quality Degradation. Ranching, agricultural or other uses, otherwise permitted under this Easement, which result in significant degradation of water quality.

10. Surface Alteration or Excavation. Any alteration of the general topography or natural drainage of the Property including, without limitation, the excavation or removal of soil, sand, rock, or gravel, except as may be required for uses on the Property incidental to agricultural uses permitted herein, provided that such materials are taken only from locations and in amounts approved by Grantee.

Appendix B

Transfer of Development Rights (TDR) Program

Appendix B: Transfer of Development Rights Program

Introduction

As discussed in Responses to Substantive Issues Raised, (Attachment B), Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) are planning techniques mainly developed to protect open space through acquisition of the development rights of land. Typically, these programs are incentive based and allow property owners to separate and sell or transfer the development rights for their property from the bundle of property ownership rights they retain. Both programs are based on the idea that land ownership involves a bundle of rights (e.g. surface rights, air rights, mineral rights, or development rights, etc.) and that these rights can be separated and sold individually.

In an effort for making agricultural uses more economically viable, County staff are currently pursuing a Purchase of Agricultural Conservation Easements (PACE) Program, a type of PDR, which will be used to provide monetary compensation to farmers that are willing to place agricultural conservation easements over their land. Development of the program will focus on providing compensation to those farmers negatively affected by the GP Update. Preparation of the program is underway and a conceptual program will be presented to the Board of Supervisors this fall.

While the County is currently pursuing a PACE program, significant interest was also voiced during the 2009-2010 Planning Commission hearings by the public and the commissioners for a program that could provide additional compensation to property owners that would be negatively impacted by the GP Update. The most viable option appears to be some form of TDR that allows property owners to sell the potential units that they would lose from the GP Update to General Plan Amendments that would receive increased density in the future.

At the April 16, 2010 hearing on the GP Update, the Planning Commission directed staff to develop a conceptual TDR program that would be presented to the Board of Supervisors along with the GP Update. The Planning Commission also recommended a series of criteria to guide development of the concept. 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. A summary of those workshops is included in the planning report provided on the GP Update web site at the following link:

http://www.sdcounty.ca.gov/dplu/gpupdate/docs/pc_jul92010/pc_jul092010_tdr.pdf

Based on the feedback obtained from those workshops; staff developed a concept for a TDR program for San Diego County. The main points of that program are summarized below and then further explained in the following sections. On July 9, 2010, the Planning Commission supported staff's TDR concept and inclusion of a more aggressive PACE program with it when the General Plan Update is presented to the Board of Supervisors. The main points of the TDR concept are summarized below and then further explained in the following sections.

1. No modifications to the GP Update densities are proposed.
2. GP Update density reductions will not be voluntary.

Appendix B: Transfer of Development Rights Program

3. Property owners can chose whether or not, when, and how they wish to sell their transferable rights.
4. Purchase of TDRs will not be required to achieve GP Update densities.
5. Amend County policies to ensure that purchase of TDRs be considered for future GPAs.
6. Upon approval of the GP Update, direct staff to initiate work with the communities of Campo and Borrego for continued refinement of their community land use plan with particular attention to TDRs. Staff shall also solicit interest from all communities for land use plan refinements and the development of possible receiving sites on an annual basis.
7. Incorporate, where feasible, the purchase of TDRs into the Purchase of Agricultural Conservation Easement program.
8. Report annually on development under the GP Update and the shortfall of any projected units due to underdeveloped projects, land acquisitions, or other relevant actions.
9. Transferable rights will be determined from an exhibit that assigns a units-per-acre factor based on a formula that accounts for the difference between existing and proposed General Plan designations and constraints that commonly impact development yield.
10. The County will allow the market to dictate price.
11. Implementation of the TDR program would be accomplished by two zoning ordinance amendments. Initial drafts are included in Attachments A and B.

Summary of TDR Program Concept

1) Reduced Density Reductions

Many attendees of the TDR workshops expressed their concerns over the significant density reductions that the GP Update proposes for certain lands in the unincorporated area. Most point out the densities of one dwelling unit per 40 acres, 80 acre and 160 acres as being the most concerning. For many properties, these densities are more than a 90 percent reduction from the density in the current General Plan. Some indicate that they will not be able to support such density reductions without a TDR program. Others say that they object to these densities all together.

Proposal: No modifications to the General Plan Update densities are proposed.

Rationale: The GP Update Recommended Map includes no areas designated at one dwelling unit per 160 acres and significantly reduced the amount of area designated one dwelling unit per 80 acres from the original staff recommendation. The densities of one dwelling unit per 40 acres and 80 acres have been included in the GP Update since early in the process and are key to its mapping framework. Additionally, the Board of Supervisors did not direct staff to evaluate a mapping scenario that excluded these densities so such a concept is not considered in the draft Environmental Impact Report (EIR). Such a

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recommendation would require substantial modification to the GP Update document and EIR.

2) Voluntary Density Reductions

Some commenters, such as the Save Our Rural Economy (S.O.R.E.) organization, at the TDR workshops and on the GP Update suggest that the currently proposed GP Update density reductions be voluntary. Voluntary reductions would allow property owners to decide if they want to retain their densities under the current General Plan or transfer their development rights and reduce their allowed density. With voluntary TDR programs, incentives are typically provided to compel the transfers.

Proposal: GP Update density reductions will not be voluntary.

Rationale: The majority of voluntary TDR programs implemented across the nation have been unsuccessful. A voluntary program would not achieve the objectives of the GP Update and it would require significant public investment in incentives to produce any meaningful results. A voluntary TDR program was also not evaluated in the GP Update draft EIR.

3) Voluntary Transfers from Sending Sites

Sending sites are those sites that received reduced density designations as a result of the GP Update. The TDR program would allocate sending sites a certain number of transferable development rights based on the reduction in density resulting from the GP Update. The owner of the sending site would have the right to sell the transferable development rights to another person or entity. A draft ordinance

Proposal: Property owners can chose whether or not, when, and how they wish to sell their transferable rights.

Rationale: While all efforts will be made to streamline the transfer process, transferring development rights would require some effort and up front costs. Therefore, the owner of those rights could elect if they want to transfer them.

4) Requiring Purchase of TDRs to Realize GP Update Densities

Staff's original recommendation was that properties that received increases in density as a result of the GP Update should be required to purchase TDRs to realize those increased densities. This strategy would create an immediate market for the TDRs and address the perceived inequity that is based on certain properties receiving greater densities while others receive less. While some were supportive of this concept, others objected citing concerns over housing affordability, the ability to achieve GP Update densities and its objectives, Housing Element compliance, and the already high costs of developing land.

Proposal: Purchase of TDRs would not be required to achieve GP Update densities.

Rationale: In general, it seemed that most of the stakeholders that requested a TDR program either objected to this concept or did not feel strongly about it. Therefore, there is little reason to retain this as an element of the program if it was not strongly supported.

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5) Incorporating the Purchase of TDRs into Future GPAs

Future privately-initiated General Plan Amendments (GPAs) could include purchase of TDRs. Depending on the number of GPAs, this could be a significant market for TDRs. Details on purchase requirements could be provided in County policy or determined on a case-by-case basis at the time the Plan Amendment Authorization (PAA) or GPA is proposed.

Proposal: Amend County policies to ensure that purchase of TDRs be considered for future GPAs.

Rationale: There was general consensus that the purchase of TDRs should be considered for future GPAs that increase densities. However, there was also some concern that when a GPA is privately pursued to increase densities that a significant investment is already required by the applicant just to process the application. Additionally, other benefits such as infrastructure and mitigation fees could be provided by the GPA at a substantial cost. Therefore, the norm could be to include the purchase of TDRs with GPAs that increase density but there are a number of circumstances that could be grounds for an exception. Stakeholders have suggested that the PAA process be used to specify up front what level of TDR is expected of a GPA.

6) County-led Development of Receiving Sites

The County could plan for receiving sites of TDRs, creating another market for TDRs and facilitating their use. Adoption of receiving sites is typically accomplished by GPA with corresponding environmental review. As a result, individual applicants do not need to process their own GPAs to achieve the higher densities allowed for in the receiving site.

Proposal: Upon approval of the GP Update, the Board of Supervisors would direct staff to initiate work with the communities of Campo and Borrego Springs for continued refinement of their community land use plan with particular attention to TDRs. Staff shall also solicit interest from all communities for land use plan refinements and the development of possible receiving sites on an annual basis.

Rationale: Continued maintenance, refinements, and enhancements to the GP Update are anticipated. Several communities have already expressed the desire for further planning work in their communities after adoption of the GP Update. When areas are identified for additional development, they may be appropriate as receiving sites for TDRs.

7) County Purchases of TDRs

The County could also purchase TDRs from property owners and either retire the TDRs or bank them for future application with County-initiated actions. The main difficulty with this concept is the source of funding. The use of general fund monies would divert general tax payer funds from other programs provided by the County. A surcharge on permits or a similar fee would be opposed by the development community and contrary to the County's efforts to reduce costs.

Appendix B: Transfer of Development Rights Program

Proposal: Incorporate, where feasible, the purchase of TDRs into the Purchase of Agricultural Conservation Easement (PACE) program.

Rationale: Due to the current economic climate, it is unlikely that the County would fund the direct purchase of TDRs. This could be revisited in the future when economic conditions improve. In the meantime, TDR purchases could be incorporated into other programs. County purchases of land for open space will likely include a purchase of any TDRs that run with the land since they should be included in the properties appraised value. The PACE program could also include TDR purchases when conservation easements are purchased over agricultural lands if the TDR is included in the appraised value used as the basis of the purchase. Funding for PACE has not yet been determined but will likely include a combination of federal and State funds, and possibly mitigation funds and County contributions.

8) Monitoring GP Update Housing Production

Interest has been expressed in monitoring performance of the GP Update as it is implemented to provide feedback for future decision making and planning efforts that may produce more receiving sites. Numerous aspects of the GP Update implementation are anticipated to be tracked and reported on an annual basis. This framework could serve as a basis for the suggested housing information.

Proposal: Report annually on development under the GP Update and the shortfall of any projected units due to underdeveloped projects, land acquisitions, or other relevant actions.

Rationale: This data would allow the County and interested parties to monitor the growth of the unincorporated area in comparison to projections developed by the County during the GP Update and with SANDAG estimates.

9) Transferable Rights Allocation to Down-zoned Properties

This component of the program refers to how transferable development rights of a particular property are calculated and assigned to a given property. Numerous stakeholders commented that any allocation of rights should take into account constraints since most properties would not be able to fully realize their current density.

Proposal: Transferable rights would be determined from an exhibit that assigns a units-per-acre factor based on a formula that accounts for the difference between existing and proposed GP designations and constraints that commonly impact development yield. These exhibits for each community are provided on the GP Update web site at the following link:

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

Rationale: Using a standardized approach to allocate development rights would avoid work effort and controversy associated with assigning rights based on individual evaluation. Disagreements would likely be raised from some property owners that believe or know that their property could be developed at a higher density. However, disagreements are anticipated with whichever approach to allocations is applied. This approach maximizes consistency and minimizes effort

Appendix B: Transfer of Development Rights Program

so processing costs are kept low. Disagreements could be resolved through an appeals process.

10) Pricing of Transferable Rights

The open market is the most common means to dictate price. Buyers and sellers could negotiate directly, but the County could facilitate connections by hosting a “marketplace” website or similar forum. If necessary, price floors or ceilings could be established.

Proposal: That the County allows the market to dictate price.

Rationale: Most stakeholders seem to prefer that the County not be involved in the sale/purchase of transferable rights. Similarly, there is limited benefit for the County to be involved unless there is a proven need for external controls.

11) TDR Implementation

The TDR program would be implemented by two Zoning Ordinance amendments. One amendment would create a new Special Area Designator for use in designating those particular properties that are part of a TDR program. The second amendment would change the zoning of the parcels that were down-zoned with the GP Update to assign them with the new TDR Special Area Designator and to provide the details of how this TDR program would be implemented. Drafts of these two amendments are included in Appendices 1 and 2.

Attachment B-1

Draft Special Area Designator Ordinance

WORKING DRAFT

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE ZONING ORDINANCE CREATING A TRANSFER OF DEVELOPMENT RIGHTS SPECIAL AREA DESIGNATOR

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

Section 1. The Board of Supervisors declares that the intent of this ordinance is to update the Zoning Ordinance by making the following amendments to create a transfer of development rights special area designator. The Board finds that these amendments are reasonable and necessary for the public health, safety, and welfare and are consistent with the General Plan.

Section 2. Section 5025 of the San Diego County Zoning Ordinance is amended to read as follows:

5025 LISTINGS OF DESIGNATORS.

The following shall be used as appropriate.

<u>Designator</u>	<u>Special Area Designator</u>	<u>(See Section)</u>
A	Agricultural Preserve	5100-5110
B	Community Design Review Area	5750-5799
D	Design Review	5900-5910
E	Fault Displacement	5400-5406
F	Flood Plain	5500-5522
G	Sensitive Resource	5300-5349
H	Historic/Archaeological Landmark or District	5700-5747

B1: Draft Special Area Designator Ordinance

J	Specific Historic District	5749
P	Planned Development	5800-5806
R	Coastal Resource Protection Area	5950-5957
S	Scenic	5200-5212
T	Unsewered Area	5960-5964
V	Vernal Pool Area	5850-5856
W	Flood Channel	5450-5472
<u>X</u>	<u>Transfer of Development Rights</u>	<u>XXXX-XXXX</u>

Section 3. Sections 5XXX through 5XXX, inclusive, are added to the San Diego County Zoning Ordinance to read as follows:

TRANSFER OF DEVELOPMENT RIGHTS AREA REGULATIONS

5XXX TITLE AND PURPOSE.

The provisions of Sections 5XXX through 5XXX, inclusive, shall be known as the Transfer of Development Rights or TDR Area Regulations. The purpose of these regulations is to provide a framework within the Zoning Ordinance to accommodate the transfer of development rights. The TDR Area Regulations are not intended as the sole mechanism for implementation of development rights transfers in the County of San Diego. Other options exist for implementation of TDR programs and these regulations provide one possible avenue within the framework of the Zoning Ordinance.

Possible application of the TDR Area Regulations include, but are not limited to:

- (a) preserve open space, scenic views, critical and sensitive areas, and natural hazard areas;
- (b) conserve agriculture and forestry uses of land;
- (c) protect lands and structures of aesthetic, architectural, and historic significance;
- (d) retain open areas in which healthful outdoor recreation can occur; and
- (e) implement the San Diego County General Plan.

B1: Draft Special Area Designator Ordinance

5XXX APPLICATION OF TRANSFER OF DEVELOPMENT RIGHTS DESIGNATOR

The Transfer of Development Rights Area designator shall be applied in accordance with the stated purpose of the TDR regulations at Section 5XXX. The ordinance applying said designator to particular property shall contain a statement of the objective(s) sought to be achieved, a description of the rights that the designator provides to affected properties, and the process for transferring or receiving such rights. The Transfer of Development Rights Area designator may be used for properties that may sell certain development rights (referred to as sending sites) and those that may receive development rights (referred to as receiving sites). The specific allowances for a particular property shall be specified by the ordinance applying the designator.

5XXX LIMITATIONS ON TRANSFERS OF DEVELOPMENT RIGHTS

Any transfer of development rights pursuant to this ordinance authorizes density transfers consistent with the general plan. The general plan maximum densities shall not be exceeded.

Attachment B-2

Draft TDR Ordinance

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WORKING DRAFT

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY AND IMPLEMENTING A TRANSFER OF DEVELOPMENT RIGHTS ASSOCIATED WITH THE GENERAL PLAN UPDATE

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

Section 1. The Board of Supervisors declares that the intent of this ordinance is to amend the Zoning Ordinance in support of a transfer of development rights program associated with the General Plan Update. This ordinance is specifically intended to isolate the development rights removed as a result of the General Plan Update from a property and make those rights available for transfer. The Board finds that these amendments are reasonable and necessary for the public health, safety, and welfare and are consistent with the General Plan.

Section 2. The zoning classification of certain real property delineated on the Map identified as Document No. _____, on file with the Clerk of the Board of Supervisors of the County of San Diego, is hereby changed to add an X designator to the Special Area Regulations section.

Section 3. The following transfer of development rights program is hereby adopted for the property affected by this ordinance.

A. OBJECTIVES

(1) The purpose of these provisions is to:

- (a) preserve open space, scenic views, critical and sensitive areas, and natural hazard areas;
- (b) conserve agriculture and forestry uses of land;
- (c) protect lands and structures of aesthetic, architectural, and historic significance;
- (d) retain open areas in which healthful outdoor recreation can occur;
- (e) implement the San Diego County General Plan Update;
- (f) retain, in transferable form, those development rights removed from a property as result of the General Plan Update with consideration of regulatory and physical constraints; and
- (g) provide a mechanism whereby those development rights may be transferred to other properties.

B. DESIGNATION OF SENDING SITES

(1) Properties receiving the TDR designator with this ordinance are designated as sending sites.

(2) Each sending site established by this ordinance shall have the right to sever the rights to develop that were reduced as a result of the General Plan Update from the parcel in a sending

B2: Draft TDR Ordinance

site and to sell those rights to a transferee consistent with the objectives of this program in Section A.

(3) The transferable rights are derived from the development constraints in place at the time the General Plan Update was adopted compared to the General Plan Update allowed densities. The number of transferable rights available to a property are calculated based on predetermined conversion factors mapped on the TDR Exhibit dated XXXXXX, on file with the Department of Planning and Land Use.

These conversion factors account for density and minimum lot size constraints in place at the time the General Plan Update was adopted such as:

- (a) the General Plan regional category and land use designations;
- (b) the Zoning Ordinance Maximum Density and Minimum Lot Size designations; and
- (c) the Groundwater Ordinance Residential Density Controls.

These conversion factors also account for other constraints addressed by regulations at the time the General Plan Update was adopted with available mapping data such as:

- (a) steep slopes;
- (b) sensitive biological habitat and wetlands;
- (c) emergency services travel time standards;
- (d) floodways and flood plains; and
- (e) dead end road length standards.

B. DESIGNATION OF RECEIVING SITES

(1) The establishment of receiving sites should be considered for all post-General Plan Update general plan and zoning amendments that proposed to increase densities.

(2) Receiving sites established shall be consistent with the general plan and community plan.

C. RIGHT TO TRANSFER DEVELOPMENT RIGHTS

(1) Each legal lot established as a sending site by this ordinance shall have the right to sever the rights to develop that were reduced as a result of the General Plan Update from the parcel in a sending site and to sell those rights to a transferee consistent with the objectives of this program in Section A.

(2) The transferee may retire the rights, resell them, or apply them to property in an eligible receiving site in order to obtain approval for development at a density or intensity of use greater than would otherwise be allowed on the land, up to the maximum density indicated in the general plan.

(3) Any transfer of development rights pursuant to this ordinance authorizes only an increase in maximum density consistent with the general plan and shall not alter or waive the development standards of the receiving site. Nor shall it allow a use otherwise prohibited in a receiving district.

B2: Draft TDR Ordinance

D. DETERMINATION OF TRANSFERABLE DEVELOPMENT RIGHTS

(1) The Director shall be responsible for:

(a) determining, upon application by a property owner, the development rights that may be transferred from a sending site and issuing a transfer of development rights certificate upon application by the property owner.

(b) maintaining permanent records of all certificates issued, deed restrictions and covenants recorded, and development rights retired or otherwise extinguished, and transferred to specific properties; and

(c) making available forms on which to apply for a transfer of development rights certificate.

(2) An application for a transfer of development rights certificate shall contain:

(a) a certificate of title for the sending site prepared by an attorney licensed to practice law in the state of California;

(b) a plat of the proposed sending parcel and a legal description of the sending parcel prepared by a registered civil engineer authorized to practice land surveying or licensed land surveyor;

(c) names, addresses, telephone numbers and signatures of all owners;

(d) copy of the current owner's recorded deed;

(e) applicable fees; and

(f) such additional information required by the Director as necessary to determine the number of development rights that qualify for transfer and prepare the certificate.

(3) A transfer of development rights certificate shall identify:

(a) the property owner;

(b) a legal description of the sending site on which the calculation of development rights is based;

(c) a statement of the number of development rights (quantified in dwelling units) eligible for transfer;

(d) the date of issuance;

(e) the signature of the Director or designee; and

(f) a serial number assigned by the Director.

(4) No transfer of development rights under this ordinance shall be recognized by the County of San Diego as valid unless the instrument of original transfer contains the Director's certification.

(5) Appeal. The issuance of a transfer of development rights certificate and the number of development rights eligible for transfer contained in the certificate may be appealed pursuant to the Administrative Appeal Procedures beginning at Section 7200 of the Zoning Ordinance.

B2: Draft TDR Ordinance

E. INSTRUMENTS OF TRANSFER

(1) An instrument of transfer shall conform to the requirements of this section. An instrument of transfer, other than an instrument of original transfer, need not contain a legal description or plat of the sending parcel.

(2) Any instrument of transfer shall contain:

- (a) the names of the transferor and the transferee;
- (b) a certificate of title for the rights to be transferred prepared by an attorney licensed to practice law in the state of California;
- (c) a covenant the transferor grants and assigns to the transferee and the transferee's heirs, assigns, and successors, and assigns a specific number of development rights from the sending site to the receiving site; and
- (d) a covenant by which the transferor acknowledges that he has no further use or right of use with respect to the development rights being transferred.

(3) An instrument of original transfer is required when a development right is initially separated from a sending site. It shall contain the information set forth in paragraph (2) above and the following information:

- (a) a legal description and plat of the sending parcel prepared by a licensed surveyor named in the instrument;
- (b) the transfer of development rights certificate described in Section D above; and
- (c) a covenant that all provisions of the instrument of original transfer shall run with and bind the sending site and may be enforced by the County of San Diego.

(4) If the instrument is not an instrument of original transfer, it shall include information set forth in paragraph (2) above and the following information:

- (a) a statement that the transfer is an intermediate transfer of rights derived from a sending site described in an instrument of original transfer identified by its date, names of the original transferor and transferee, and the book and the page where it is recorded in the County of San Diego.
- (b) copies and a listing of all previous intermediate instruments of transfer identified by its date, names of the original transferor and transferee, and the book and the page where it is recorded in the County of San Diego.

(5) County Counsel shall review and approve as to the form and legal sufficiency of the following instruments in order to affect a transfer of development rights to a receiving site:

- (a) An instrument of original transfer;
- (b) An instrument of transfer to the owner of the receiving parcel; and
- (c) Instrument(s) of transfer between any intervening transferees.

Upon such approval, the Director shall notify the transferor or his or her agent, record the instruments with the County Recorder, and provide a copy to the County Assessor. Such instruments shall be recorded prior to release of applicable development approvals for the receiving site.

B2: Draft TDR Ordinance

F. APPLICATION OF DEVELOPMENT RIGHTS TO A RECEIVING SITE

(1) This section provides a conceptual process for application of transferred development rights to a receiving site. The specific process should be specified for a receiving site when that site is established.

(2) A person who wants to use development rights on a property in a receiving site may submit an application for the use of such rights on a receiving parcel. The application could be part of an application for a development permit. In addition to any other information required for the development permit, the application should be accompanied by:

(a) an affidavit of intent to transfer development rights to the property; and

(b) either of the following:

1. a certified copy of a recorded instrument of the original transfer of the development rights proposed to be used and any intermediate instruments of transfer through which the applicant became a transferee of those rights; or

2. a signed written agreement between the applicant and a proposed original transferor (accompanied by an application for a transfer of development rights certificate from the transferor) in which the proposed transferor agrees to execute an instrument of such rights on the proposed receiving parcel when the use of those rights, as determined by the issuance of a development permit, is finally approved.

(2) In the case of a privately initiated general plan amendment that include transfers of development rights to achieve a density in excess of the General Plan, the applied development rights should be extinguished at the time of final approval of the amendment.

(3) The County should also pursue general plan amendments that establish receiving area where future subdivisions and development have the ability to take advantage of transferable development rights.

(3) Where receiving areas are established, the County of San Diego may grant preliminary subdivision approval of a proposed development incorporating additional development rights upon proof of ownership of development rights and covenants on the sending site being presented to the County of San Diego as a condition precedent to final subdivision approval.

(3) No general plan amendment or final plat of subdivision, including minor subdivisions, should be approved and no development permits should be issued for development involving the use of development rights unless the applicant has demonstrated that:

(a) the applicant will be the bona fide owner of all transferred development rights that will be used for the construction of additional dwellings or the creation of additional lots;

(b) a deed of transfer for each transferred development right has been recorded in the chain of title of the sending site and such instrument restricts the use of the parcel in accordance with this ordinance; and

(c) the development rights proposed for the subdivision or development have not been previously used. The applicant shall submit proof in the form of a current title search prepared by an attorney licensed to practice law in the state of California.

B2: Draft TDR Ordinance

Section 4. Expiration. Unless extended by ordinance approved by the Board of Supervisors, this ordinance and the resulting special area designators and transferable development rights shall expire on June 30, 2030.

Attachment B-3

Transferable Rights Allocation to Downzoned Properties

Transferable Rights Allocation to Downzoned Properties

In order to implement the Transfer of Development Rights program, it is necessary to establish a consistent method for estimating how many units could have realistically been applied to any property under the existing General Plan and Ordinances. Once this number is determined, it should be modified based on site constraints. Finally, the revised number should be compared to how many units would be allowed under the Proposed General Plan.

The Department of Planning and Land Use methodology used to estimate the existing “Effective Density” for properties downzoned included two steps as follows. The Constraints Exhibits are available at www.sdcounty.ca.gov/dplu/gpupdate/tdr.html.

1. The “Ordinance Density” was determined by taking the most restrictive of each property’s General Plan Density, Zoning Density and density determined by the Groundwater Ordinance and Groundwater Limitations Map.
2. Constraints were then applied to each Assessor’s Parcel Number (APN), and a Potential Yield was determined for each APN. *It is important to note that an Assessor’s Parcel Number is not the same as having a Legal Lot (see Zoning Counter Form 88), proof of which would be required prior to transfer of units.* The Following Constraints were applied such that a certain percentage of density reduction on the area was assumed where the constraint occurs. In the case of multiple constraints, the most restrictive constraint was applied rather than adding them together.
 - a. Steep Slopes – Areas with greater than 25% slope were assigned a 50% density decrease to reflect the average avoidance requirement applied to project sites with steep slopes
 - b. Tier 1 Habitat – Identified Tier 1 Habitat areas were assigned a 75% density decrease because these types of resources typically require a 3:1 mitigation ratio
 - c. Wetlands / Floodways – Resource Protection Ordinance defined Wetlands and Floodways were given a 100% constraint (zero density) since residential subdivisions are required to avoid these features
 - d. Fire Travel Time Greater than 20 Minutes – Areas that have a greater than 20-minute travel time from a recognized and fully staffed fire station were given a 100% constraint (zero density) to reflect the inability of these areas to subdivide under the existing General Plan (Public Facilities Element)
 - e. Distance from Publicly Maintained Road – Areas more than a quarter mile in linear distance from a Publicly maintained road, highway or freeway were given a 50% density decrease based on existing General Plan and Fire Code restrictions (this constraint was applied to one version of the exhibit, with another version showing calculations without this constraint)

Once this methodology estimated the units that a property could achieve under the Existing General Plan, a calculation based on the General Plan Update Planning Commission Recommendation Map (April 2010) is completed to show the difference in number of units

B3: Allocation to Downzoned Properties

available for development. The Constraints Exhibits are available at www.sdcounty.ca.gov/dplu/gpupdate/tdr.html.

Additional items can be considered into the methodology for determining effective densities and units lost. Two particular items that should be considered in the future is existing multi-family developments that received moderate density changes to reflect actual development, such as in Spring Valley, as well as better incorporate the existing Forest Conservation Initiative into the modeling.

Draft Transfer of Development Rights Working Concept (Units Available)		
Community	Units (4 Constraints)	Units (5 Constraints)
Alpine	-497	-430
Bonsall	-965	-870
Central Mountain	-74	-71
• Cuyamaca	-	-
• Descanso	-6	-6
• Pine Valley	-64	-62
• Unrepresented	-4	-3
County Islands	-	-
Crest-Dehesa	-743	-708
Desert	-7,133	-6,228
• Borrego	-6,735	-6,014
• Unrepresented	-398	-214
Fallbrook	-602	-576
Jamul-Dulzura	-892	-675
Julian	-410	-371
Lakeside	-1,268	-1,146
Mountain Empire	-4,304	-3,001
• Boulevard	-1,280	-896
• Jacumba	-416	-309
• Lake Morena/Campo	-1,815	-1,205
• Potrero	-535	-424
• Tecate	-192	-144
• Unrepresented	-66	-23
North County Metro	-1,459	-1,225
• Hidden Meadows	-374	-348
• Twin Oaks	-492	-426
• Unrepresented	-593	-451
North Mountain	-1,649	-1,154
• Palomar Mountain	-51	-31
• Unrepresented	-1,598	-1,123
Otay	-3	0
Pala-Pauma	-1,881	-1,599
Pendelton De Luz	-920	-717
Rainbow	-549	-484
Ramona	-1,499	-1,285
San Dieguito	-258	-204
Spring Valley	-553	-553
Sweet Water	-165	-164
Valle De Oro	-84	-84
Valley Center	-1,733	-1,376
Unincorporated County	-27,641	-22,921

Appendix C

KMA Fiscal Impacts Responses



KEYSER MARSTON ASSOCIATES™
ADVISORS IN PUBLIC/PRIVATE REAL ESTATE DEVELOPMENT

MEMORANDUM

ADVISORS IN:
REAL ESTATE
REDEVELOPMENT
AFFORDABLE HOUSING
ECONOMIC DEVELOPMENT

SAN FRANCISCO
A. JERRY KEYSER
TIMOTHY C. KELLY
KATE EARLE FUNK
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ROBERT J. WETMORE
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KEVIN E. ENGSTROM
JULIE L. ROMIEY
DENISE BICKERSTAFF

SAN DIEGO
GERALD M. TRIMBLE
PAUL C. MARRA

To: Devon Muto, County of San Diego
From: Keyser Marston Associates, Inc.
Date: January 26, 2011
Subject: General Plan Update - Response to Comments on Property Value and Fiscal Impact Studies

The following memo is a response to comments received on the property value and fiscal impact analyses prepared by KMA on behalf of the County in relation to the proposed General Plan Update (GPU). Comments contained in the following documents are addressed:

1. Rea and Parker Research / Barnett Consulting (abbreviated throughout as “Rea and Parker” or “R&P/B”) “Reply to County Attachment H-7” dated October 19th 2010; and
2. Development Planning and Financial Group (“DPFG”) comments provided in two separate memos dated November 8th and 9th, 2010 and prepared on behalf of the San Diego Ranchers, Farmers and Tax Payers United Coalition.

The Rea and Parker October 19th document also includes an analysis of property value impacts as well as a summary and recap of prior analyses by R&P/B of fiscal impacts and other issues related to the GPU. This memo includes an evaluation of Rea and Parker’s findings and analyses related to fiscal and property value impacts.

I. SUMMARY

KMA continues to stand behind our findings and conclusions with regard to property values and fiscal impacts. KMA generally does not concur with the comments that were offered by R&P/ B and DPFG. KMA also does not concur with the separate analyses of property value and fiscal impacts presented by R&P/B.

The following tables provide a summary of comments that were provided and KMA's responses to those comments. The summary tables also include KMA's evaluation of R&P/B's alternative conclusions on property value and fiscal impacts.

A. Property Value Study

Table 1: Responses to Rea and Parker / Barnett Consulting Comments: Property Value Study

Summary of Comment	Summary of Response (see also Detail in Section II – A and B, pages 8 and 10)
1) Ten years of property sales data should be used in the analysis rather than five.	Disagree. 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. A sensitivity test was performed using ten years of sales and the overall conclusion is the same.
2) "Zoned units" should be the key variable used in the analysis rather than effective "buildable units."	Disagree. "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 unusable for purposes of the analysis.

Summary of Comment	Summary of Response (see also Detail in Section II – A and B, pages 8 and 10)
<p>3) <i>R&P/B Alternative Analysis</i>: Eastern Unincorporated Area: \$40,850 loss in property values for each zoned unit</p> <p>Desert: \$3,500 loss in property value for each zoned unit</p>	<p>R&P/B results fail basic reasonableness test:</p> <ul style="list-style-type: none"> Eastern unincorporated area result effectively <u>assigns approximately 90% of land value</u> to speculative potential for residential development based on a statistical analysis explaining <u>only 10% of variation in the data</u>. Only about 10% of land value is attributed to the actual uses of these properties today such as farming and ranching. Desert area result effectively <u>assigns 56% of land value</u> in down-zoned areas to residential development potential based on a statistical analysis explaining <u>only 4% of variation in the data</u>. <p>R&P/B supporting technical analysis contains serious flaws:</p> <ul style="list-style-type: none"> Sales in up-zoned / unaffected areas are included therefore land value relationships specific to the down-zoned areas have not been demonstrated. Fails to control for any potential confounding factors such as time of sale, parcel size, or location by planning area Fails to meet requirements of regression Nearly all sales (97%) have the same zoning within the portion of the Eastern Unincorporated area proposed for down-zoning. An attempt to show how price varies with zoning would depend on just 3% of the sales data (25 sales) that have different zoning spread across thousands of square miles and occurring over a span of ten years.

Table 2: Responses to DPFG Comments: Property Value Study

Summary of Comment	Summary of Response (see also Detail in Section II – C, page 17)
<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.</p>
<p>2) Economic / other drivers in the San Diego region make additional residential development likely.</p>	<p>Agree, but this is not informative relative to property value impacts from the proposed down-zoning.</p>
<p>3) Sales comparison approach may be unreliable</p>	<p>KMA did not use the sales comparison approach.</p>
<p>4) DPFG suggests “Land residual analysis” might have yielded a different conclusion: a) Land residual analysis is a common approach to</p>	<p>a) KMA did not employ a land residual analysis because it would not necessarily detect impacts in all cases - even if a residual analysis shows a project to be infeasible there could still be an impact to the extent development is anticipated to become feasible at some future time. In addition, a residual analysis would require numerous assumptions regarding pricing, construction costs, infrastructure</p>

Summary of Comment	Summary of Response (see also Detail in Section II – C, page 17)
residential land valuation b) A hypothetical illustration of the impact of a density differential is provided based on a land residual approach	costs, etc. that would introduce subjectivity into the analysis. b)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”	This comment does not relate the specific conditions in the areas proposed for down-zoning. Planned communities are not generally found at the densities allowed under the <u>existing</u> zoning in these areas. Even under existing zoning, any planned communities would most likely proceed under a General Plan Amendment, a process that is not precluded by the General Plan Update.

B. Fiscal Impact Study

Table 3: Responses to Rea and Parker / Barnett Consulting Comments: Fiscal Impact Study

Summary of Comment	Summary of Response (see also Detail in Section III – A, page 21)
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, page 30. 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”	Disagree. Service standards drive Sheriff costs not “time available.” R&P/B disregard the “time available” approach in their own estimates.
3) Address “other costs and benefits” as documented in R&P/B analysis	Disagree. 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, pages 26 and 27).
4) Revenue and service costs for commercial not included.	Agree. The purpose of our 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 GPU 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 the GPU already provides sufficient housing capacity as documented by County staff. The focus of KMA’s analysis is appropriately on measuring impacts relative to existing revenue and expenditures of the County.

To: Devon Muto, County of San Diego

January 26, 2011

Subject: General Plan Update - Response to Comments on Property Value and Fiscal Impact Studies

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Table 4: Responses to DPFG Comments: Fiscal Impact Study

Summary of Comment	Summary of Response (see also Detail in Section III – B, page 23)
1) If results were a net positive, extrapolation of results to existing General Plan would also yield a net positive.	KMA's analysis does not indicate a net positive.
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.	Disagree. 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 by approximately 3% 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 the Sheriff Dept. includes an allocable share of department wide costs for support staff, supervisors, command staff, supplies and equipment in addition to salary and benefit costs for the patrol officers themselves (as noted on Tables 6 – A and 6 – D of KMA's report).
7) DPFG 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, page 23.

Table 5: Evaluation of Rea and Parker Fiscal Impact Analyses

R&P/B Finding	Summary of KMA Evaluation (see also Detail Section III – C & D, pages 26 and 27)
1) Major analysis premise: GPU does not provide adequate housing capacity for the projected population.	The County provided a response indicating why the major premise of the R&P/B analysis is incorrect (Attachment 1). Since the major premise of the analyses is 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).	Do not concur because: <ul style="list-style-type: none"> • Entire analysis premise is incorrect (per item #1 above) • Relies on questionable and unsupported assertions • Omits key revenue sources • Overstates property tax by 30%. • Does not reconcile with County budget. • “Broad Brush” approach for all County service costs
3) \$11 million forgone revenue to Sheriff dept	Do not concur because: <ul style="list-style-type: none"> • Entire analysis premise is incorrect (per item #1 above) • Double counted with net revenues from item #2 above • Not net of cost of services • Simplistic allocation of total revenues to Sheriff department
4) \$25 million annual forgone road / transportation revenue	Do not concur because: <ul style="list-style-type: none"> • Entire analysis premise is incorrect (per item #1 above) • Primarily impact fees dedicated to offset capital cost impacts of residential units – does not result in net revenue to the County. • Includes gas tax revenues without reflecting corresponding road maintenance expenses to which these revenues are dedicated.
5) \$2.9 million in annual forgone “economy of scale” savings for Fire Districts	Do not concur because: <ul style="list-style-type: none"> • Entire analysis premise is incorrect (per item #1 above) • Analysis amounts to inappropriate “apples and oranges” comparison between fire districts. • Economies of scale unrealistic with additional units permitted under existing General Plan vs. GPU since units disproportionately in areas not well served by existing stations. • Estimate subject to wild swings from one R&P/B report to the next (\$2.9 M to \$12.5 M to \$20 M annually)
6) \$17 million annual forgone fire district revenues	Do not concur because: <ul style="list-style-type: none"> • Entire analysis premise is incorrect (per item #1 above) • Does not reflect deduction of cost of providing service • Projected on per household basis without regard to assessed value • Omits special tax revenues pursuant to CFD adopted in San Diego Rural Fire Protection District’s service area

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R&P/B Finding	Summary of KMA Evaluation (see also Detail Section III – C & D, pages 26 and 27)
7) \$317 million annual forgone revenue to schools	<ul style="list-style-type: none">• Entire analysis premise is incorrect (per item #1 above)• Does not reflect deduction of costs
8) \$7.3 million annual forgone “economy of scale” savings to school districts	<ul style="list-style-type: none">• Entire analysis premise is incorrect (per item #1 above)• Does not recognize potential for reductions in per pupil funding from the State with growing enrollment.

II. PROPERTY VALUE STUDY: RESPONSE TO COMMENTS AND ALTERNATIVE ANALYSIS

A. Response to *R&P/B* Comments on Property Value Analysis

1. *Comment:* R&P/B argue it is more appropriate to use ten years of sales data rather than five years of sales data since “the past 5 years have been a period of substantial decline in values”.

Response: KMA believes use of five years of data is appropriate and supportable and elected to do so for the following reasons:

- a. To reflect the current market for land. Markets change and evolve over time. Land that once had little development potential can become more valuable for development as other areas are built out. Demographic and life style trends also evolve over time and affect the market for residential land.
 - b. Five years provides nearly 800 sales transactions to work from which is more than sufficient and spans the generally strong markets of 2005 to 2006, weakening market in 2007, and down markets of 2008 and 2009.
 - c. KMA understands from County staff that regulatory requirements and constraints on development have not been consistent over the past ten years. Using five years of data better represents the development potential of these lands under the current regulatory environment and the resulting land value relationships in the marketplace.
 - d. KMA ran a sensitivity test using ten years of sales data. The same conclusion is reached using ten years of data: no negative impact on land value is indicated.
2. *Comment:* R&P/B argue that the analysis should be conducted on the number of zoned units as opposed to the number of buildable units because the number of buildable units is a “potentially rigged variable” and subject to changes in the regulatory environment over time.

Response: KMA disagrees with this comment. KMA selected buildable units rather than zoned units as the most appropriate basis for the analysis for the following reasons:

- a. Existing zoning designations do not capture the real regulatory limits on development in the areas proposed for down zoning. Therefore zoning is not

- b. Buyers and sellers in a land sale transaction, to the extent the ability to develop it is a consideration, would presumably evaluate price based on the number of units that could actually be built considering all regulatory constraints.
- c. Running the analysis solely on the basis of zoning omits key regulatory constraints on the number of units that could be built on a property including steep slopes, sensitive habitat, wetlands, and others.
- d. Zoning designations prevalent in the down-zoned areas do not specify an exact density; rather, a range of allowable densities subject to specific conditions on the property is provided. This necessitates certain assumptions be made in interpretation of the zoning designation for purposes of the analysis – introducing an element of subjectivity KMA has avoided by using the County's estimates of buildable units.
- e. The number of buildable units better reflects the true residential development potential of these properties and was therefore determined to be the most appropriate metric for analyzing the extent to which residential development potential plays a role in land values within the down-zoned areas.
- f. The number of buildable units was estimated by the County based on a Geographic Information System (GIS) analysis of constraints on development potential such as steep slopes and wetlands. R&P/B indicate that County staff may have “rigged” the estimates to produce a particular outcome. However, the estimates were prepared by County staff for a separate purpose (in relation to a transfer of development rights program) prior to KMA even being engaged to do the property value study.
- g. KMA agrees with R&P/B that consistency in the regulatory environment over time is potentially problematic. However, KMA does not agree that use of zoning as the primary analysis variable solves this problem. While zoning designation may have remained consistent over a ten year time frame, what is possible to build under a given zoning designation has not remained consistent. In addition, past changes in the regulatory environment could have altered the underlying market and land value relationships the analysis is designed to reveal. Use of a different metric does not cure this underlying problem. The consistency over time issue R&P/B raise is part of the reason KMA elected to use only the most recent five years of sales in the analysis.

3. *Comment:* R&P/B take issue with KMA's statement "We would only expect to find a negative impact on land value from the proposed down-zoning to the extent construction of new residential units is reasonably anticipated to be feasible from a market perspective within a foreseeable time horizon." Their comment is that the plan will likely be in place for a long time horizon so even properties for which development is not foreseeable at the current time could be affected at some point.

Response: the property value analysis is an evaluation of impact to existing land values – which is the central matter at issue. KMA agrees that properties that do not experience any impact to land values today could hypothetically forgo some appreciation in value over a long time horizon if and to the extent conditions change such that residential development becomes more foreseeable at some time in the future for certain of the down-zoned properties.

4. *Comment:* R&P/B characterize KMA's report as representing that a positive impact on land values will occur in certain areas.

Response: Our analysis and its conclusions focus on the key matter of interest, whether a negative impact to land values is likely. KMA has characterized the inverse relationship between buildable units and land value found in the Desert and Southern portion of the Western Unincorporated area as simply not supporting a finding of a negative impact.

B. Evaluation of R&P/B Analysis of Potential Loss of Property Value

Rea and Parker have provided a separate analysis of property value impacts. In contrast to KMA's conclusion that no negative impact to property values is indicated, R&P/B conclude there would be a loss in property value of \$40,850 per unit in the Eastern areas of the County and \$3,500 per unit in the Desert sub-region as a result of the proposed down-zoning. KMA finds R&P/B's analysis:

- Fails a basic reasonableness test; and
- Contains serious flaws in technical methodology

A detailed discussion of our evaluation follows:

B-1. R&P/B Conclusions Fail Basic Reasonableness Test

1. R&P/B's finding of a \$40,850 reduction in value per zoned unit in the Eastern unincorporated areas equates to approximately 90% of land value being attributed to speculative potential for residential development for the property sales in the down-

zoned areas (see table next page). This conclusion is reached using a statistical analysis, which explains only 10% of the variation of the data.

It is unreasonable to attempt to draw a conclusion equating to 90% of the value of these properties based on a statistical result which only accounts for 10% of the variation in the data. Furthermore, since the findings attribute nearly all land value to its potential for residential development, very little value is attributed to other existing or potential use such as:

- a. Value for farming or ranching;
- b. Value for recreational use;
- c. Value of mineral or water rights;
- d. Value as additional acreage / larger lots with residential use.

R&P/B's findings fail to meet a basic reasonableness test by attributing so little value to existing (or other potential) uses. The prevalence of agricultural and other activities is on-the-ground evidence that significant value exists for purposes other than residential development.

2. The conclusions R&P/B draw from their analysis of the Desert area also fails to meet a basic reasonableness test. This analysis attributes approximately 56% of land value to its speculative potential for residential development for the property sales in the down-zoned areas. They arrive at this conclusion based on a statistical analysis which explains only 4% of the variation in the data. It is unreasonable to attempt to draw a conclusion that equates to 56% of the value of these properties based on a statistical result which accounts for only 4% of the variation in the data.

Evaluation of R&P/B Findings

Backcountry Land Value Attributed to Potential for Residential Development

Land Sales: Past Ten Years Areas Proposed to be Down-zoned	Eastern Unincorporated Area		
	Desert		Parcels
Number of Parcels Sold	438	846	Parcels
R&P/B Conclusion: Land Value Associated with Residential Development Potential	\$3,500 /Unit	\$40,850 /Unit	Per Zoned Unit
Units: Existing Zoning (parcels sold within the last ten years) ^{(1), (2)}	3,355	3,015	Zoned Units
Extension of R&P/B Conclusion – Total Land Value Attributed to Residential Development Potential ⁽¹⁾	\$12	\$123	Million
Actual Total Sales Price for these Parcels ⁽¹⁾	\$21	\$136	Million
Percent of Total Land Value attributed to Residential Development Potential	56%	90%	

(1) For parcels that sold within the past ten years in the areas proposed to be down-zoned.

(2) Estimate of zoned units (rather than buildable units) for consistency with R&P/B approach. Where the General Plan designation consists of a range (i.e. one unit per 4, 8, or 20 acres), midpoint of the calculated yield is used consistent with R&P/B use of midpoint for purposes of regression analysis.

B-2. Rea and Parker’s Technical Analysis Contains Serious Flaws

1. R&P/B included data for areas of the County either un-affected or proposed to be up-zoned. As a consequence, their findings do not address the fundamental question of whether, in the areas proposed for down-zoning, there would be a negative impact to property values. To answer this question it is necessary to isolate land sales within the down-zoned areas. These areas are characterized by physical constraints on residential development such as rugged terrain and lack of road access. These constraints place particular limitations on development potential that do not exist to the same extent elsewhere in the County. Since the R&P/B analysis is based on sales from other areas - the results do not reflect the specific conditions and resulting property value relationships that exist in the down-zoned areas. The results are simply not applicable for addressing the central matter in question – property value impacts in the down-zoned areas.
2. R&P/B do not control for confounding factors such as time of sale, location by planning area, or limitations on development potential such as steep slopes, road

access, wetlands, and other factors. R&P/B could have readily controlled for these using the information they were provided. This has the potential to skew the results, for example:

- a. Properties zoned for fewer units may also be more isolated or be more likely to be constrained by steep slopes or lack of road access. To the extent these more constrained properties also have a lower value; R&P/B's approach would automatically attribute the lower value to zoning designation rather than the constraints on development.
 - b. Properties that sold during the peak of the recent real estate boom may have had different characteristics than those sold at other times – potentially skewing the results.
 - c. Properties in certain areas may be more valuable because of location. If parcels in more variable areas are zoned for more units R&P/B's approach would automatically attribute this value to the additional zoned units rather than the more valuable location of these parcels.
3. It is unreasonable to attempt to draw conclusions from this data about how land value varies with allowable density because nearly all the sales over the past ten years have the same maximum allowable density (Over 97% of sales over the past ten years have the same maximum allowable density within the portion of the Eastern Unincorporated area proposed to be down-zoned - see Chart A). Any resulting conclusions would have to rely on just 25 sales (3% of the total) that have different maximum densities and which are spread across thousands of square miles. Other factors such as location, parcel size etc., which Rea and Parker have made no attempt to control for in their analysis (as noted above), may well explain differences in value with these 3% of sales that have a higher maximum allowable density.
4. The approach R&P/B have used (and suggest that KMA should have used) is not valid statistically. The zoning designation data does not meet the requirements of regression once sales that are not relevant to the analysis are removed (see item #1 above).
- a. Linear regression can't be used because there is no linear functional form
 - i. As shown on Chart A (for Eastern Unincorporated Area), It is visually apparent that a) no linear functional form exists b) an approach fitting a trend line through this data would rely on only a handful of sales in the higher zoning designations.

To: Devon Muto, County of San Diego

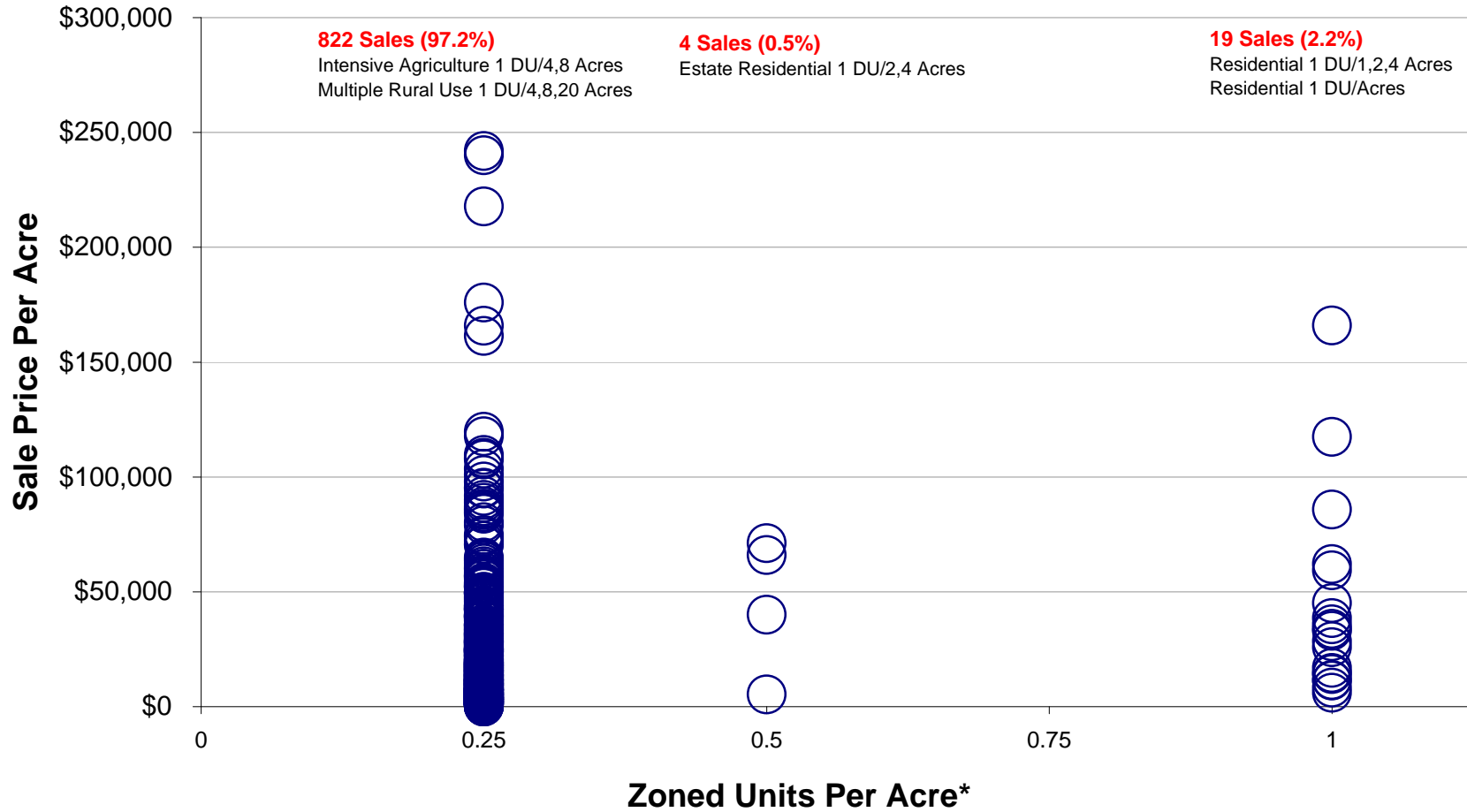
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- ii. As shown on Chart A (for Eastern Unincorporated Area), 97% of the sales have zoning designations with the same maximum allowable density. Running the analysis on this data is effectively an attempt to draw a trend line from 97% of the data with the same allowable density to 3% of the data with a higher allowable density (see Chart A). There is not enough dispersal in data to claim a linear relationship. This approach is not valid statistically.
 - iii. Zoning data for the Desert Sub-region also lacks linear functional form as illustrated on Chart B.
- b. Linear regression cannot be used because the data is not normally distributed – a fundamental requirement for running a regression. KMA evaluated normality by reviewing histogram and Q-Q plots of the data. Based on our review, the zoning designation information does not meet this basic requirement for linear regression analysis.

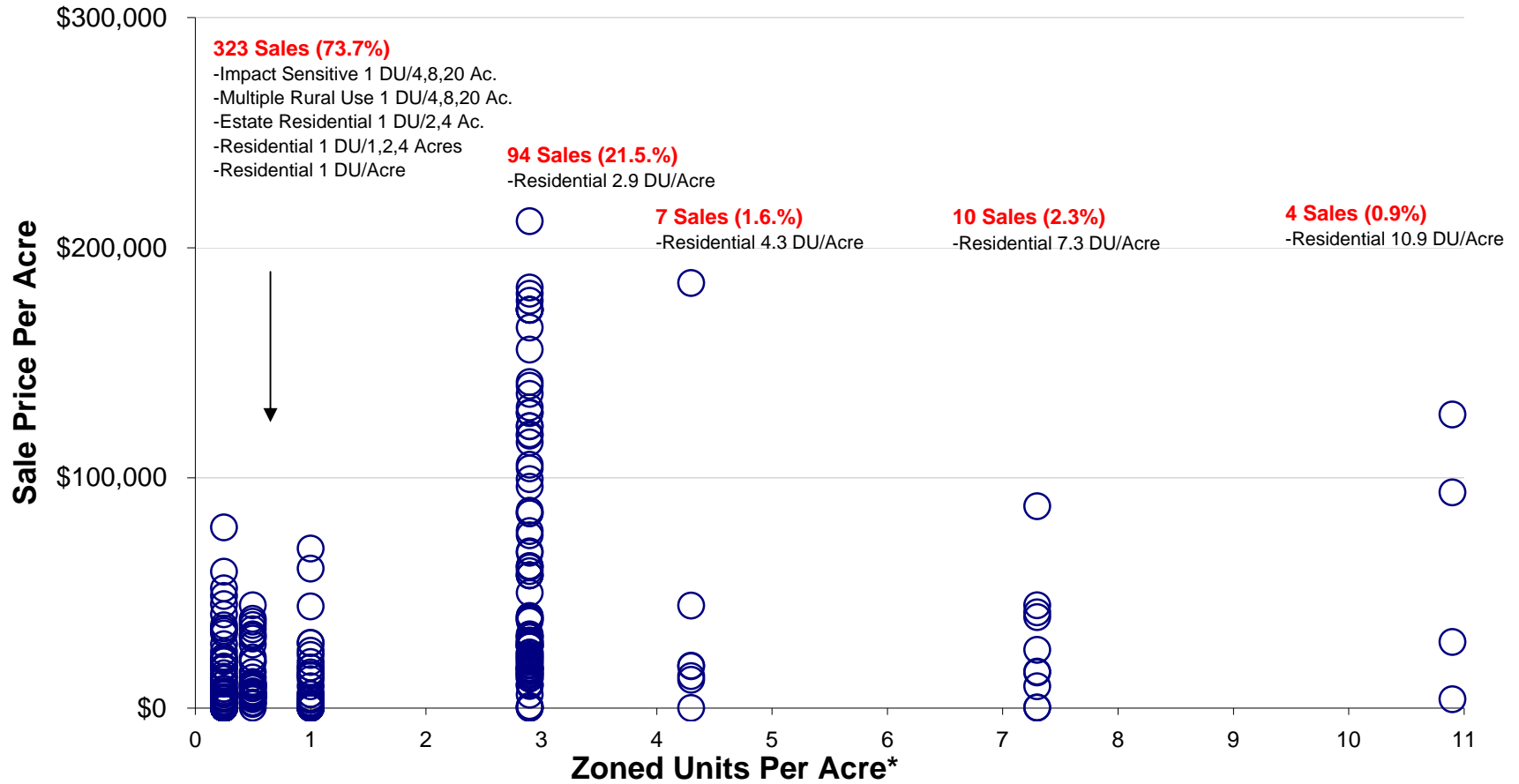
Chart A
Zoned Units vs. Sale Price
 Land Sale Data - Past Ten Years
 Areas Proposed to be Down-Zoned
Eastern Unincorporated Area



Note: one data point at 7 units per acre not shown on chart

*Zoned units per acre reflected as the maximum number of units per acre allowed by the GP designation.

Chart B
Zoned Units* vs. Sale Price
 Land Sale Data - Past Ten Years
 Areas Proposed to be Down-Zoned
Desert Sub-Region



*Zoned units per acre reflected as the maximum number of units per acre allowed by the GP designation.

C. Response to DPFG Comments on Property Value Analysis

1. *Comment:* The conclusions reached by KMA may be too broad because there may be differences among planning areas and each planning area “appears to be treated the same.” A related comment is that some planning areas that are in the path of growth or close to major highways may be more likely to experience an impact because development may be more feasible from a market perspective compared to the more remote areas of the County.

Response: KMA was also concerned about differences in market potential and corresponding property value impacts in different areas of the County. Our initial expectation, prior to completing the analysis, was similar to DPFG’s: that planning areas in the Western part of the County closer to existing population and job centers would be more likely to experience an impact since the market potential for residential development was likely to be greater in those areas. As a result, KMA designed the analysis to address this issue. KMA divided the unincorporated area of the County into the four major areas as described in our report. These areas were selected so that possible differences in market potential and the corresponding impacts on property values could be detected. Our initial expectation that the Western unincorporated area was more likely to experience an impact was not supported by the results. This is likely due to regulatory and physical constraints on development pervasive with the properties selected for down-zoning throughout the County. Differences by planning area within the four broad geographic areas selected for analysis were also accounted for in the design of the analysis. The approach for accounting for these differences was to include variables in the regression analysis to indicate the planning area corresponding to each land sale transaction. This allowed the analysis to adjust for differences in market potential within the four broad areas of the County.

2. *Comment:* DPFG lists several economic / market drivers which are supportive of the potential for additional residential development on a regional scale as indicative that KMA’s conclusions regarding property value impacts may not be correct.

Response: Residential development on a regional scale is consistent with the SANDAG population growth projections which are a key input for the entire GPU effort. While KMA agrees with DPFG that growth on a regional / County-wide scale is likely, KMA does not agree that this macro / regional trend is necessarily informative regarding the drivers of property values within the down-zoned areas.

3. *Comment:* The sales comparison approach may be unreliable due to availability of sales, degree of adjustment, and verification of property attributes and terms of sale.

Response: KMA has not used the “sales comparison approach” as it is known in the appraisal world. As described in our report, KMA used a technique known as hedonic price analysis. This approach does not rely upon adjusting sales in an attempt to equate them for comparison purposes. Rather, a statistical approach is used to identify the relative contribution of various factors to price (with buildable units per acre being the key variable of interest). Five years of sales were used in order to capture a sufficient number for purposes of the analysis (and also include sales during a more robust period in the market). KMA relied upon Assessor Data and has not attempted to independently validate the Assessor’s data. Only sales with sufficient information on property attributes and price were included in the analysis.

4. *Comment:* DPFPG suggests an approach to land valuation known as “land residual analysis” might have yielded a different conclusion than the technique selected by KMA. A hypothetical example is provided illustrating a difference in value per acre with a “low density” project at five units to the acre and a “high density” project at 14 units to the acre.

Response – Part 1: KMA is familiar with the land residual approach and did not select this approach as the basis for the analysis due to numerous issues associated with employing the technique in this instance including:

- Land residual analysis would not necessarily detect negative impacts to land values. Even if residential development is not feasible at the time of sale, buyers and sellers may still assign some value to development potential to the extent it is believed to exist at some point in the foreseeable future. The selected approach is designed to capture this; however, a land residual analysis would not. Land residual analysis would likely show only that a hypothetical project under the specific assumptions selected is in-feasible or “upside down.”
- Subjectivity in selection of prototypical projects for analysis - a land residual analysis would need to be conducted on hypothetical prototypical projects. An element of subjectivity would be introduced in selecting the specific attributes of the hypothetical prototypical projects and associated analysis assumptions including, location(s), pricing, densities, construction costs, assumptions about provision of infrastructure, and so on. Pricing assumptions could be particularly difficult to select given the state of the market.

Response – Part 2: The hypothetical numerical example included in the DPFPG memo bears little relationship to the situation in the down-zoned areas and therefore is not informative regarding property value relationships in these areas. The following major disconnects were noted:

- The example provided is a land residual for “finished” lots. Finished lots already have all necessary infrastructure and entitlements in place. However, this is generally not the case in the down-zoned areas. To provide an example that is illustrative of conditions in the down-zoned areas, significant expenses for infrastructure and entitlements would also need to be deducted in order to provide an accurate representation of residual land value. Deduction of these expenses would bring down the residual land value under both existing and proposed zoning. One can speculate that if such an analysis were undertaken, once these costs are appropriately accounted for, the analysis would indicate a negative residual land value under either existing or proposed zoning in most, if not all, of the areas proposed to be down-zoned.
- The low density example is at five units to the acre and the high density example is at 14 units to the acre. However, as shown in the table below, only 0.4% of land in the areas proposed to be down-zoned has an existing residential zoning designation at an allowable density of 5 or more units to the acre. In contrast 96% of the land area is zoned for less than one unit per acre under the existing General Plan. The example DPFPG provides is simply not relevant to actual conditions.

Existing General Plan Designations in Areas Proposed to be Down-zoned	Acres	Percent
Multiple Rural Use (1 DU/4-8-20 Acres)	295,317	61%
Agriculture Preserve (1 DU/8 Acres)	76,651	16%
National Forest and State Parks	32,341	7%
Estate Residential (1 DU/2-4 Acres)	29,011	6%
Intensive Agriculture (1 DU/4-8 Acres)	17,633	4%
Impact Sensitive (1 DU/20 Acres)	<u>9,948</u>	<u>2%</u>
Subtotal: Less than One DU / Acre	460,901	96%
Designations with up to 1 DU per acre	10,013	2%
Specific Plan Area**	4,026	1%
Designations from 2 - 4 DU / Acre	2,378	0.5%
Designations with 5+ DU / Acre	1,870	0.4%
Commercial Designations	1,246	0.3%
Total	480,435	100%

** Acreage adjusted from County data to reflect only Specific Plan area that would receive a modified designation under the GPU.

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5. *Comment:* Down-zoning may preclude the development of planned communities that provide benefits such as economies of scale for construction of infrastructure, lower costs of services, and focus on “new urbanism.”

Response: This is a generic comment about down-zoning that does not relate to the specific facts in this case. Planned communities are unlikely to proceed under existing zoning because existing allowable densities already effectively preclude this. The densities are simply not high enough to achieve the economies of scale in providing infrastructure that DPFG mentions. Any planned community in the areas proposed to be down-zoned would most likely proceed under a General Plan Amendment even under existing zoning, a process that would remain available under the GPU.

III. FISCAL IMPACT ANALYSIS: RESPONSE TO COMMENTS AND ALTERNATIVE ANALYSIS

A. Response to R&P/B Comments on KMA Fiscal Impact Analysis

The focus of Rea and Parker's comments on the fiscal analysis prepared by KMA is really to direct us to their own analysis and findings however, some direct comments are offered. The following is our response to those comments:

1. *Comment:* R&P/B's finding of \$2.9 million in fire district "economies of scale" with the existing General Plan versus the GPU negates the \$1.2 million additional fiscal deficit found by KMA with the Existing General Plan compared to the GPU.

Response: KMA does not agree with this comment for the following reasons (please see also discussion of R&P/B economy of scale analysis in Section III – D-4, page 30):

- a. R&P/ B's fire district economy of scale analysis is flawed because it ignores major differences between fire districts such as response time performance, service delivery model, and exposure to wild fire that may explain differences in cost between fire districts.
- b. Wild swings in R&P/B's economy of scale savings analysis in the face of basic inputs that remain largely unchanged calls the reliability of their analysis into question. Their analysis has gone from \$20 million in annual savings in their 2009 report to \$2.9 million annually as of October 2010 to \$12.5 million annually as of November 2010.
- c. R&P / B are making an inappropriate apples and oranges comparison between their economy of scale analysis and the results of KMA's fiscal analysis. KMA's conclusions are based on 7,500 households while R&P/Bs are based upon 35,000 households. If R&P/Bs economy of scale findings were adjusted to 7,500 households the figure would be closer to \$600,000.
- d. Even if some economies of scale are possible, it is inappropriate to assume such economies could be achieved with the additional units permitted under the existing General Plan since these units are disproportionately located in areas not well served by existing fire stations. As a result, the need for new fire stations could potentially be triggered resulting in major incremental service cost increases.

2. *Comment:* KMA should have addressed “excess capacity” in the Sheriff’s rural command based on an analysis of Sheriff “time available” completed by R&P/B in 2003 repeated in their November 2009 report.

Response: KMA does not agree the “time available” approach is an appropriate basis for the cost analysis:

- a. Law enforcement agencies, including San Diego County Sheriff’s Department, generally have service standard targets tied to a ratio of officers to population that drives service costs.
 - b. Rea and Parker disregard the “time available” approach in their own estimate of net fiscal impacts as summarized in their October 19th 2010 report.
3. *Comment:* KMA should have addressed “other costs and benefits” as outlined in Rea and Parker’s 2009 reports (referring to alternate analysis indicating net positive to County from existing GP vs. GPU of \$16.4 million on page 14 and \$14.8 million on page 20)

Response: As indicated in Section III- D below (page 29), KMA does not concur with R&P/B’s findings regarding these other costs and benefits and finds serious flaws in their supporting technical analysis. For example, County staff has demonstrated that the major premise of their analysis, that the GPU does not provide adequate housing capacity, is incorrect. Other flaws include: overstating the County’s share of property taxes by approximately 30%; omission of key revenue sources which account for 40% of total revenues in KMA’s analysis; and projection of expenses based on a single “broad brush” cost per household factor that does not reconcile to the County’s budget.

4. *Comment:* “...KMA did admit that it had not included revenue and service costs for additional commercial....”

Response: KMA makes very clear the purpose of our fiscal impact analysis: to examine the fiscal impacts of residential development in the Backcountry under the GPU. The purpose is stated numerous times including in the subject line of the memo, in the first sentence, and in a full paragraph on page 3. The analysis was focused on residential development in the Backcountry because potential fiscal impacts of residential development in this area were understood to be the central matter of concern and interest. R&P/B’s characterization of this as an “admission” is a misrepresentation. While our analysis is focused on residential development, indirect sales tax generated by consumer spending of new residents is included.

5. *Comment:* “KMA’s projection of the additional \$1.2 million in fiscal net cost for the existing General Plan [vs. the GPU] is a clear afterthought that involves only one paragraph in their report....”

Response: As stated in our report, the focus of KMA’s analysis is on fiscal impacts from build out of the GPU with impacts measured based upon change from existing County revenues and expenditures. Our comments on the likely fiscal impacts of the existing General Plan relative to the GPU are brief (two pages) and, as stated in our report, are more general in nature because this is not the primary focus of our analysis.

6. *Comment:* “There is a fundamental flaw with the task that the County has asked of KMA.” The analysis should have been focused on forgone fiscal revenues and expenses of the GPU relative to the existing General Plan.

Response: Comparison between the GPU and existing General Plan, which R&P/B suggest should have been our primary focus, is more of a hypothetical exercise. The comparison presumes development materializes in each scenario. However, County staff has demonstrated that the GPU provides adequate housing capacity. Therefore, making a comparison between the GPU and a scenario with further residential development is more of a hypothetical undertaking.

KMA’s analysis is focused on fiscal impacts relative to existing revenues and expenditures of the County as a result of build out of the GPU. Using current revenues and expenditures as the baseline from which impacts are measured is standard practice and provides useful information to decision makers and the public. While comparisons to hypothetical scenarios are sometimes of interest (indeed KMA’s report also comments on the likely fiscal impacts relative to the existing General plan), we don’t agree that this hypothetical comparison warrants being made the sole focus of the analysis.

B. Response to DPFG Comments on KMA Fiscal Impact Analysis

1. *Comment:* DPFG indicates that if KMA’s fiscal analysis of the GPU had instead indicated a net positive or fiscal surplus, then extrapolating the results to additional residential units under the existing General Plan would also have yielded a net positive. DPFG labels our inconsistency with this supposition a “Misapplied extrapolation of current results.”

Response: KMA's analysis does not indicate a net positive / fiscal surplus; therefore, the results have been extrapolated appropriately.

2. *Comment:* DPFG states that if the "percent variable cost" factors applied in the analysis were subjected to further review, it is possible they would be adjusted downward.

Response: The variable costs factors applied in the analysis have been the subject of significant discussion and review by KMA and County staff. The factors were developed based upon a review of specific functions within each County service group to determine which services would likely experience additional service demands from new development. While further refinement is always possible with any analysis of this nature, our expectation is that such an effort would not produce substantive changes in the results and any refinements would be just as likely to increase costs as decrease them.

3. *Comment:* No consideration was given to economies of scale, efficiencies, and potential reduced governmental expenditures.

Response: The analysis applies a set of "percent variable cost" factors as noted above. These factors are designed to recognize that some County service costs are fixed and are not expected to increase with additional residential development. Application of these variable cost factors is explicit recognition of the potential for economies of scale and efficiencies with respect to certain County governmental functions.

4. *Comment:* Fiscal Year 2008-09 Budget was a peak year for expenses and use of this year in the analysis overstates expenditures.

Response: Fiscal year 2008-09 was selected for purposes of the analysis due to a desire to use actual revenues and expenses rather than budgeted amounts. FY 2008-09 was the most recent year for which actual data was available at the time the fiscal analysis was initiated in the spring of 2010. KMA believes use of actual expenditures for FY 2008-09 is reasonable for the following reasons:

- a. Revenues such as sales tax and gas tax are projected on the same basis.
- b. Total General Fund expenses have declined less than 3% from 2008-09 to 2010-11 (see table below)
- c. Expenditures for the two service areas which together account for more than 80% of projected County General Fund expenditures in the KMA fiscal analysis actually increased 2.8% from 2008-09 to 2010-11.

	FY 2008-09 Actual	FY 2010-11 Adopted Budget	Percent Difference
Total General Fund Budget	\$3,848,512,874	\$3,739,051,413	-2.8%
GF Services Accounting for 80% of Expense in Fiscal Analysis			
Public Safety	\$1,117,291,940	\$1,106,326,610	-1.0%
Land Use and Environment	<u>\$144,948,057</u>	<u>\$191,846,964</u>	<u>32.4%</u>
Total	\$1,262,239,997	\$1,298,173,574	2.8%

- d. If instead the current 2010-11 adopted budget were used in the analysis, to the extent the budget reflects reduced expenditure and service levels in certain areas as a result of the current severe recession, the County would have likely wished to consider upward adjustments to certain items since reduced expenditure levels may not be representative of longer-term averages.
3. *Comment:* KMA did not consider non-residential sales tax generation and ignores the fact that new residential will drive additional commercial development.

Response: \$937,000 in annual sales tax revenues generated by retail expenditures of new residents within the unincorporated area is included in the analysis. In addition, the potential for fiscal positives associated with commercial development to offset fiscal negatives associated with residential development is explicitly noted on page 3 of our report.

4. *Comment:* Sheriff cost at \$285,000 cost per sworn officer appears to be on the high side based on DPF's experience in other jurisdictions.

Response: The estimated cost per officer provided by the County Sheriff's department is based on the fully loaded cost per position including an allocable share of department wide costs for support staff, supervisors, command staff, supplies and equipment in addition to the salary and benefits for the patrol officers themselves (see Tables 6 – A note (2) and 6 – D note (3) of KMA's report).

5. *Comment:* Land Use and Environment Group includes expenses which (i) have a questionable relationship to new development on an on-going basis (Agriculture Weights and Measures), (ii) may be covered by one-time fees and charges

(Planning and Land Use); or (iii) may not be expanded as a result of new development (County regional parks).

Response:

- a. The overall approach in the analysis is to include all expenses within each service group after deduction of cost recovery and program revenues. Then, the component of overall expenses that is not likely to increase with added population is recognized using the variable cost factors as discussed in item III.B.2 above. The Agriculture Weights and Measures department is one component of Land Use and Environment Group expenses of which 31% of those relating to County-wide services are assumed to be fixed costs that do not vary with additional population. The expectation with Agriculture Weights and Measures based on input from County staff is that there would be some increase in costs in this department with added population. This is a result of the department's responsibilities which extends into initiatives to protect the environment and public health as well as to provide oversight of weights and measures including at retail establishments that may be affected by additional retail sales. Agriculture, Weights, and Measures is analyzed as primarily a County-wide service with expenditures varying relative to County-wide population, as a result only a nominal component of overall expenses (at approximately 0.4% of the total) is attributed to this department.
- b. The expense projection is net of items funded by cost recovery revenues including the \$15,266,278 in fees, charges, and other revenues received by the Planning and Land Use Department in 2008-09 as reflected on pages 34 and 39 of the report.
- c. Parks and Recreation department costs are included in the projection since usage of parks and recreation centers and participation in recreation programs will likely increase with additional population.

C. Recap of Rea and Parker Fiscal Impact Results

Rea and Parker presented an alternative analysis of fiscal impacts focusing on the difference between the existing General Plan and the GPU and which concludes:

1. County General Fund / Other Funds

- \$16 Million annual forgone net County fiscal benefit of existing General Plan vs. GPU¹
 - \$11 million forgone revenue to Sheriff dept (part of above \$16 million)
- \$25 million annual forgone road / transportation revenue

2. Fire Districts

- \$2.9 million annual forgone “economy of scale” savings for Fire Districts
- \$17 million annual forgone fire district revenues (before deduction of costs)

3. Schools

- \$7.3 million annual forgone “economy of scale” savings to school districts
- \$317 million annual forgone revenue to schools (before deduction of costs)

D. KMA Comments on Rea and Parker Analysis

D-1. Major Premise of Analysis is Incorrect

Virtually every dollar figure in the R&P/B analysis relates back to the following premise:

- a. The GPU does not provide adequate housing capacity for the projected population.
- b. Existing “Trans-regional” commuters who reside outside the County and commute in could be attracted back if the Existing General Plan densities were left in place and/or through other potential General Plan policies.

The County, in the attached response, provided a detailed explanation of why this premise is incorrect (see Attachment 1). Since the major premise of the analyses is incorrect, the resulting findings and conclusions are unsupported.

D-2. Comments on Analysis of County Fiscal Impacts

In addition to the flaw in the major premise of the analysis, KMA has the following comments on the Rea and Parker analysis of forgone fiscal revenues and expenses to the County and Fire Districts:

¹ \$16.4 million figure shown on page 14 of R&P/B document while page 20 indicates \$14.8 million.

Comments on Revenue Estimates

1. \$5.8 million in revenues are derived from an unsupported assertion that residential units built under the GPU would be 1,000 SF smaller on average (part of property tax figure shown in the table on page 14 of the R&P/B report)². The assertion that units under the GPU will be more modest than the existing General Plan contradicts the major premise of the R&P/B analysis: that the GPU is less favorable than the existing General Plan with regard to housing affordability and thus increases (or fails to decrease) trans-regional commuting. Furthermore, although the units are assumed to be larger with the existing General Plan, no corresponding difference in the size of households occupying the units is assumed. Larger households would drive an increase in service costs offsetting revenue benefits assumed to be derived from the assertion of larger residential units with the existing General Plan.
2. \$0.2 million of the property tax revenues is attributed to an assumed 40% reduction in property values (part of property tax figure shown in the table on page 14 of the R&P/B report)³. This assertion is based on a prior R&P/B assertion about the potential magnitude of property value losses and is not internally consistent with the updated R&P/B property value analysis shown on page 11 of the report. In addition, KMA's analysis does not support R&P/B's finding that there will be a decline in property values.
3. Key revenue sources are omitted including property tax in-lieu of VLF, public safety sales tax, and property transfer taxes. These three sources account for 40% of revenues in KMA's analysis.
4. The County's share of property taxes appears overstated by approximately 30%. The average County share of the property tax rate net of shifts to the Educational Revenue Augmentation Fund is 16% based on the top 20 tax rate areas in each planning area by assessed value. Resulting property tax revenues at a 16% share are approximately 30% less than if the 21% applied by R&P/B were used. In addition, the General Fund share of the property tax rate varies by area ranging from a low of 11.5% in the Alpine area to a high of 20.5% in North Mountain. Differences by area are not reflected in the R&P/B analysis.

² Component of \$6 million in property taxes shown in Table 2 on page 14 of the R&P/B document as attributable to "land and construction value decreases." Derivation of this estimate is described in October 2009 R&P/B report.

³ Ibid.

5. Transportation-related revenues reported by R&P/B consist primarily of impact fees dedicated to offset capital cost impacts from new residential units and therefore do not result in net revenue to the County.
6. An estimate of gas tax revenues is provided without reflecting corresponding road maintenance expenses to which these revenues are dedicated.

Comments on Expenditure Estimates

1. All costs are projected using a single “broad brush” cost per household factor of \$894. County service costs are not reviewed on a department by department basis and a uniform approach is taken for all aspects of County services.
2. Per household cost factors are derived from expenditures that do not reconcile to the County’s budget. The net County General Fund expenses reflected in the analysis represent approximately 40% of actual net expenditures for FY 2008-09. As an example, total Law Enforcement costs for the Unincorporated Area are reflected in the analysis at a net expense of \$23 million which compares to actual net expenses in FY 2008-09 of \$111 Million (net unincorporated area law enforcement cost after deducting cost of services to contract cities). Adjustments made by R&P/B to the Sheriff budget to reduce expenses to less than 25% of actual are explained in general terms in a footnote and relate to arbitrary assumptions regarding cost impacts of trans-regional commuters as compared to full time residents. No explanation is provided regarding why other service costs do not reconcile or whether and why certain County services have been excluded from the analysis.
3. It is our understanding that R&P/B has had no interaction with County staff to inform their analysis of the cost of providing County services.
4. Non-General Fund Road / Public Works maintenance expenses are not included in the analysis although the gas tax revenues dedicated to fund these costs are included in the benefits that are identified.
5. The cost projection is not consistent with maintaining the Sheriff’s law enforcement service standard of one officer per 10,000 population on a 24/7 basis.

D-3. Evaluation of R&P / B Analysis of Fire District Fiscal Impacts

In addition to the flaw in the major premise of the analysis described above, KMA has the following comments on the Rea and Parker analysis of fire district impacts:

1. Fire/EMS Protection costs are not reflected in the analysis. R&P/B consider only “economies of scale” but not costs.
2. Revenues are projected on a per household basis with out regard to assessed valuation.
3. The fire district analysis omits special tax revenues pursuant to the CFD adopted in San Diego Rural FPD's service area.

D-4. Evaluation of R&P / B Fire District Economy of Scale Analysis

In addition to the flaw in the major premise of the analysis described above, KMA has the following comments on the Rea and Parker analysis of fire district economies of scale:

R&P/B indicate there will be \$2.9 million in forgone “economies of scale” for the fire districts in the Backcountry. This finding is based on an analysis of fire district budgets versus population served which disregards important factors influencing the cost of providing fire service in the Backcountry. KMA has the following specific comments on the economy of scale analysis:

- The R&P/B analysis amounts to an inappropriate apples and oranges comparison between fire districts. The fire districts they compare do not provide identical levels of fire protection and response time performance; do not use the same service delivery models, do not serve identical geographic areas, terrain, road networks, and may be subject to varying degrees of wild fire risk. All these factors explain why one district might have a different cost per capita than another. R&P/ B assume these major differences away.
- Even if some economies of scale are possible, it is inappropriate to assume such economies could be achieved with the additional units permitted under the existing General Plan. KMA understands these units to be disproportionately located in areas that are not well served by existing fire stations. As a result, the need for new fire stations could potentially be triggered resulting in major incremental service cost increases.
- The GPU focuses development within existing communities. This is the manner in which economies of scale, to the extent there are any, would likely be achieved rather than through the more dispersed development pattern under the existing General Plan.

To: Devon Muto, County of San Diego

January 26, 2011

Subject: General Plan Update - Response to Comments on Property Value and
Fiscal Impact Studies

Page 31

- R&P/B's economy of scale estimate has been subject to wild swings. Their 2009 report estimated economy of scale savings to Fire Distircts at \$20,148,900 annually. R&P/B's October 19th 2010 report indicates \$2,951,225 in annual savings. While the PowerPoint given by Dr. Parker on November 9th 2010 – three weeks latter – indicated \$12,492,000 per year in economies of scale savings to Fire Districts. An analysis that is subject to wild swings in results in the face of basic inputs that remain largely unchanged (consistent assumption of approx. 30,000 new households for each estimate) raises questions as to reliability.

D-5. Evaluation of R&P/B School District Revenue and Economy of Scale Analysis

In addition to the flaw in the premise of the analysis noted above, KMA has the following comments on the R&P/B analysis of school district revenues and economies off scale:

1. School District Revenues – the \$317 million in forgone revenues to the schools per the R&P/B analysis is before deduction of costs.
2. School District Economies of Scale – the R&P/B analysis assumes economies of scale to school districts are achieved without accounting for corresponding reductions in per pupil funding from the State. As R&P/B describe, substantially higher funding per student is provided to smaller districts in the unincorporated area. These districts receive higher funding per pupil precisely because they are smaller. R&P/B do not address the impact that growing enrollment would have on the additional per pupil funding these districts receive due to their small size. This represents lost State funding for the school districts directly offsetting economy of scale benefits.

Attachments:

Attachment 1 – County Response on Population Issues

ATTACHMENT 1 – County Response on Population Issues

The Rea & Parker/Barnett (R&P/B) papers maintain the claim that the General Plan Update fails to plan for sufficient housing to accommodate population growth. This claim is based mainly upon two highly flawed positions:

1. Rejection and misinterpretation of SANDAG preliminary 2050 (Series 12) forecasts; and
2. An assumption that 45,000 trans-regional commuters that have chosen to live in Riverside County or Mexico will move back to the unincorporated County.

It is these two positions that are the basis for several calculations in the R&P/B reports including the claims of billions in lost economic activity. As a result, a number of the R&P/B conclusions are questionable. This paper discusses in more detail the flaws in these positions.

Rejection and Misinterpretation of SANDAG Preliminary 2050 (Series 12) Forecasts

R&P/B ignores the SANDAG preliminary 2050 forecasts and states that the General Plan Update is creating an “internally generated shortfall” in housing. Essentially, they are saying that the County is limiting housing supplies, which is in turn limiting housing demand. However, this is not supported by facts, trends in population growth, or other data that would be relevant to such a statement. Their argument also disregards the regional population forecasting process conduct by SANDAG which accounts for demographics, economics, and market forces. SANDAG has conducted forecasts in population and housing to 2050 based on the plans of the local jurisdictions and additional local planning inputs. SANDAG has concluded that there is adequate capacity in the unincorporated area and the region as a whole to accommodate growth to 2050.

R&P/B uses their argument of the “internally generated shortfall” to state that the General Plan Update will result in a lost opportunity for additional housing in the unincorporated area and because of this will result in a lost opportunity for additional income to the region. The fact is that even in the later years of the SANDAG 2050 forecast (which uses the General Plan Update land uses) there is still additional capacity for housing units in the unincorporated County. Therefore, in contrast to the R&P/B argument, SANDAG’s forecast shows that even with the reductions in densities proposed by the General Plan Update, the County’s plan would still contain a capacity for new homes that exceeds the forecasted demand.

The best example of this is the Desert (Borrego Springs) subregion, which currently has 3,004 housing units and under the existing General Plan has an approximate capacity for 22,432 units additional units. The General Plan Update would accommodate approximately 9,237 units in the Desert subregion, which is a reduction of 13,195 units. However, SANDAG forecasts that the Subregion will only see a market demand for 3,693 units over the next 40 years. Therefore, even with the reduction in the General Plan Update, the subregion would have nearly 6,000 units of excess capacity. It is not reasonable to suggest that the reduction in planned capacity for new homes by 13,195 units correlates to lost income and lost revenue. In total, the General Plan Update will reduce planned capacity for new homes in the unincorporated area by roughly 40,000 units. Approximate 33% of that reduction is in the Desert (Borrego Springs) subregion.

The number that R&P/B claims to be “internally generated shortfall” has changed over time. In their most recent paper they suggest that the number is 7,150 homes, a decrease from 14,000 homes in one of their earlier documents. These numbers were estimated using nonsensical methodology that seemly ignored the source of data that was used. For example, in 2005 the County and SANDAG had published different numbers for 2030 population. However, in those datasets, the County and SANDAG’s number of homes were similar. The main reason for the difference in population was a different assumption of person per household. R&P/B’s methodology ignores the reason that the numbers are different and simply jumps to

the conclusion that if the population numbers are not consistent then the housing numbers are also not consistent.

The original and revised methodology that was used by R&P/B is shown in Figures A and B, which show that the data comparisons is comparing the same land use alternative, but due to various assumptions in time period, persons per household and group quarters the result can change by tens of thousands of persons.

Further discussion on SANDAG Preliminary 2050 (Series 12) Forecast

The R&P/B paper raises issues with the assumptions in the SANDAG Series 12, specifically concerns with: 1) short term housing; 2) the continuation of the trend towards the construction of more multi-family housing than single family housing in the region; 3) claims that changes in domestic migration should be addressed; and 4) claims that Series 12 conflicts with fair share of affordable housing goals. These issues are summarized below, and a letter dated October 28, 2010 from SANDAG on the issues is attached.

Short Term Shortfall – R&P/B takes issue with SANDAG Series 12 projections, claiming that the projections should and do not take into account the near term shortfall in units that is projected. The R&P/B study does not say how they think this should be addressed; they simply criticize the forecast for it. The shortfall itself is not a product of capacity but a product of the weak market over the last three years and the low levels of homes built by the industry in these years. The shortfall is most appropriately corrected as the market rebounds and the industry begins to build more homes. It will not be solved by adding additional capacity and is not relevant to a long term plan such as the General Plan Update.

Shift in Development Patterns – R&P/B takes issue with the high percentage of multi-family units that are forecasted to be constructed in the region. As shown in the attached letter, over the last 40 years home construction has been trending towards increasing percentages of multi-family construction. In 1970, 71% of the housing was single family construction, and has been trending to 64% in 1980 and is currently at 61%. This trend is expected to continue to ultimately have half of the population in single family houses in 2050. This trend is also evident in building permit data, since 46% of building permits from 2000 – 2009 were multi-family permits, an increase in percentage that is expected to trend upwards over the next 40 years, which is not a “sharp turn” as the author of the report suggests. Furthermore, it should be noted that this is a trend for the region, whereas the capacity in the General Plan Update remains in single family construction, expected to be 70% single family and 10% multi-family. The remaining 20% is found in specific plan areas, which has a mix of single and multi-family allowed.

Domestic Migration – R&P/B claims that Series 12 inappropriately considers domestic out-migration, which is not the case. In line with trends over the past two decades, there is no net increase in domestic migration expected in Series 12, which has not seen double digit growth in two decades. The report compares the rather high increase of moves out of California due to housing price in 2004 & 2005, which were years near the peak of the housing bubble to 2009, during the depressed market with a comparatively limited number of moves out of California due to housing price. Claiming that this pattern will hold and increase population changes not supported by the facts, since SANDAG estimates that there will be no net increase or decrease in migration in its population projections. Further domestic migration patterns are highly susceptible to changes in the economy and ultimately nearly impossible to predict.

Affordable Housing – R&P/B argues that Series 12, “contributes little, if anything to the determination of a fair share distribution of low income housing”, and further adds that, “the Housing Element does not spread low income sites throughout the unincorporated area, assigning them only to Alpine, Fallbrook, Lakeside, North County Metro and Ramona.” These two statements alone show the lack of understanding of this issue and inconsistency within this report. The preceding sentence acknowledges that low income housing sites should be in areas with existing services, which in the unincorporated County is those communities listed (also lacking are Spring Valley and County Islands, both also

including low income housing sites). Other obvious problems with this claim is that the County of San Diego has no issues meeting the 2005-2010 Regional Housing Needs Assessment numbers and anticipates having no difficulty meeting the new numbers that would run a cycle from 2010 – 2020.

R&P/B also fails to discuss that low and very low income housing in a metropolitan area is determined by State housing law at being residential densities of 30 dwelling units per acre. This is over 120 times the existing densities that are typically found in the areas proposed for reduced densities under the General Plan Update (generally the existing densities of 1 dwelling unit per 4, 8 or 20 acres). As a result of State law, low income housing sites area limited to areas on sewer which is only available in approximately 6% of private land holdings in the unincorporated County. Affordable housing is a complicated regional problem that requires the right housing, in the right locations, at the right price. Further subdivision of the backcountry into four and eight acre estate homes that are distant from employment centers and services will do little to address this issue.

Assuming Re-attraction of Trans-regional Commuters

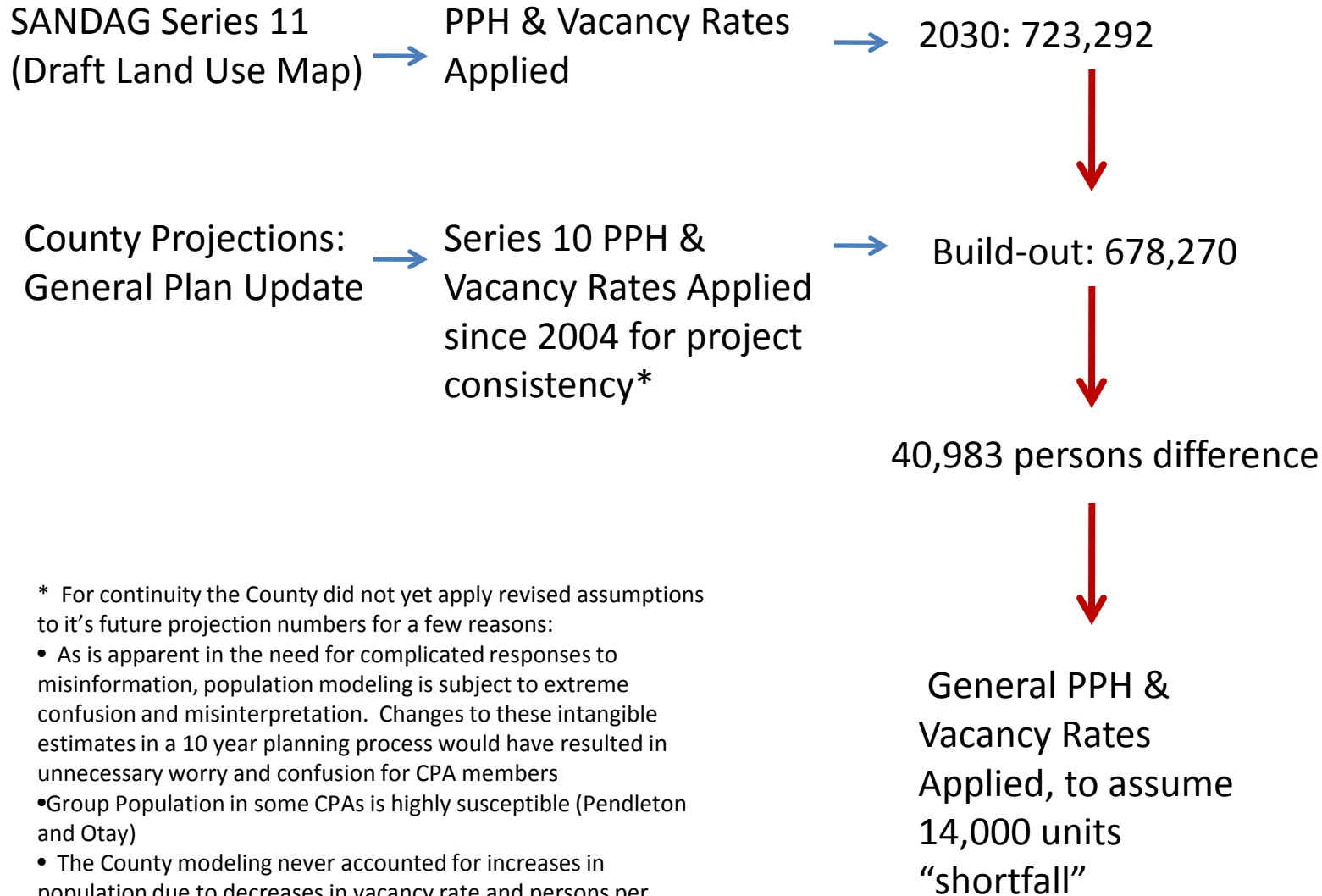
R&P/B inappropriately suggests that it is the responsibility of the unincorporated County of San Diego to provide homes for San Diego workers who have chosen to live in Mexico, Riverside County, and other nearby areas. There is also no evidence that simply increasing housing capacity in the unincorporated County will attract these families.

R&P/B derives their numbers on trans-regional commuter information. Their documents state that there was an existing (2009) 23,295 households that lived in adjacent counties due to “Housing Choice and Affordability Issues”. This number was derived with work shown in Table 1 and Table 2 of the October 2009 R&P/B report. It was created from adding two thirds (assuming some households had two workers) of the 2000 Census estimate of trans-regional commuters for the San Diego region (20,855), to an assumption for moves between 2001-2009 of 7,500, which totaled 23,295. R&P/B’s October 2009 report states in bold text that, “The number of housing units currently occupied by San Diego workers in adjacent counties and Mexico (trans-regional commuters) because of high San Diego County housing costs and/or low housing availability is estimated at 23,295”. The study then adds this to the 14,000 “internally generated shortfall” to claim that 37,295 units are not accommodated in the General Plan Update.

The explanation in the R&P/B response that this analysis was based upon a 2006 SANDAG 99,400 number is not supported by the calculations used in their other papers. R&P/B used the 99,400 SANDAG 2030 forecast (Series 11 created in 2006) forecast of units thought to be trans-regional commuting in the year 2030 as a way to “test” their assumptions. To this they apply unsupported assumptions to eliminate Orange County and most of Baja commuters, and then applying the two-thirds rule to Riverside County. The result is a number close to the 37,295 number discussed above, but there is no validity to the methodology and their original calculations are evident in the other data reviewed.

Additionally, because the SANDAG series 11 projections use the draft General Plan Update as an input, the use of that information as suggested in the R&P/B response would inappropriately “double count” that information from the same source. This response and the subsequent attempt to explain the error with a change in methodology yet still arriving at the exact same conclusion are questionable.

Figure A: Original Parker Methodology

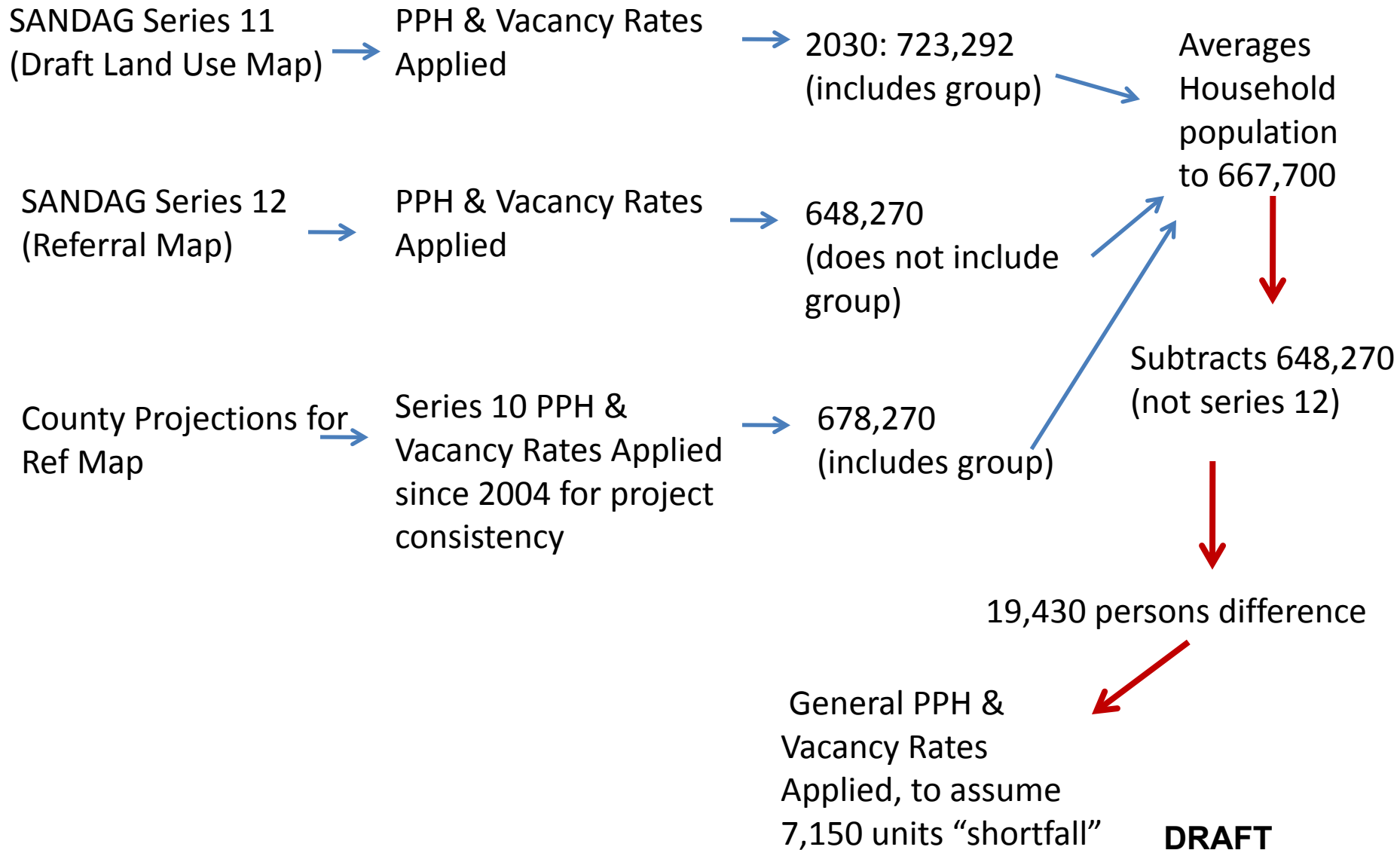


* For continuity the County did not yet apply revised assumptions to it's future projection numbers for a few reasons:

- As is apparent in the need for complicated responses to misinformation, population modeling is subject to extreme confusion and misinterpretation. Changes to these intangible estimates in a 10 year planning process would have resulted in unnecessary worry and confusion for CPA members
- Group Population in some CPAs is highly susceptible (Pendleton and Otay)
- The County modeling never accounted for increases in population due to decreases in vacancy rate and persons per household in the existing housing stock, which SANDAG does.

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Figure B: New Parker Methodology





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October 28, 2010

3100900

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Dear Devon:

SUBJECT: 2050 Regional Growth Forecast and the County General Plan Update

As a result of input you have received regarding the County General Plan Update, we have been requested to provide clarity on some aspects of the SANDAG forecast. The following information from our demographers summarizes some of the key issues associated with the current forecast and the process used to create it through extensive coordination with the County and the other 18 jurisdictions within the San Diego region.

Shift in Development Patterns

In the 2050 Regional Growth Forecast, SANDAG projects a shift in development patterns that reflects more multi-family development in the future. This is not a radical shift from existing conditions but, rather, the continuation of a long-term trend that began in the 1970s. In 1970, 71 percent of the region's housing was single-family (attached and detached combined), and 25 percent was multi-family, with the remaining units being mobile homes and other units (e.g., house boats, as classified by the U.S. Census Bureau). By 1980, the distribution was shifting toward multi-family, with only 64 percent of housing single-family, and 31 percent multi-family. In 2010, the distribution has shifted to 61 percent single-family and 36 percent multi-family. In the 2050 Regional Growth Forecast, SANDAG projects a continuation of this trend so that, by 2020, the split is 58 percent single-family and 39 percent multi-family (remainder mobile homes), and over the next 30 years, the construction of multi-family units increases so that, by 2050, single-family homes account for half of the region's housing stock, and multi-family homes account for 48 percent, with mobile homes completing the remaining 2 percent.

DRAFT

This trend is already evident in building permit data. From 2000-2009, there were 124,500 units permitted in the San Diego region. Of those permits, 46 percent (57,000 units) were multi-family units, and 54 percent (67,500 units) were single-family. In fact, in some years, the number of multi-family units permitted was actually higher than the number of single-family units (e.g., in 2006, there were 6,000 multi-family units permitted, and only 4,700 single-family units permitted).

Household Size

In 1950, the average household size in San Diego was more than 3.1 persons per household. This decreased steadily as birth rates and average family size fell during the 1960s and 1970s, and by 1980, the region hit a low of 2.6 persons per household. However, birth rates began to rise slightly again starting in the mid-1970s, and a similar upward trend can be seen in average household size in recent decades.

As a result of the recent housing market downturn, and subsequent increase in foreclosures, average household size in San Diego reached 2.78 persons per household in 2008, and rose to 2.82 by mid-2009 (Source: U.S. Census Bureau, American Community Survey).

In the 2050 Regional Growth Forecast, SANDAG projects that the region's average household size will continue increasing during the housing market correction, reaching a maximum of 2.9 persons per household. Once the market corrects, SANDAG projects that average household size will decline to 2.83 or 2.84 during the mid-2020s, and will gradually increase from the mid-2020s to 2050, as it has been gradually increasing over the past fifteen years. This long-range trend is driven by three demographic factors:

1. an increasing Hispanic population projected for the region, which tends toward larger average household sizes,
2. lower headship rates among the population age 15-24, following a decades-long nationwide trend of children living with their parents at later ages, and
3. an assumption that some of the region's growing senior population will choose to live with extended families, rather than live alone or in convalescent homes.

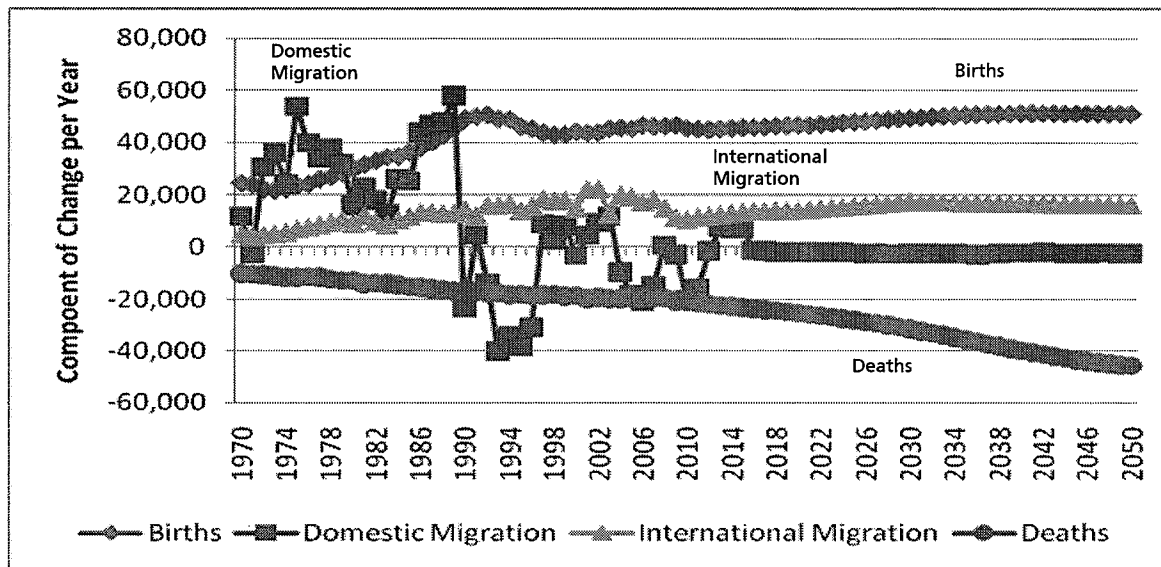
These trends are all benchmarked against long-term trend data collected by the U.S. Census Bureau and California Department of Finance.

Migration Patterns

Migration was the primary driver of population growth in San Diego's early years. Historically, most growth in Southern California was a result of in-migration from other parts of the United States and from other countries around the world. However, according to a recent study¹ released by the University of Southern California Population Dynamics Research Group, that trend has shifted statewide, with most of the population now being, in the words of the study authors, "homegrown" (i.e., born in California).

¹ "The New Homegrown Majority in California: Recognizing the New Reality of Growing Commitment to the Golden State." (March 2010) USC Population Dynamics Research Group.
<http://www.usc.edu/schools/sppd/private/documents/news/HomegrownMajority.pdf>

The chart below shows the components of annual population change in San Diego County. The years 1970-2010 represent historical trends, and years 2010-2050 reflect SANDAG projections from the 2050 Regional Growth Forecast. Of note, International Migration has historically accounted for 12,000-17,000 persons per year, and the SANDAG forecast continues that trend. Domestic migration accounted for between 40,000 and 60,000 new residents per year in the 1970s and 1980s, but trends for 1990-2010 have been low or negative. As a result, the SANDAG forecast projects no net increase from domestic migration 2010-2050.



With respect to local planning, the key point to note in migration trends is that "the future is us." The people we are planning for are ourselves, our neighbors, and our children. The region has not seen double-digit population growth due to large in-flows of migrants in two decades.

Interregional Commuting

In prior forecasts, most notably the Series 10 (adopted in 2003) and Series 11 (adopted in 2006), many local general and community plans were nearing the end of their life cycle. Some plans, in fact, had horizon dates as soon as 2010. Since 2006, nearly all of the region's incorporated cities embarked on updates of their general plans or adopted specific plan updates, just as the County has been working on a plan update for the unincorporated area. These plans accommodate a longer time-horizon for growth. As a result, projections conducted in the early part of the decade showed that, under old plans, future job growth without sufficient planned housing shifted nearly 99,000 households out of the region by 2030. While the 2050 Regional Growth Forecast shows sufficient residential capacity to accommodate future growth, SANDAG projects that there will still be people who choose to live outside the region and commute in, based on such factors as job availability, travel time, and home prices. The number of interregional commuters is not expected to increase significantly beyond previous forecast levels.

Overall Forecast Accuracy

Over the 40-year history of forecasting at SANDAG, the regionwide projections of population, jobs, and housing have been within +/-0.5 percent error per forecast year. This strong track record of accurate projections is a result of continual testing and refinement of the forecast model, and is also a result of intensive peer review. Each SANDAG forecast undergoes thorough review by a panel of experts in demographics, economics, housing market trends, workforce development, economic development, and key industry sectors. The 2050 Regional Growth forecast was scrutinized by a panel that reviewed detailed assumptions ranging from headship rates to building permits, and from fertility rates to the inflation rate.

Forecast is Locally-driven

While the regionwide projections that comprise the SANDAG forecast are completed using a peer-reviewed econometric model, the neighborhood-level projections are developed with extensive review and input from local agencies. As a result, the forecast reflects local plans and policies. The forecast is a projection of future growth, not a prescription for growth.

In conclusion, we should note that the SANDAG Forecast is updated every four years to reflect the most current trends and conditions. Should you have any questions regarding this information or need other forecast-related assistance, please contact Kurt Kroninger, Director of Technical Services, at (619) 699-6996 or kkr@sandag.org.

Sincerely,



CHARLES "MUGGS" STOLL
Director of Land Use and Transportation Planning

CMS/BJA/cd

Appendix D

Conservation Subdivision Program

GENERAL PLAN UPDATE CONSERVATION SUBDIVISION PROGRAM

1. Introduction

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

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

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

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

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

2. Requiring Resource Sensitive Design

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

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

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

CSP Component #1: Subdivision Ordinance Addition

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

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

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

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

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

Table 81.401.1

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

CSP Component #2: Rural Subdivision Design Guidelines

To aid in the interpretation of the above requirements, staff has prepared Rural Subdivision Design Guidelines (see Attachment H-4). These Design Guidelines:

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

3. Accommodating Flexibility in Subdivision Design

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

CSP Component #3: Reducing Lot Design Restrictions

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

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

1. Property Receives Similar Density

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

- No Change (i.e. stays at two-acre minimum)
- Minimum lot size decreased based on community planning/sponsor group (CP/SG) Input (target 0.5 acres if appropriate)

2. Property Receives Decreased Density

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

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

3. Property Receives Increased Density

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

- a. Minimum lot size increased based on CP/SG input to match density (2 ac to 0.5 ac)
- b. Minimum lot size increased based on CP/SG input to target (2 ac to 10,000 sf)

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

4. Ensuring Compatibility of Compact Design

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

CSP Component #4: Planned Residential Developments (PRD)

PRDs allow for reductions in lot size and other design restrictions when a certain percentage of open space is provided. To ensure that PRDs do not result in undesirable impacts to environmental resources and community character, findings must be made. However, PRDs have not been used often because the usable and group open space requirements are too onerous. Therefore the following modifications were included:

Section 5800 of the Zoning Ordinance:

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

Section 6600 of the Zoning Ordinance:

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

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

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

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

CSP Component #5: Lot Area Averaging

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

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

Attachment D-1

Draft Zoning Ordinance Amendment

DRAFT

LOT AREA REGULATIONS

4200 TITLE AND PURPOSE.

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

4205 LOT AREA DESIGNATOR NOTATION.

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

4210 LOT AREA REGULATIONS.

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

4215 MINIMUM LOT AREA TO BE MAINTAINED

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

4220 MINIMUM LOT AREA REQUIREMENTS MET.

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

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

4221 MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS.

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

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

4222 LOT AREA REQUIRED WHERE PORTION TAKEN FOR PUBLIC USE.

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

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

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

4224 REDUCED LOT AREA FOR PUBLIC AND UTILITY BUILDINGS.

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

4230 LOT AREA AVERAGING/CONSERVATION SUBDIVISION.

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

a. Purpose and Intent

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

b. Required Findings

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

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

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

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

PLANNED DEVELOPMENT AREA REGULATIONS

5800 TITLE AND PURPOSE.

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

5802 APPLICATION OF PLANNED DEVELOPMENT SPECIAL AREA REGULATIONS.

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

5804 LIMITATION ON USE AND CONSTRUCTION.

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

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

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

5806 INTERIM USES AND STRUCTURES.

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

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

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

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

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PLANNED DEVELOPMENT STANDARDS

6600 TITLE AND PURPOSE.

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

6606 CONCEPT OF A PLANNED DEVELOPMENT.

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

6609 APPLICABILITY OF ANIMAL REGULATIONS.

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

6610 APPLICABILITY OF USE REGULATIONS.

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

6612 APPLICABILITY OF DEVELOPMENT REGULATIONS.

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

6615 APPLICABILITY OF SPECIAL AREA REGULATIONS.

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

6618 GENERAL DEVELOPMENT CRITERIA.

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

6621 MAXIMUM DENSITY COMPUTATION OF PERMITTED NUMBER OF LOTS.

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

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

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

6624 LOT SIZE.

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

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

6627 BUILDING TYPE.

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

6630 MAXIMUM FLOOR AREA.

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

6633 FLOOR-AREA RATIO.

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

6636 HEIGHT.

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

6639 COVERAGE.

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

6642 SETBACKS-PERIMETER.

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

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

6645 SETBACK-INTERIOR.

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

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

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

6648 OPEN SPACE.

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

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

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

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

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

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

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

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

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

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

6650 ACCESSORY STRUCTURES.

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

6651 SIGNS.

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

6654 OFF-STREET PARKING.

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

6657 CIRCULATION.

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

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

6660 ACCESS.

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

6663 FIRE PROTECTION.

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

6666 NIGHT LIGHTING.

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

6669 ANTENNAS.

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

6672 UNDERGROUNDING.

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

6675 SPECIAL REQUIREMENTS FOR MOBILEHOMES.

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

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

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

6678 MODIFICATION OF REQUIREMENTS.

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

6679 EFFECT OF AMENDMENTS ON PENDING PLANNED DEVELOPMENTS.

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

Attachment D-2
Draft Subdivision Ordinance
Amendment

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ORDINANCE NO. (N.S.)

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

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

Section 1. PURPOSE INTENT.

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

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

SEC. 81.102. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 81.308. WAIVER OR MODIFICATION OF REGULATIONS.

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

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

SEC. 81.401. DESIGN OF MAJOR SUBDIVISIONS.

All major subdivisions shall conform to the following design requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 81.401.1

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

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

SEC. 81.614. MODIFICATION OF REGULATIONS.

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

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

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

Attachment D-3

Draft Resource Protection Ordinance Amendment

(Changes proposed to Section 86.604 only)

ORDINANCE NO. 9842 (NEW SERIES)

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

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

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

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

CHAPTER 6. RESOURCE PROTECTION ORDINANCE

SEC. 86.601. Findings, Purpose and Intent.

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

SEC. 86.602. Definitions.

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

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- (a). "Aquaculture": A form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.
- (b). "Ecosystem": A system made up of a community of organisms and its interrelated physical and chemical environment.
- (c). "Environmentally Sensitive Lands": These lands shall consist of wetlands, floodplains, steep slope lands, sensitive habitat lands, and lands containing significant prehistoric and historic sites as defined by this Section.
- (d). "Essential Public Facility or Project": Any structure or improvement necessary for the provision of public services, which must be located in the particular location to serve its purpose and for which no less environmentally damaging location, alignment, or non-structural alternative exists.
- (e). "Feasible": Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, and technological factors. Infeasibility must be supported by substantial evidence developed through a good faith effort to investigate alternatives that would result in less adverse impacts. A substantial modification to the configuration of a development, or reduction in density or intensity, would not be considered infeasible unless supported by the above factors.
- (f). "Filed": For the purposes of this Chapter, an application is "filed" on the date that a complete and pending application is filed with the County of San Diego and the required fees paid therefore, as follows:
- (1) For projects served by public sewer, upon the filing of the application with the agency authorized to grant the ultimate permit or approval; or
 - (2) For projects not served by public sewers, upon the filing of the application for review by the Department of Health Services; provided, that within 180 days of said filing, an application for the ultimate permit or approval is filed.
- (g). "Fill": Any material or substance which is deposited, pushed, dumped, pulled, or otherwise transported or moved to a new location for the purpose of elevating an area above the floodplain. Examples of fill materials include but are not limited to earth, excavated or dredged materials, sand, gravel, rock, asphalt, refuse and concrete rubble.
- (h). "Floodplain": The relatively flat area of low lands adjoining and including the channel of a river, stream watercourse, bay, or other body of water which is subject to inundation by the flood waters of the 100 year frequency flood as shown on floodplain maps approved by the Board of Supervisors.
- (i). "Floodplain Fringe": The area within the floodplain that is not in the floodway.(j)."Floodway": All land, as determined by the Director of Public Works, which meets the following criteria:
- a. The floodway shall include all areas necessary to pass the 100 year flood without increasing the water surface elevation more than 1 foot, (or in the case of San Luis Rey River, San Dieguito River, San Diego River, Sweetwater River, and

Otay River, upon adoption by the Board of Supervisors of revised floodplain maps which so specify, the increase shall be no more than 2/10^{ths} of 1 foot.

- b. The floodway shall include all land area necessary to convey a ten-year flood without structural improvements.
 - c. To avoid creating erosion and the need for channelization, rip-rap or concrete lining, the floodway will not be further reduced in width when the velocity at the floodway boundary is six feet per second or greater.
 - d. Floodways are determined by removing equal conveyance (capacity for passing flood flow) from each side unless another criterion controls.
- (k). “Mature Riparian Woodland”: A grouping of sycamores, cottonwoods, willows and/or oak trees having substantial biological value, where at least ten of the trees have a diameter of six inches or greater.
- (l). “Native Vegetation”: Vegetation composed of plants which originated, developed, or were produced naturally in the San Diego region and were not introduced directly or indirectly by humans. Native vegetation may be found in but is not limited to marshes, native grasslands, coastal/inland sage scrub, woodlands, and forests.
- (m). “Riparian Habitat”: An environment associated with the banks and other land adjacent to freshwater bodies, rivers, streams, creeks, estuaries, and other surface-emergent aquifers (such as springs, seeps, and oases). Riparian habitat is characterized by plant and animal communities which require high soil moisture conditions maintained by transported freshwater in excess of that otherwise available through local precipitation.
- (n). “Sensitive Habitat Lands”: Land which supports unique vegetation communities, or the habitats of rare or endangered species or sub-species of animals or plants as defined by Section 15380 of the State California Environmental Quality Act (CEQA) Guidelines (14 Cal. Admin. Code Section 15000 et seq.), including the area which is necessary to support a viable population of any of the above species in perpetuity, or which is critical to the proper functioning of a balanced natural ecosystem or which serves as a functioning wildlife corridor.

“Unique vegetation community” refers to associations of plant species which are rare or substantially depleted. These may contain rare or endangered species, but other species may be included because they are unusual or limited due to a number of factors, for example: (a) they are only found in the San Diego region; (b) they are a local representative of a species or association of species not generally found in San Diego County; or (c) they are outstanding examples of the community type as identified by the California Department of Fish and Game listing of community associations.

- (o). “Significant Prehistoric or Historic Sites”: Sites that provide information regarding important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, State, or Federal importance. Such locations shall include, but not be limited to:

- |
- (1) Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:
 - (aa) Formally determined eligible or listed in the National Register of Historic Places by the Keeper of the National Register; or
 - (bb) To which the Historic Resource ("H" Designator) Special Area Regulations have been applied; or
 - (2) One-of-a-kind, locally unique, or regionally unique cultural resources which contain a significant volume and range of data and materials; and
 - (3) Any location of past or current sacred religious or ceremonial observances which is either:
 - (aa) Protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code Section 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures or ,
 - (bb) Other formally designated and recognized sites which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.
- (p). "Steep Slope Lands": All lands having a slope with natural gradient of 25% or greater and a minimum rise of 50 feet, unless said land has been substantially disturbed by previous legal grading. The minimum rise shall be measured vertically from the toe of slope to the top of slope within the project boundary.
- (q). "Wetland":
- (1) Lands having one or more of the following attributes are "wetlands":
 - (aa). At least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places);
 - (bb). The substratum is predominantly undrained hydric soil; or
 - (cc). An ephemeral or perennial stream is present, whose substratum is predominately non-soil and such lands contribute substantially to the biological functions or values of wetlands in the drainage system."
 - (2) Notwithstanding paragraph (1) above, the following shall not be considered "Wetlands":
 - (aa) Lands which have attribute(s) specified in paragraph (1) solely due to man-made structures (e.g., culverts, ditches, road crossings, or agricultural ponds), provided that the Director of Planning and Land Use determines that they:

- (i) Have negligible biological function or value as wetlands;
 - (ii) Are small and geographically isolated from other wetland systems;
 - (iii) Are not Vernal Pools; and,
 - (iv) Do not have substantial or locally important populations of wetland dependent sensitive species.
- (bb) Lands that have been degraded by past legal land disturbance activities, to the point that they meet the following criteria as determined by the Director of Planning and Land Use:
- (i) Have negligible biological function or value as wetlands even if restored to the extent feasible; and,
 - (ii) Do not have substantial or locally important populations of wetland dependent sensitive species.

(Note: Activities on lands not constituting "Wetlands" because of this paragraph (2) may still be subject to mitigation, avoidance and permitting requirements pursuant to the California Environmental Quality Act or other applicable County, state and federal regulations.)

- (r). "Wetland Buffer": Lands that provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of the wetland and adjacent upland biological community. Buffer widths shall be 50 to 200 feet from the edge of the wetland as appropriate based on the above factors. Where oak woodland occurs adjacent to the wetland, the wetland buffer shall include the entirety of the oak habitat (not to exceed 200 feet in width).

SEC. 86.603. Resource Protection Study and Findings.

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

Tentative Parcel Maps

Tentative Maps

Revised Tentative Parcel Maps and Revised Tentative Maps

(Review shall exclude areas unaffected by the proposed revisions)

Expired Tentative Parcel Maps and Expired Tentative Maps

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

Major Use Permits

Major Use Permit Modifications

(Review shall exclude areas unaffected by the proposed Modifications)

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

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

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

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

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

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

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

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

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

SEC 86.604. Permitted Uses and Development Criteria.

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

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

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

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

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

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

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

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

- (cc) The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity; and
 - (dd) The reduction in setback will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity in which the property is located; and
 - (ee) The reduction in setback will not be incompatible with the San Diego County General Plan.
- (5). Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain.
 - (6). In areas where the Director of Public Works has determined that the potential for erosion or sedimentation in the floodplain is significant, all proposed development shall be set back from the floodway so that it is outside the Erosion/Sedimentation Hazard Area shown on County floodplain maps. Development will only be allowed in the Erosion/Sedimentation Hazard Area when the Director of Public Works approves a special study demonstrating that adequate protection can be achieved in a manner that is compatible with the natural characteristics of the river.
 - (7). If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, steep slope lands, sensitive habitat lands or significant prehistoric or historic site lands, the use restrictions herein applicable to such areas shall also apply.

(e). Steep Slope Lands.

- (1). Density Formula. When a parcel is located within a plan designation which bases lot size on slopes, the number of lots and/or number of dwelling units created shall be constrained by the following formula:

$$\begin{aligned}
 & \text{Acres in slopes less than 15\%} \div \text{minimum lot size permitted by General Plan} \\
 & + \text{Acres in slopes of 15\%/less than 25\%} \div \text{minimum lot size permitted by General Plan} \\
 & + \text{Acres in slopes of 25\%/less than 50\%} \div \text{minimum lot size permitted by General Plan} \\
 & + \text{Acres in slopes of 50\% or greater} \div \text{minimum lot size permitted by General Plan} \\
 \hline
 & = \text{Maximum number of lots and/or dwelling units allowable}
 \end{aligned}$$

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

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

- (2). Project Design and Open Space to Protect Steep Slopes. In designing lot configuration on steep slope lands in all land use designations, parcels shall be created in a manner which minimizes encroachment onto steep slope lands. Where 10% or more of a lot contains steep slope lands, that portion of the lot

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

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

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

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

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

(i) All public roads identified in the Circulation Element of the County General Plan or adopted community or subregional plans, provided that findings are made by the hearing body approving the application that no less environmentally damaging alternative alignment or non-structural alternative measure exists.

(ii) Local public streets or private roads and driveways which are necessary for primary or secondary access to the portion of the site to be developed on steep slope lands of less than 25%, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Director of Planning and Land Use based upon an analysis of the project site.

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

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

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

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

SEC. 86.605. Exemptions

This Chapter shall not apply to the following:

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

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

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

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

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

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

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

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

- (m). Any project which is only subject to this Chapter because it is on land which contains wetlands, and those wetlands would not exist under natural conditions, but are the result of, and sustained by an artificial transient water source (e.g. agricultural irrigation runoff) and the Director of Planning and Land Use determines that it is assured that the water source will not continue to be available to support wetland vegetation. While such lands are not required to be placed in an open space easement, any direct project related impacts that will occur as a result of the development shall be mitigated a minimum ratio of 3:1 (this shall include a minimum 1:1 creation component, while restoration/enhancement of existing wetlands may be used to make up the remaining requirements for a total 3:1 ratio).

SEC. 86.606 Enforcement

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

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

SEC. 86.607 Severability

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

SEC. 86.608 Relationship to Previous Ordinances.

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

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

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

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

Attachment D-4

Draft Groundwater Ordinance Amendment

(Changes proposed to Section 67.722 A only)

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SAN DIEGO COUNTY GROUNDWATER ORDINANCE

ORDINANCE NO. 7994 (N.S.)
ORDINANCE NO. 9644 (N.S.)
ORDINANCE NO. 9826 (N.S.)

SAN DIEGO COUNTY CODE TITLE 6, DIVISION 7

CHAPTER 7 GROUNDWATER

Sec. 67.701 Short Title.

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

Sec. 67.702 Purpose and Intent.

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

Sec. 67.703 Definitions.

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

Director: The Director of Planning and Land Use.

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

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

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

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

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

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

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

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

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

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

Article 2.

General Regulations

Sec. 67.710 Director to Enforce.

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

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

Sec. 67.711 Application.

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

General Plan and Specific Plan Adoptions and Amendments

Tentative Parcel Maps

Tentative Maps

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

Expired Tentative Parcel Maps and Expired Tentative Maps

Zoning Reclassifications Amending Use Regulations Applicable to Particular Property

Major Use Permits

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

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

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

Article 3.

Development Criteria

Sec. 67.720 Borrego Valley.

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

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

Sec. 67.721 Groundwater Impacted Basins.

- A. Identification and Mapping. Areas within the County which are characterized by one or more of the following groundwater problems shall be known as Groundwater Impacted Basins and shall be identified and mapped:
1. Low yielding wells having an overall average yield of less than 3 gallons per minute.
 2. Basins with previously approved developments at a parcel size smaller than those stated in the table in paragraph A of Section 67.722 and in excess of available water resources.
 3. Declining groundwater levels and a measurable groundwater overdraft.

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

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

67.722 All Other Projects.

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

A. Residential Density Controls.

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

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

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

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

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

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

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

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

* Excluding remainder parcels and "not a part" areas

Sec. 67.750 Exemptions.

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

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

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

Attachment D-5

Draft Rural Subdivision Design and Processing Guidelines

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General Plan Update
Draft Rural Subdivision Design and
Processing Guidelines

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1.0 INTRODUCTION

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

1.1 Applicability

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

1.2 How to Use this Document

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

1.3 Purpose

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

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

2.0 PLANNING PROCESS

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

2.1 Step 1: Initial Feasibility Considerations

Designing, obtaining approval, and implementing a subdivision is a timely and costly venture, and is not without pitfalls. While the County makes every effort to assist landowners with the subdivision of their land, approval is not a certainty and rural lands often pose many challenges that may make a subdivision infeasible even when its density designations allow for it. Applicants should understand this risk and the potential costs associated with processing and implementing a subdivision prior to proceeding.

2.1.1 Initial Consultation

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

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

2.1.2 Development Yield

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

2.1.3 Costs

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

Table 1: Typical Processing Costs

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

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

2.1.4 Fatal Flaws

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

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

2.2 Step 2: Resource Inventory Mapping

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

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

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

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

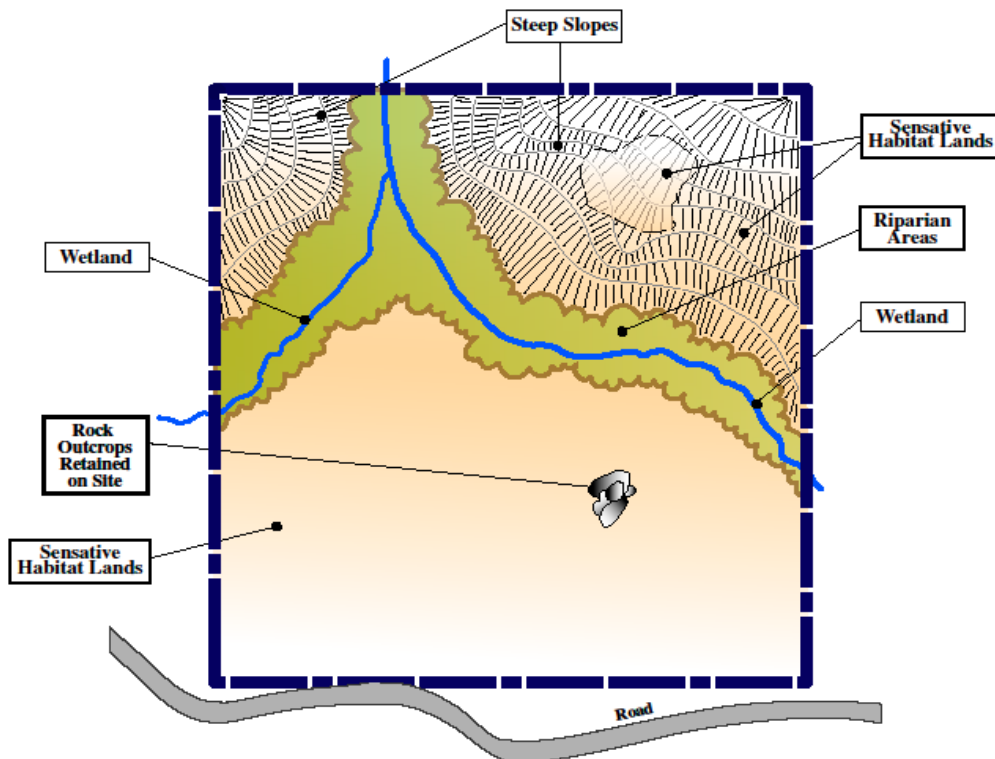


Figure 1: Sample inventory and mapping of existing resources (40 acre site)

2.3 Step 3: Preliminary Regulatory Review

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

2.4 Step 4: Conceptual Site Planning

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

2.4.1 Identifying Areas for Avoidance (Open Space)

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

Table 2: Avoidance of Environmental Resources

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

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

1. **Conserve the largest blocks possible of unfragmented and interconnected open space.** The open space for a site should develop around the largest area or concentration of environmental resources on that site. An attempt should be made to maximize the amount of environmental resources contained within one single open space area.
2. **Avoid creating slivers of open space or fingers of open space that extend in and around development; provide the lowest amount of interface between open space and development – referred to as maximizing the surface area to perimeter ratio.** Small strips or areas of environmental resources that lie within portions of the site that will be developed require careful consideration. These areas should be left out of the designated open space or the open space should be extended to include them and their surrounding area so that they have substantial connectivity to the open space. In determining the appropriate approach, consider the value of the environmental resources, any other regulations that may require their avoidance, and the gains for development if the resources are not avoided. Also note that environmental resources located outside of open space areas will be considered impacted and must be mitigated.
3. **Create the maximum amount of connectivity between on and off-site resource areas.** Linked open space areas are conducive to wildlife movement and support the

development of native habitat. Whenever feasible open space areas should be linked to neighboring open space areas. Avoid creating isolated open space areas.

4. **Maintain patterns of diversity within the landscape such as multiple habitat types, varying topography, agriculture, etc.** Open space areas which are fragmented or isolated disrupt the natural development of habitat and should be avoided. To the maximum extent possible, the rural characteristic of the site should be maintained.
5. **Preserve particularly unique and/or sensitive resources in the core of open space areas or such that they are sufficiently buffered to achieve the same practical effect.** To the maximum extent possible, a site's most unique or sensitive resources should be located farthest from areas intended for development. In situations where this is not feasible, buffering should be provided to ensure the resources are not impacted. Sensitive resources located along a development's perimeter should be buffered from adjacent developments and public roads.

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

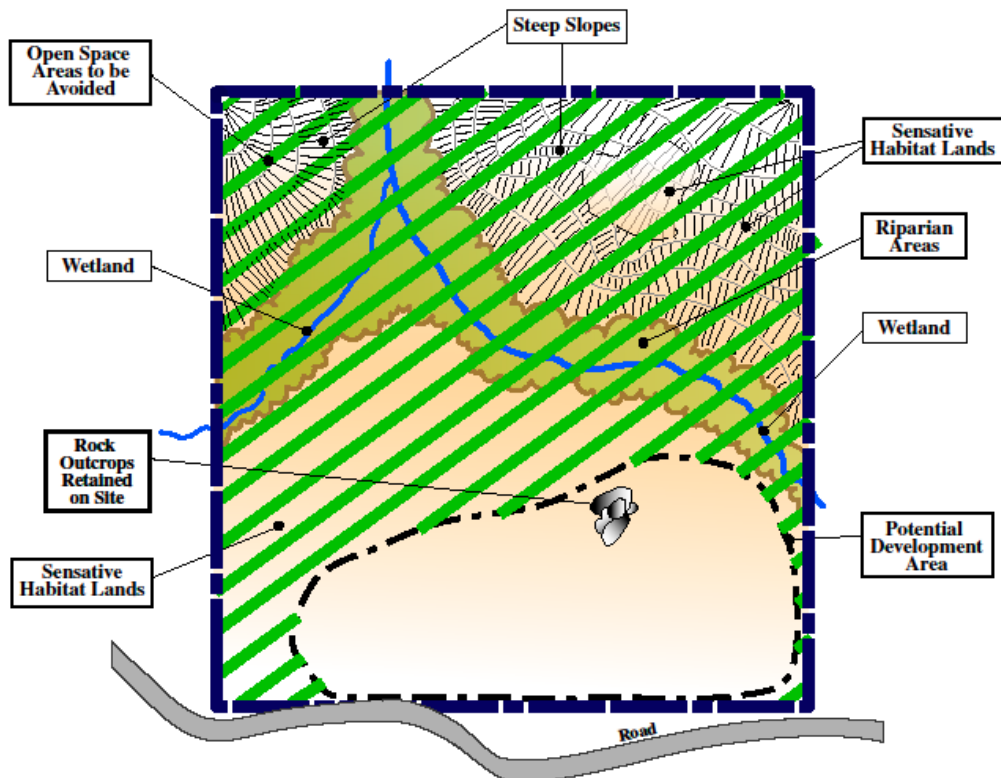


Figure 2: Potential Development Areas

2.4.2 Locating Housing Sites

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

1. **Locate the development in areas that minimize impacts to environmental resources so that every effort has been made to avoid impacts to environmental resources.** Compliance with this requirement will largely be achieved through the process of identifying areas for avoidance under the prior section. However, this requirement urges subdividers to go further. While minimum avoidance percentages are specified, subdividers should achieve the maximum amount of avoidance possible when locating housing sites.
2. **Locate and design the development in a manner that maximizes defensibility from wildland fires and accommodates all necessary fuel modification on-site.** Homes and other habitable structures require areas where the vegetation can be managed in a way to reduce the fire risk to the home. These areas are referred to as fuel modification zones. These areas typically extend 100 – 200 feet from the structure and are not allowed to extend into the designated open space areas. Defensibility is also improved by locating home sites closer together, eliminating open space/fuel loads between homes, setting back homes from slopes or other areas of increased fire intensity, and several other techniques. It is advised that subdividers consult a fire planning professional on this issue. Ultimately a fire protection plan must be prepared by such a professional and submitted to the County as part of the discretionary permit process. Additional information regarding County approved consultants can be found in chapter 4.9.

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

1. **Community compatibility** – The residents of San Diego County’s unincorporated communities and rural areas have chosen to reside in these areas largely due to its environmental setting of hillsides, valleys, deserts, agriculture, low density rural character, and lack of congestion. As development occurs, it must be managed to protect these assets. Consideration should be given to surrounding land uses when locating housing sites. Development on the perimeter of the site should give consideration to protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potential adverse influences within the development. For example, housing sites should not be located in close proximity to neighboring agriculture operations without proper buffering. In addition, housing sites should be located away from public roads and trails in order to preserve homeowner privacy.

2. **General and Community Plan compliance** –The County’s General Plan and Community Plans are intended to guide development to reflect the character and vision of residents within the unincorporated portions of the County. Compliance with the General and community plans goals and policies ensures that new development is in keeping with a community’s vision. Particular focus should be given to the goals and policies of the land use element. The rural character of the area should be maintained to the greatest extent feasible.
3. **Steep Slopes and Landform Modification**– Development within steep slopes may contribute to slope instability. Engineering measures may be required to mitigate risk. Applicants should be aware that in general, engineering solutions are more costly in terms of design and construction. To the maximum extent possible home sites should not encroach into steep slopes. However, in accordance with the requirements of the Slope Encroachment Regulations contained within the Resource Protection Ordinance, a project may encroach into steep slopes in order to avoid impacts to environmental resources that cannot be avoided by other means.

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

4. **Aesthetics** – Preservation of scenic resources, including vistas of important and unique features, is among the County’s goals to protect visual resources. Siting and design can minimize visual impacts. Housing sites should not be located on ridgelines, hilltops, along peripheral public roads or visually prominent areas. The housing sites should relate harmoniously to the topography of the site and make suitable provisions for the preservation of views. Excessive grading of slopes should be avoided, see #3 above. Clustering of development to preserve open space vistas and natural features is encouraged.
5. **Hydrology and Water Courses** – Housing sites should be located to avoid impacting natural drainage patterns on the site. This includes grading or other land disturbance which may alter, redirect or intensify the flow of water on and off site. Additionally, housing sites must be located out of floodways and although discouraged, may be located within a floodplain if the pad sites are engineered properly. The County Resource Protection Ordinance also requires that lot configuration be designed in such a manner as to minimize encroachment into a floodplain and requires proposed development be set back from the floodway boundary a distance equal to 15 percent of the floodway width. See the Resource Protection Ordinance discussion at Section 4.3 for further information on this ordinance.
6. **Infrastructure** – Housing sites should be located within proximity of on-site infrastructure. This design consideration will avoid the need to incorporate excessively lengthy water or sewer lines or additional paved driveway areas to

access the home site resulting in a more compact and sustainable subdivision design. Also, homes should be central to common use areas and provide for equal access opportunities for all home sites within a subdivision.

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

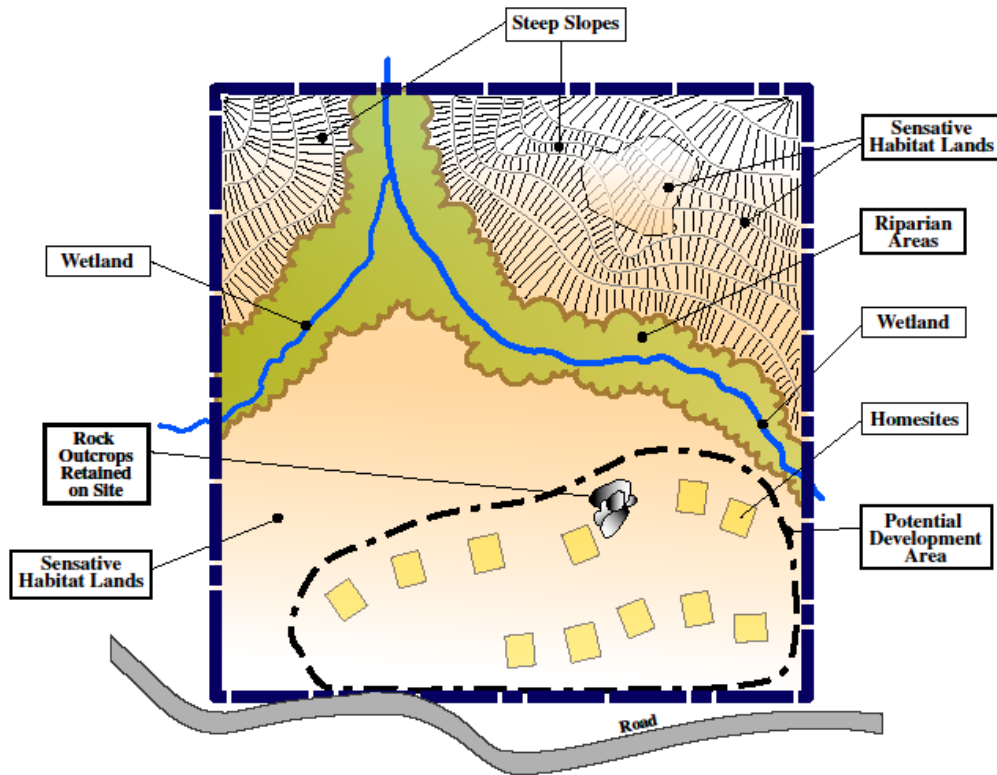


Figure 3: Housing Sites

2.4.3 Aligning the Streets

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

1. **Secondary Access.** Secondary access is necessary to ensure adequate emergency service if dead end roads exceed County standards. Access to Mobility

Element roads is limited; however, this does not override requirements to provide secondary access. In addition to identifying a secondary access route, access rights must be obtained to the secondary access route if a private easement road is utilized. Gated entries must also meet certain criteria. Subdividers should refer to the County Fire Safety Guidelines to determine the applicable access requirements. Additional Information regarding secondary access is detailed in chapter 4.5

2. **Connectivity.** A continuous network where roads have enhanced connectivity facilitates multiple routes of travel. This enables vehicles to avoid areas when roads are congested or closed. In addition, a network with enhanced connectivity provides multiple evacuation routes during emergencies such as wildfires. Streets should be linked to abutting networks. In situations where future development is likely to occur on a neighboring site, provisions should be made to enable future connectivity. Public street networks are preferred over private networks.
3. **Streets should be configured to minimize the length required to serve the subdivision.** Long cul-de-sacs should be avoided. Clustering of development to reduce street lengths is encouraged. Standards exist which identify the maximum length of a dead-end street (including cul-de-sacs). Subdividers should refer to the County Fire Safety Guidelines to determine the applicable street length. See Section 4.5, Infrastructure and Services discussion for further information on fire safety requirements.
4. **Access points to public streets should be limited.** It is intended that Mobility Element roads provide public mobility with minimum interference from local traffic as it accesses a Mobility Element road. Therefore, Mobility Element roads require access control to minimize traffic conflicts. Depending on the road classification and traffic signals, turn lanes and other traffic safety devices may need to be incorporated into a project's design. Sight distance and intersection offset requirements may apply.
5. **Streets should be aligned to conform to existing land contours and minimize grading.** Grades above 15% may require mitigation measures from the local fire district. In no case should the street grades exceed 20%. Additionally, finished slopes associated with street construction should be minimized to avoid visual and aesthetic impacts.
6. **Public and Private streets shall conform to County Standards.** The County has adopted street standards for both public and private roads. A subdivider should familiarize him/herself with the applicable standards to ensure the street alignment and dimensions conform to County standards. Please note that certain specific community right-of-way standards exist which are unique to the particular community proposed for development.
7. **Street standards modification process.** In certain instances where County standards may be impractical or present an undue hardship, a modification may be considered. The Director of Public Works may make modifications to these standards where the application of the standards to a specific situation will result in an unusual and unreasonable hardship provided, however, that the Director of

Public Works determines that such modification is in conformity with the spirit and intent of applicable ordinances and the approving authority.

Figure 4 provides an example approach to aligning streets.

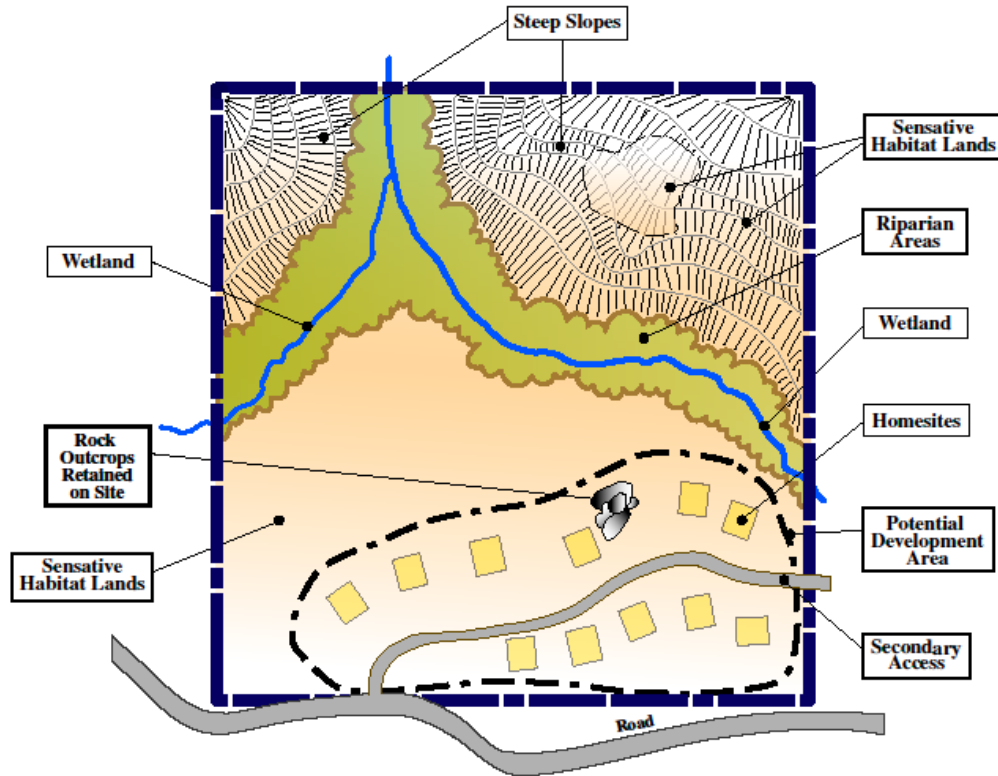


Figure 4: Aligning streets and trails

2.4.4 Lot Design

The final step is creating lot lines. Lot lines should be plotted out to correspond to each housing site. In practice, lot lines are generally drawn midway between house locations and may include panhandle shaped lots provided the lots conform to the County's Subdivision Ordinance. Every lot shall contain the minimum lot area specified in the Zoning Ordinance for the zone in which it is located. In cases where a minimum lot area is not specified, the minimum lot size shall be 6,000 square feet. The following items should be considered before lot lines are created:

1. **Applicable Setbacks** - Consideration should be given to the applicable setbacks for the subdivision since the lot dimensions need to incorporate the housing site in addition to the setback requirements to provide adequate development area. Consideration should be given to surrounding development patterns.

2. **Responsibility/Maintenance of Open Space** – Before lot lines are plotted, project design should take into account how open space located on the site will be maintained or managed, with additional consideration regarding who will be in charge of its stewardship. Lots should be designed to allow for access to the open space for on-going maintenance as well as assuring the identified parties responsible for said maintenance have access.
3. **Private Usable Open Space** – Lots lines should be designed to assure that adequate areas for usable private open space on the lot have been identified such that they can be used and are easily accessible.
4. **Lot Line Design** – Generally, lot lines should be located in conformance with the applicable design standards of Section 81.401 of the Subdivision Ordinance. Lot lines should maintain a linear configuration without unnecessary jogs and turns to the maximum extent possible. This assists in orderly subdivision design and avoids confusion for future property owners when trying to determine the legal lot limits of their properties.

Figure 5 provides an example of approach to lot design.

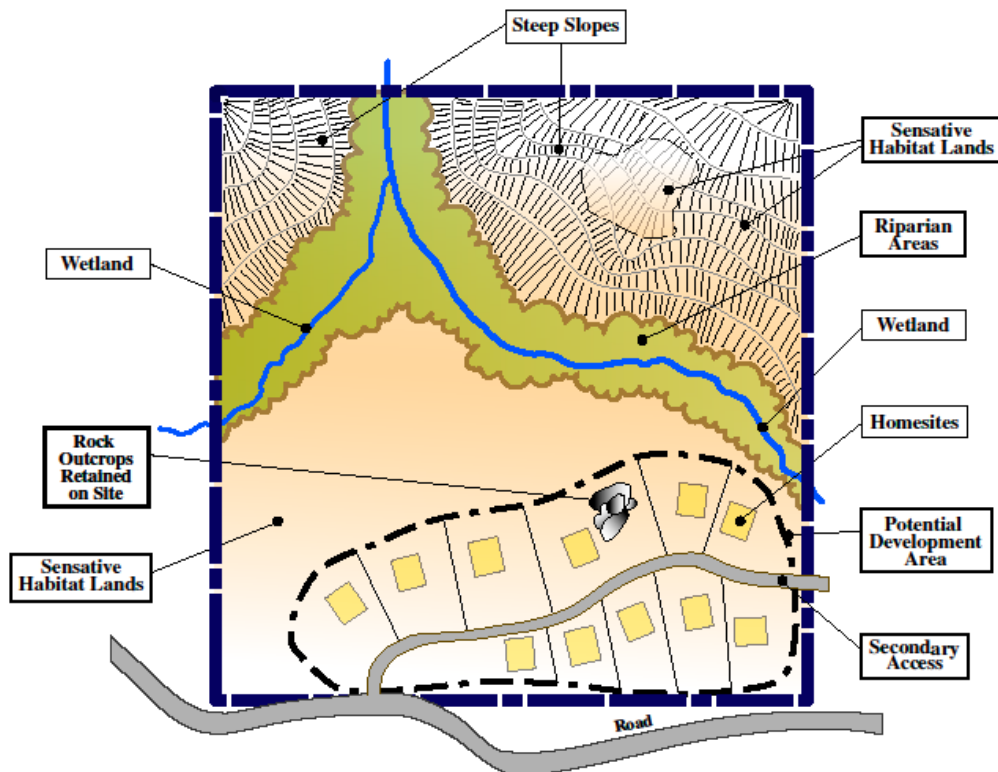


Figure 5: Lot Design

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

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

Note: Lot Area Averaging and/or Planned Residential Development applications must be filed concurrently with a subdivision application when reduced lot sizes are proposed.

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

2.5 Step 5: Regulatory Review and Refinement

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

2.6 Step 6: Submittal to the County

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

2.6.1 Pre-application Process

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

2.6.2 Initial Consultation Application

Applicants can choose to first conduct a less formal voluntary initial consultation application meeting to review basic site issues, site layout and discuss the County approval process. Initial Consultation meetings are optional; however, they can be beneficial in further refining the final conceptual plan prior to submittal of a mandatory Major Pre-Application (in the case of Tentative Maps) or prior to formal submittal of a Tentative Parcel Map for discretionary review.

2.6.3 Major Pre-Application

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

2.6.4 Community Planning Groups

It is also strongly encouraged that applicants seek input from the local community planning group prior to attending a pre-application meeting and/or prior to submittal of a discretionary application to the County. Community groups are involved in providing recommendations on projects to planning staff and County decision makers during the

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

2.6.5 Project Submittal and Intake

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

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

3.0 COUNTY APPROVAL PROCESS

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

3.1 Scoping

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

3.1.1 Review of Project Completeness

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

3.1.2 Project Analysis

During the scoping process, the DPLU Project Manager will review the project to ensure compliance with: County General Plan and community plans, Board Policies, applicable codes and ordinances, and any other relevant policies or findings which must be satisfied. Major issues associated with the project should have been identified during the pre-application process for Tentative Maps or the initial consultation for Tentative Parcel Maps.

3.1.3 California Environmental Quality Act (CEQA) Review

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

3.1.4 Scoping Letter

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

3.2 Iteration Review

Upon project resubmittal, County staff will review the submitted information and provide additional comments and input as necessary. The assigned County project manager will also contact the applicant, as necessary, to discuss the content of the letter. The project resubmittal may be redistributed to the applicable community planning group depending on the scope of the proposed project revisions. See Section 2.6.4 for further explanation of the community planning group's role in the planning process. This iterative process may be repeated until project issues have been rectified and the CEQA documentation has been deemed complete. The pre-application or initial consultation process initiated prior to formal project submittal should ultimately lead to less iteration reviews.

3.3 Public Review

Pursuant to CEQA, environmental documents prepared for projects may be required to be circulated for public review for a period of 45 days depending on the type of CEQA document prepared. At the end of public review, public comments are reviewed and addressed. Public comments may necessitate design changes or lead to recirculation of the environmental document depending on the nature of the comments received. Projects determined to qualify for a Notice of Exemption or which rely on a previously approved environmental document do not need to be circulated for public review.

3.4 Decision

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

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

3.5 Post Approval

3.5.1 Recordation Process

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

3.5.2 Building Permits

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

4.0 REGULATIONS AND STANDARDS

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

4.1 General & Community Plans

General Plan Conformance

The County of San Diego's General Plan sets forth goals and policies that may affect density, lot size, and or design of a project. The plan is broken in to elements including Open Space, Circulation, and Noise. The General Plan should be reviewed and the applicable element identified to ensure they are consistent with the proposed project.

Community Plan Conformance

Community plans set forth goals and policies specific to each community. Similar to the General Plan, each community plan will be separated into specific chapters or "elements" such as mobility or land use which address specific issues unique to each community. The community plan applicable to a proposed project should be reviewed to ensure that the project is consistent with the plan.

Specific Plans

Several communities in the County have adopted Specific Plans. The Plans are applicable within specific geographic boundaries. The Plans set forth a community's vision for the future. Specific Plans should be reviewed to ensure a project complies with applicable design standards.

Design Review Guidelines

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

4.2 Applicable Processing Regulations

Zoning Ordinance

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

Subdivision Ordinance

The County's Subdivision Ordinance establishes the requirements and procedures for subdividing land within the unincorporated area of San Diego County. In addition, the

ordinance sets forth lot design criteria, roadway and trail requirements as well as other design consideration. The Subdivision Ordinance also contains provisions for modifying and or waiving requirements of the ordinance. Project applicants should review the ordinance to ensure the project complies with the applicable requirements.

California Environmental Quality Act (CEQA)

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

4.3 Biology

Multiple Species Conservation Program (MSCP)

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

The existing South County MSCP Subarea Plan is divided into “segments“. Two of the segments contain mostly “hardline“ areas in which the landowners have negotiated with the Wildlife Agencies and County for areas that will be set aside as preserve lands in perpetuity. In return, there are also areas approved for development. The third segment of the South County Subarea Plan does not have “hardline“ MSCP designations, but does include land that has been identified for its biological importance. In this area, an ordinance for addressing biological mitigation provides incentives to develop within the less important habitat areas and preserve lands identified as biologically important (Biological Mitigation Ordinance). There are also specific provisions that address the

need to protect important populations of rare and endangered species. Certain areas within the MSCP have been defined as Pre-Approved Mitigation Areas (PAMA). Subdivision projects within PAMA will need to conform to preset criteria and guidelines in order to conform to the MSCP. Further information can be obtained at: [www.sdcounty.ca., gov/dplu/mscp/index.html](http://www.sdcounty.ca.gov/dplu/mscp/index.html)

Biological Mitigation Ordinance (BMO)

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

Habitat Loss Permit (HLP)

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

4.4 Critical Resources

Resource Protection Ordinance (RPO)

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

4.5 Water Quality

Stormwater

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

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

Hydrology

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

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

Low Impact Design (LID)

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

4.6 Infrastructure and Services

Fire Safety

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

Water, Sewer, Fire, and School Service Availability

It is advisable to coordinate with service providers during the site analysis phase of a project. Obtaining "will serve" letters from service providers such as sewer districts, water districts, fire districts and school districts will ensure service providers have the capacity to absorb a project and flush out potential design constraints. The requirement

to obtain will serve letters is part of a County Board Policy. The requirements of the Board Policy prohibit the DPLU from approving any project in which an affirmative will service letter has not been obtained from the service provider. Further information can be obtained at <http://www.sdcounty.ca.gov/cob/docs/policy/l-84.pdf>

Septic

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

Groundwater

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

Private Wells

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

Water Systems

In addition to private wells, DEH regulates Small Water Systems and Community Water Systems. A Small Water System is a public water system that has 5 to 14 service connections, and does not regularly serve potable water to more than 25 individuals for more than 60 days out of the year. An example would be a small residential community with 10 homes served by a single water supply. A Community Water System is a public water system that has 15 to 199 service connections used by year-long residents, or regularly serves at least 25 year-long residents. Water systems that have 200 or more service connections used by year-long residents are regulated by the State of California

Department of Public Health. An example would be a community with residential homes served by a single water system. Project applicants intending to utilize a water system to provide potable water should consult with DEH during the design phase to ensure the water system regulations are incorporated into the projects overall design. Further information can be obtained at: http://www.sdcounty.ca.gov/deh/water/lu_sws.html

4.7 Transportation

Circulation

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

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

Trails

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

4.8 Other Considerations

Moratoria

Several areas of the County are subject to development moratoria. The County Code of Regulatory Ordinances prohibits acceptance of applications for projects located in moratorium areas. Call Zoning/Subdivision Information at (858) 565-5981 to determine if a project site is subject to a moratorium.

Board Policies

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

Noise

It is the County's policy to regulate noise at both the source and receiver site. Projects which may be exposed to noise levels in excess of 60dBA CNEL should consult the noise element and noise contour maps as they may be subject to regulations that impact a project's overall design. Potential impacts to a subdivision as a result of off-site noise would require submission of a noise study. This could result if a proposed subdivision located adjacent to or within close proximity to a County Mobility Element Road or a freeway.

Hazardous Materials

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

Agriculture

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

Cultural and Historical Resources

Cultural Resources are found throughout the County of San Diego and are reminders of the County's 10,000 year old historical record. Although cultural resources are typically located in protected areas near water sources and multiple ecoregions, the potential exists to site proposed subdivisions in areas that may have significant cultural and historic resources. Subdivisions should be designed to avoid identified cultural or historical areas and preserve such significant areas when on site. A cultural study may be required in conjunction with a subdivision application if cultural or historical resources are identified on a site or when a project site is within close proximity of a known cultural

resource. Further information can be obtained at:
http://www.sdcounty.ca.gov/dplu/docs/Cultural_Guidelines.pdf

Airports

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

4.9 CEQA Consultant List

A proposed subdivision application may trigger the need for extended studies, based on the above factors, and others, to determine whether an environmental impact exists as a result of the project. Pursuant to the County CEQA Guidelines, the Department of Planning of Land Use selects lists of individuals (not firms) that are approved to prepare CEQA documents for the County for privately initiated projects through a Request for Qualifications (RFQ) and selection process. Consultant lists are reestablished periodically. Applicants are responsible for selecting and directly contracting with specific consultants from the County's list to prepare CEQA documents for private projects. Prior to the first submittal of a CEQA document prepared by a listed consultant for a private project, the applicant, consultant, consultant's firm (if applicable) and County shall execute a Memorandum of Understanding (MOU) or similar agreement that addresses payment, communications, confidentiality of information, and report preparation and handling. Consultants that prepare CEQA documents for County initiated projects will continue to be selected through the standard County procurement process. Further information can be obtained at:
<http://www.sdcounty.ca.gov/luegdocs/DPLU%20PROCEDURES/REGULATORY%20PLANNING/REFERENCE%20DOCUMENTS/CEQA%20CONSULTANT%20LIST.pdf>

References

- County of San Diego, Biological Mitigation Ordinance, Ord. Nos. 8845, 9246, 1998 (new series). (www.co.san-diego.ca.us)
- County of San Diego, An Ordinance Amending the San Diego County Code to Establish a Process for Issuance of the Coastal Sage Scrub Habitat Loss Permits and Declaring the Urgency Thereof to Take Effect Immediately, Ordinance No. 8365. 1994, Title 8, Div 6, Ch. 1. Sections 86.101-86.105, 87.202.2. (www.amlegal.com)
- County of San Diego, Multiple Species Conservation Program, County of San Diego Subarea Plan, 1997.
- County of San Diego Department of Environmental Health, Land and Water Quality Division, February 2002. On-site Wastewater Systems (Septic Systems): Permitting Process and Design Criteria. (www.sdcounty.ca.gov)
- County of San Diego, Consolidated Fire Code Health and Safety Code §13869.7, including Ordinances of the 17 Fire Protection Districts as Ratified by the San Diego County Board of Supervisors, First Edition, October 17, 2001 and Amendments to the Fire Code portion of the State Building Standards Code, 1998 Edition.
- County of San Diego, Groundwater Ordinance. #7994. (www.sdcounty.ca.gov, <http://www.amlegal.com/>,)
- County of San Diego, Guidelines for Determining Significance and Report Format Requirements, (<http://www.sdcounty.ca.gov/dplu/procguid.html#guide>)
- County of San Diego, LID Handbook, December 2007. (www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf)
- County of San Diego, Traffic Guidelines, September 2001 (www.sdcounty.ca.gov/dplu/trficguide.pdf)
- County of San Diego, Watershed Protection, Storm Water Management, and Discharge Control Ordinance, Ordinance Nos. 9424 and 9426. Chapter 8, Division 7, Title 6 of the San Diego County Code of Regulatory Ordinances and amendments. (www.amlegal.com)
- County of San Diego, Department of Planning and Land Use. The Zoning Ordinance of San Diego County. (www.co.san-diego.ca.us)
- County of San Diego, General Plan as adopted and amended from September 29, 1971 to April 5, 2000. (ceres.ca.gov)
- County of San Diego. Resource Protection Ordinance, compilation of Ord. Nos. 7968, 7739, 7685 and 7631. 1991.
- Design Review Guidelines for the Communities of San Diego County.
- Wisconsin's Assembly Committee on Natural Resources, a Model Ordinance for a Conservation Subdivision, February 2001. (http://www.doa.state.wi.us/dhir/documents/conserv_subdiv_Model_ordinance_Feb2001.pdf)

Appendix E

Unrecorded Subdivisions Review

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							
Tentative Maps													
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	Fruilla Inc.	March 12, 2010	(17) 1 du/2, 4 ac	SR4/SR10	SR10	SR4/SR10	SR2	Unknown	No	Yes	No	MINOR
Tentative Parcel Maps													
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	Pijnenberg	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

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UNRECORDED SUBDIVISIONS REVIEW

TM4700

Change Necessary:

Change land use designation from RL20 to SR1

Community Recommendation	Unknown
Opposition Expected ¹	Yes
Spot Designation/Zone	No
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

Jaoudi Country Estates

Size:

76 acres, 2 existing parcels
60 residential lots approved

Date approved:

February 2, 2005

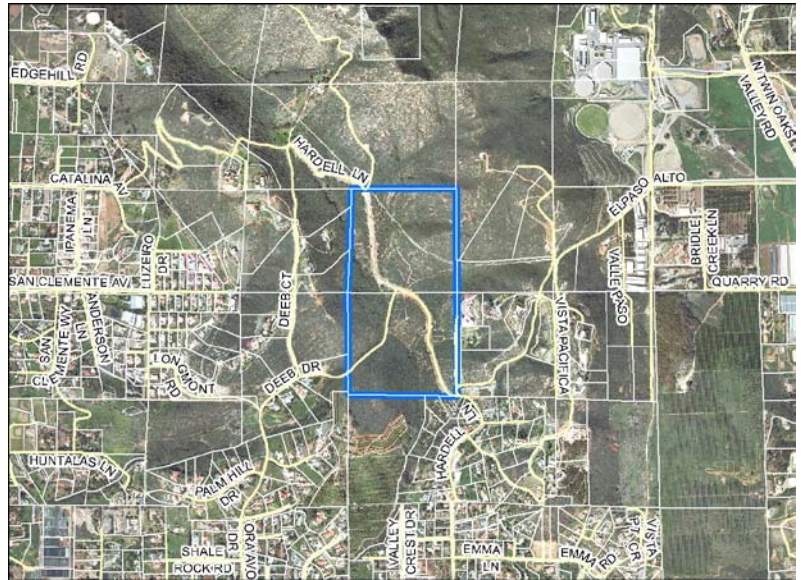
Location/Description:

North County Metro (Twin Oaks)

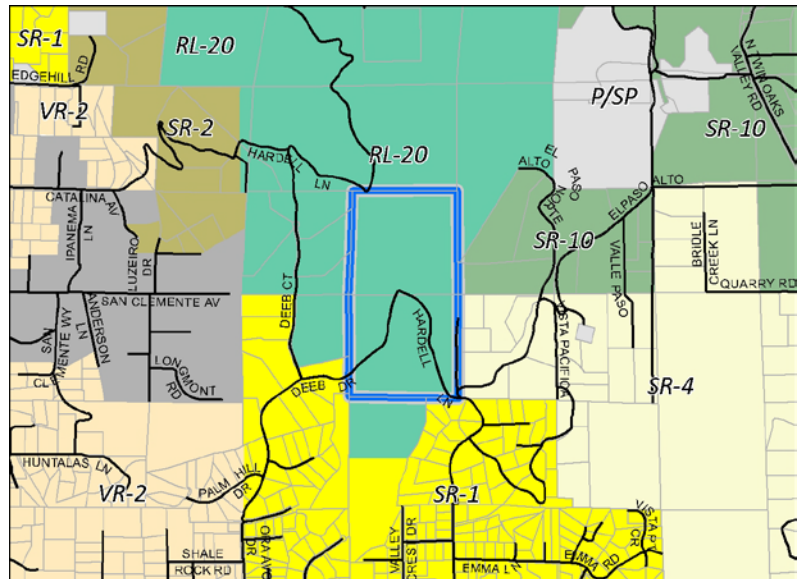
Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- ◐ Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones



Aerial



PC/Staff Recommendation

Land Use

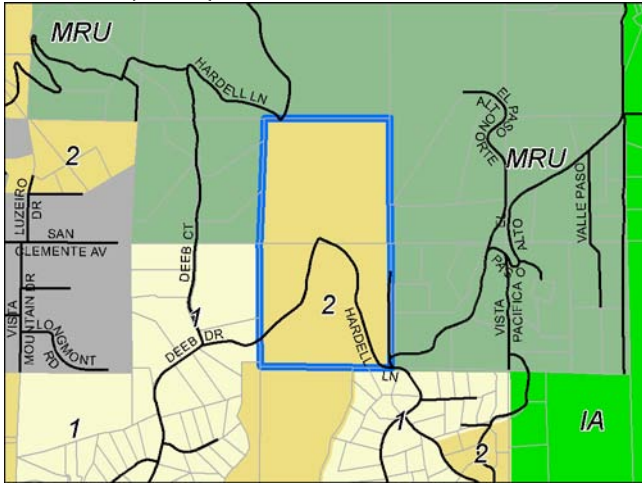
General Plan	
Scenario	Designation
Existing General Plan	1du/ac
PC / Staff Recommendation	RL20
Referral	RL20
Hybrid	RL20
Draft Land Use	RL20
Environmentally Superior	RL20
Zoning	
Existing — RR, 1-acre minimum lot size	
Proposed — Same	

Discussion

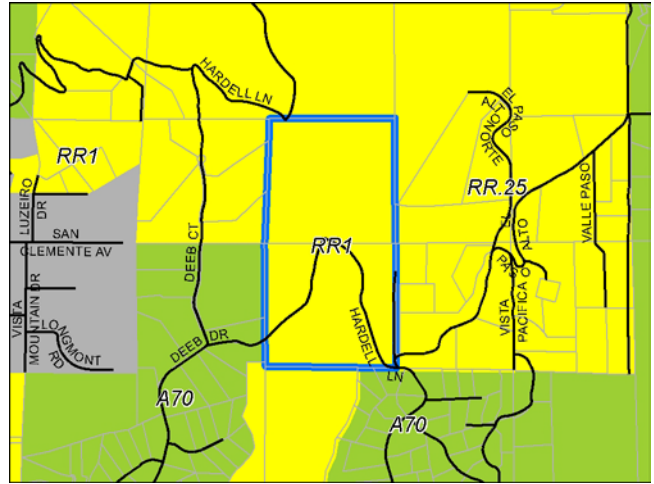
The lot to the south is 31.4 acres and about half (15 ac) is proposed for RL20 and the remainder is proposed for SR1. If the TM4700 parcels are designated as SR1 then the lot to the south should be entirely SR1 as well to avoid a spot of RL20. Due to steep slopes, making this change compared to the PC/Staff Recommended map appears to net approximate 7units more. This change will require additional environmental review but is not anticipated to require significant changes to conclusions or other documents already prepared for the project because of the relatively small area and the proximity to other developed areas.

UNRECORDED SUBDIVISIONS REVIEW

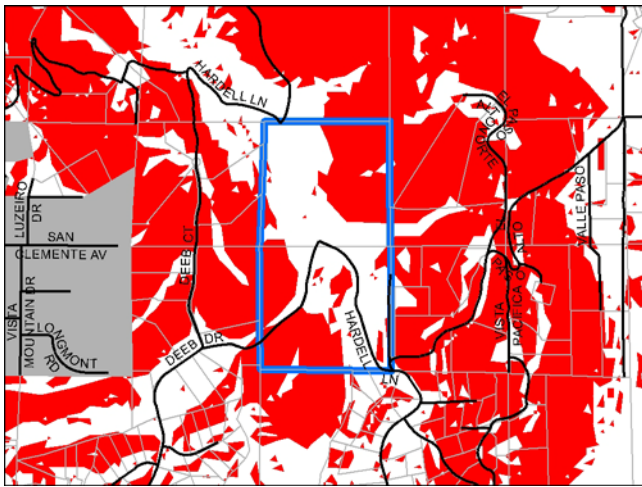
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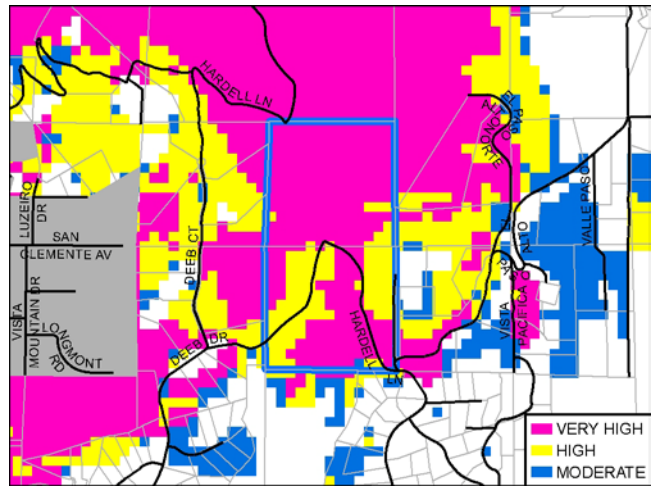
Existing General Plan



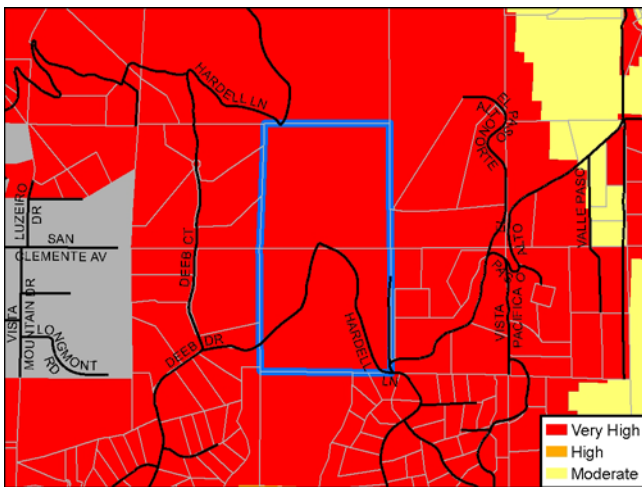
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TM5158

Change Necessary: Expanded SR4 area	
Community Recommendation	Unknown
Opposition Expected ¹	Maybe
Spot Designation/Zone	No
EIR Recirculation Needed	No
Level of Change	Minor

Note:
1- Based on staff's experience

Project Description

Application Name:
CPH Vista Palisades

Size:
377 acres, multiple existing parcels
36 residential lots approved

Date approved:
October 26, 2006

Location/Description:
Bonsall, North County Metro (Twin Oaks)

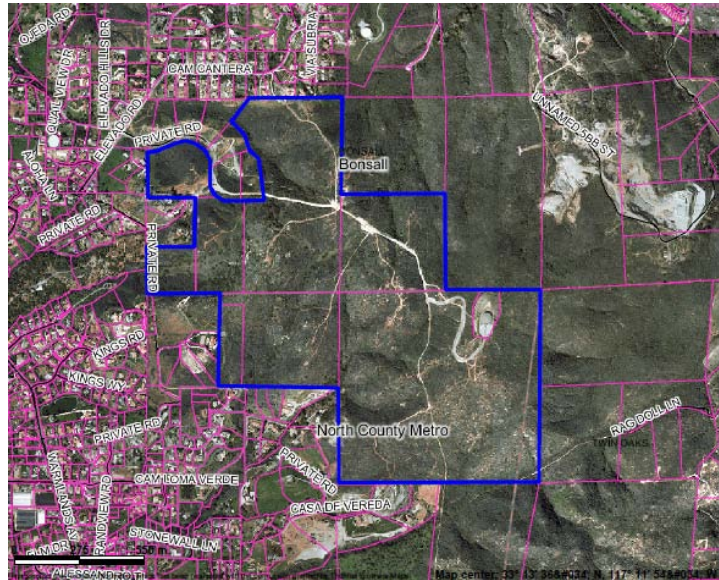
Prevalence of Constraints (See following page):

● – high; ◐ – partially; ○ - none

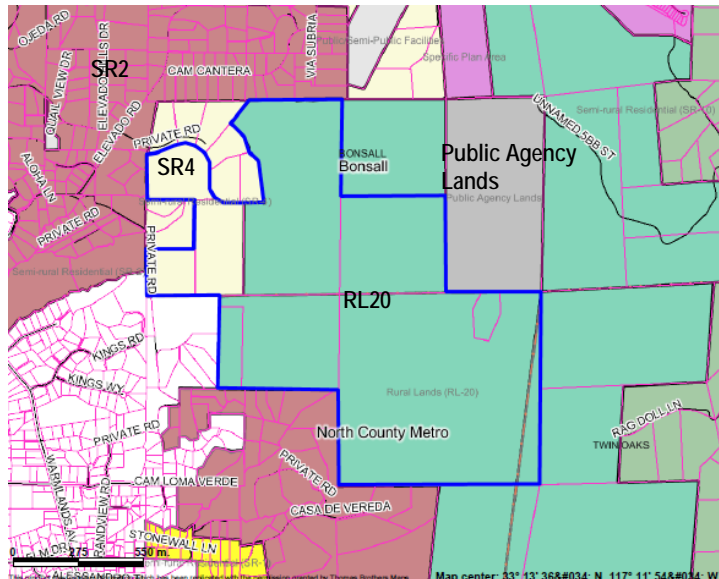
- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use

<i>General Plan</i>	
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	SR4 & RL20
Referral	SR4 & RL20
Hybrid	SR4 & RL20
Draft Land Use	SR4 & RL20
Environmentally Superior	SR4 & RL20
<i>Zoning</i>	
Existing —	RR, 4-acre minimum lot size
Proposed —	Same



Aerial



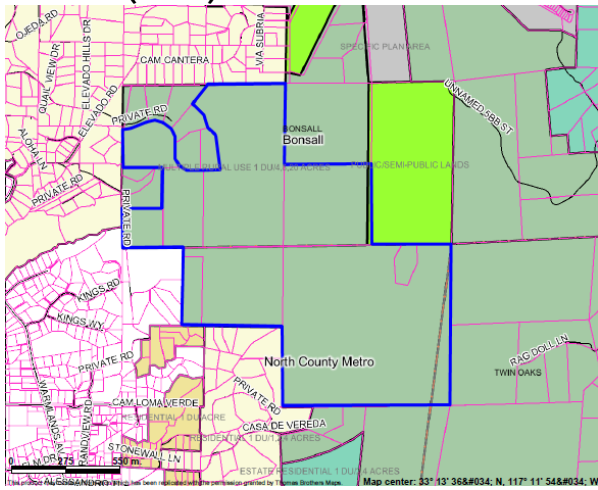
PC/Staff Recommendation

Discussion

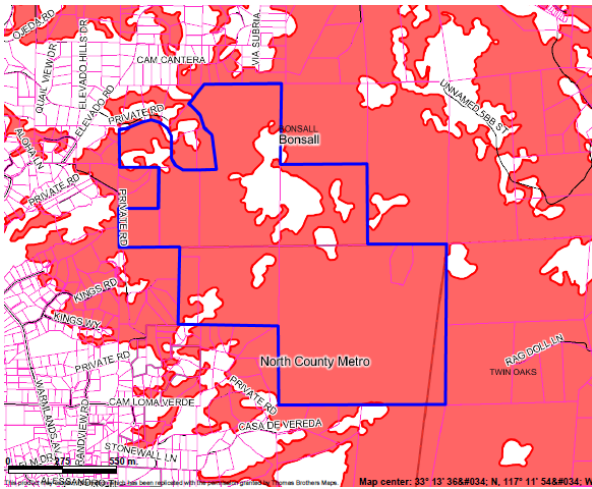
The most appropriate fix would be to take the western ~290 acres to SR4 which would allow for the approved number of lots given the slop constraints. The eastern ~80 acres should remain at RL20.

UNRECORDED SUBDIVISIONS REVIEW

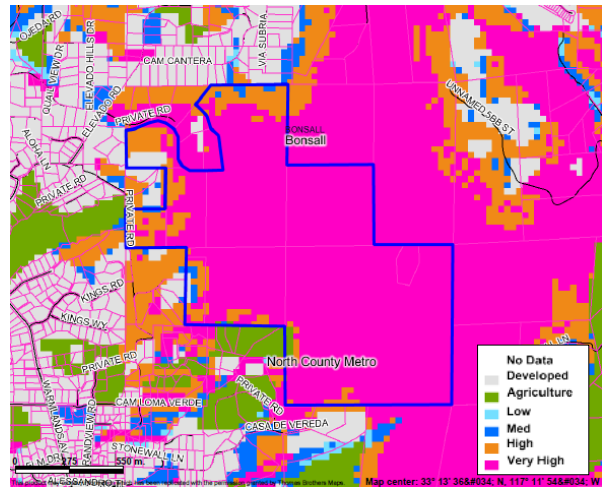
TM5158 (cont.)



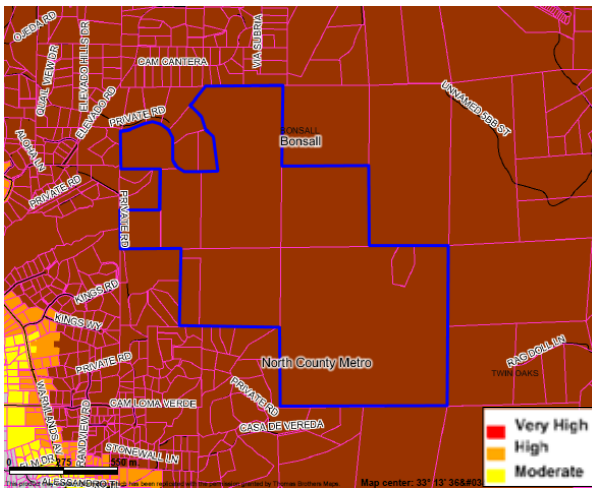
Existing General Plan



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TM5194 (also reviewed as RM15)

Change Necessary:

Change land use designation from RL40 to SR4

Community Recommendation	SR4
Opposition Expected ¹	No
Spot Designation/Zone	No
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

Teyssier L & M Family

Size:

273 acres, multiple existing parcels
36 residential lots approved

Date approved:

July 31, 2006

Location/Description:

Ramona

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- ◐ Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

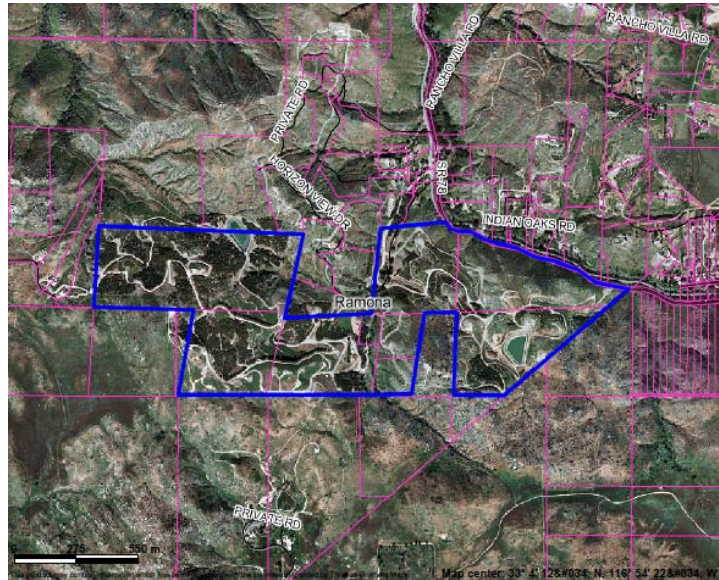
Land Use

General Plan

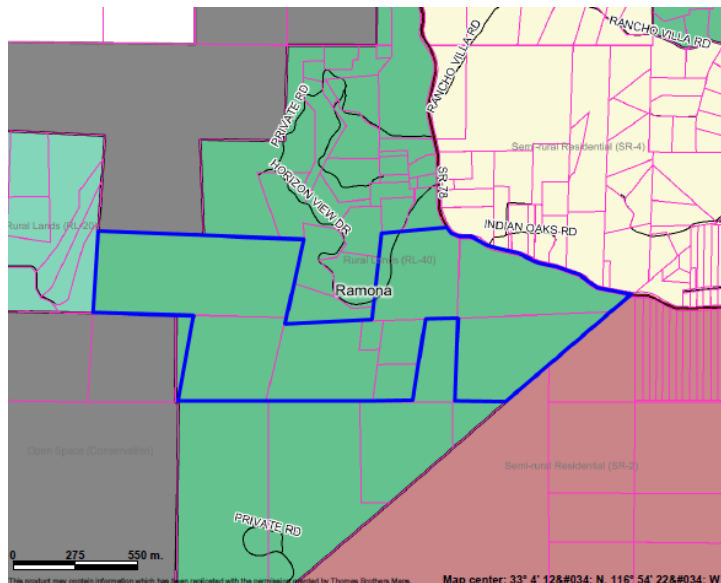
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	RL40
Referral	RL40
Hybrid	RL40
Draft Land Use	RL40
Environmentally Superior	RL40

Zoning

Existing — A70, 8-acre minimum lot size
Proposed — Same



Aerial



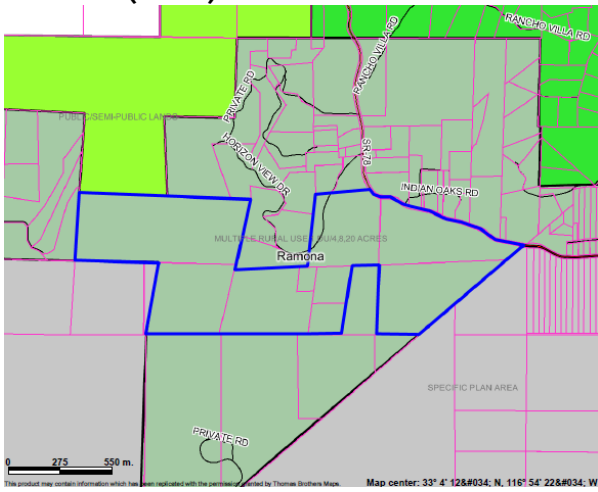
PC/Staff Recommendation

Discussion

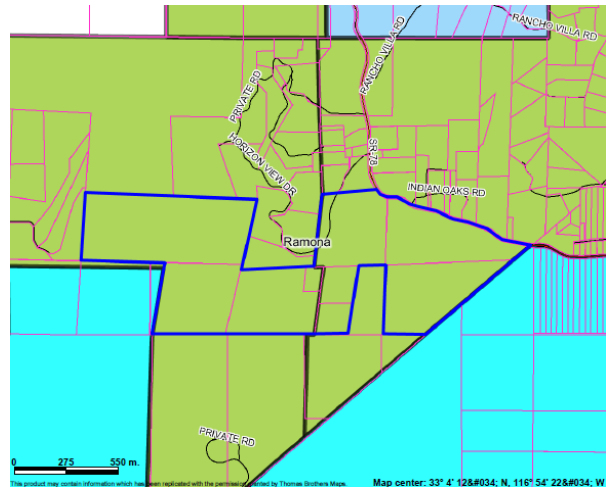
To reflect this TM, the project site should be designated SR4. This change along would not be a spot because of the SR4 proposed across SR-78, however, it could also be added to with the single triangular parcel to the west and some parcels to the north which wouldn't have additional subdivision potential with the change.

UNRECORDED SUBDIVISIONS REVIEW

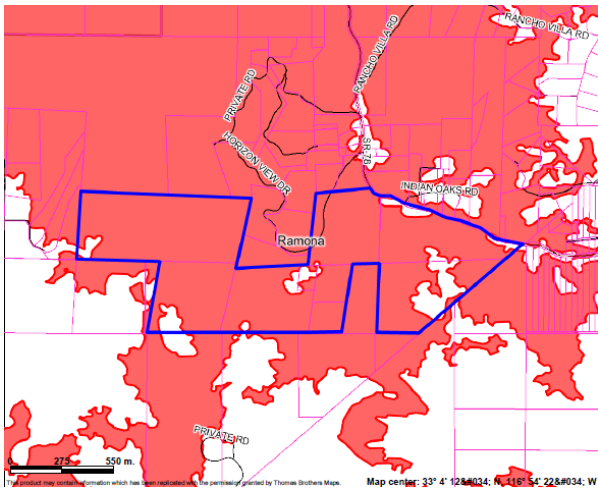
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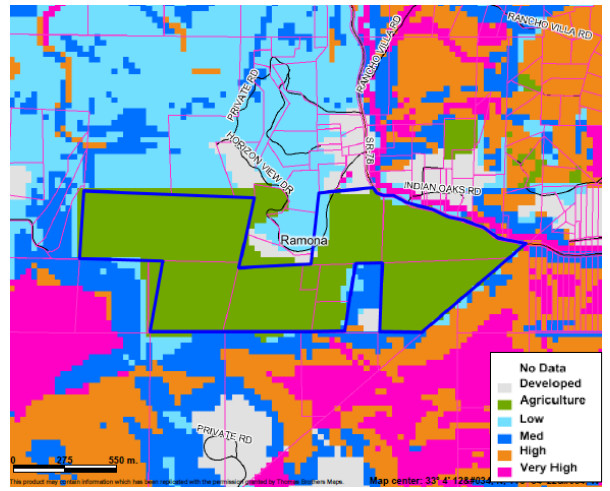
Existing General Plan



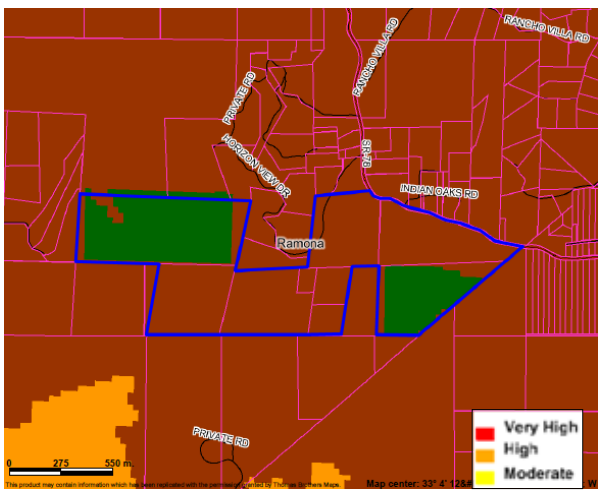
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TM5236

Change Necessary:

Change land use designation from RL80 to RL20

Community Recommendation	RL80
Opposition Expected ¹	Yes
Spot Designation/Zone	No
EIR Recirculation Needed	No
Level of Change	Minor

Note:
1- Based on staff's experience

Project Description

Application Name:

Dhalliwaj Joseph

Size:

111 acres, multiple existing parcels
4 residential lots approved

Date approved:

May 14, 2010

Location/Description:

Central Mountain (Pine Valley)

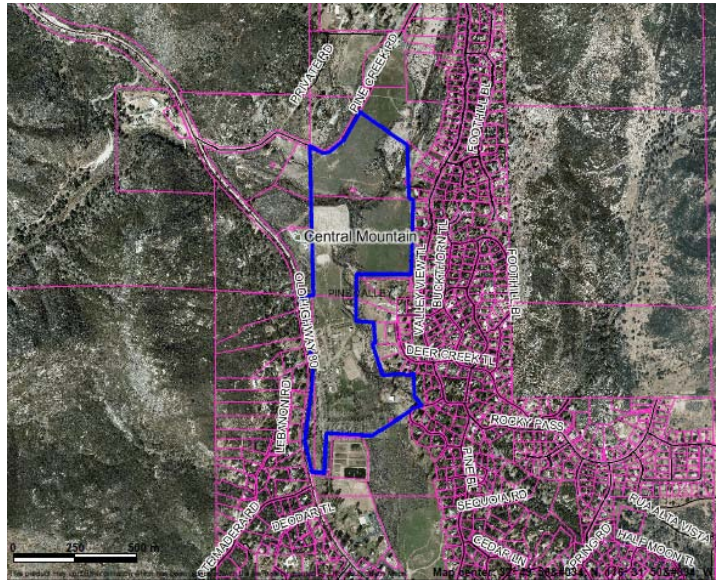
Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

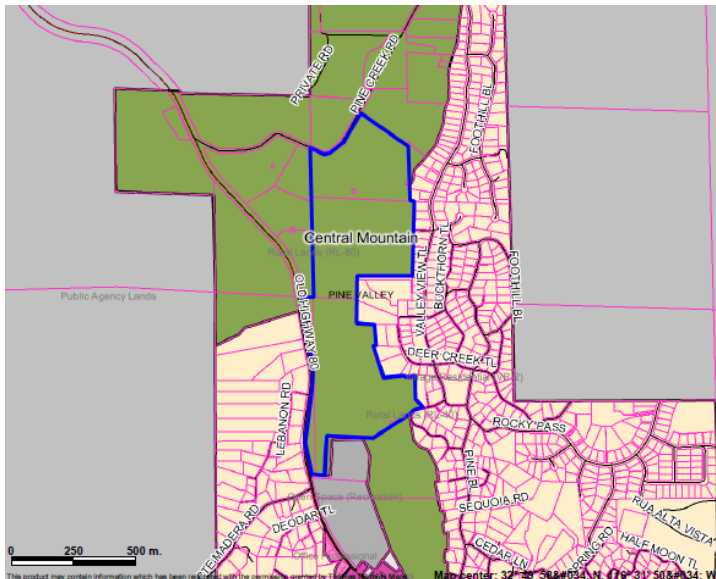
- Steep slope (greater than 25%)
- ◐ Floodplain
- ◐ Wetlands
- ◐ Habitat Value
- ◐ Agricultural Lands
- Fire Hazard Severity Zones

Land Use

<i>General Plan</i>	
Scenario	Designation
Existing General Plan	1du/1,2,4 ac
PC / Staff Recommendation	RL80
Referral	RL40
Hybrid	RL40
Draft Land Use	RL40
Environmentally Superior	RL80
<i>Zoning</i>	
Existing — RR, 2.5-acre minimum lot size	
Proposed — RR, 8-acre minimum lot size	



Aerial



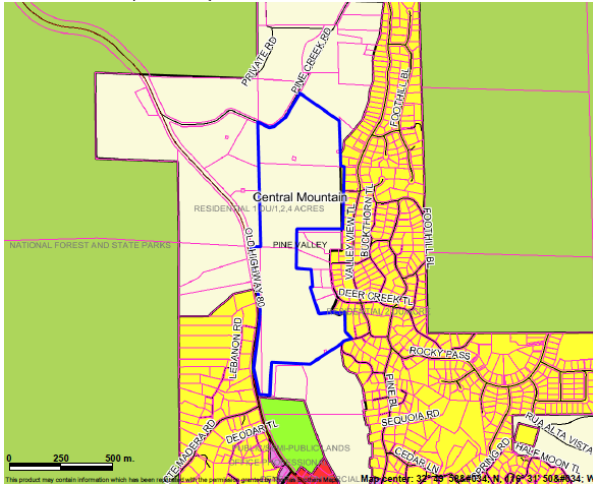
PC/Staff Recommendation

Discussion

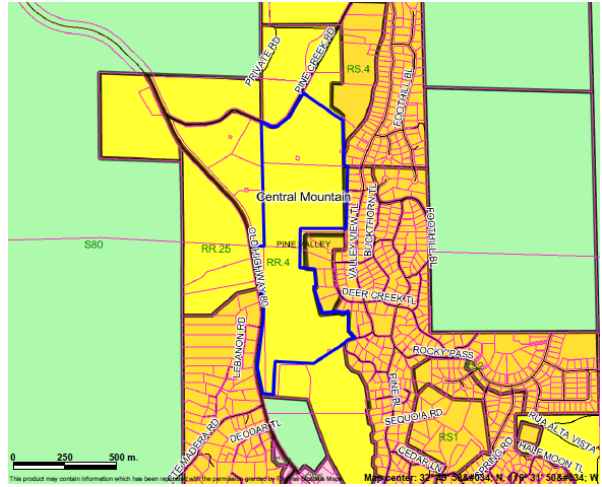
This project site must be designated as RL20 to match the approved TM. The Pine Valley Planning Group has been very adamant about designating this area RL80. Although the RL20 would be the only RL20 in the area, it would be bounded by RL80 and VR2. Therefore, this is not considered a spot designation.

UNRECORDED SUBDIVISIONS REVIEW

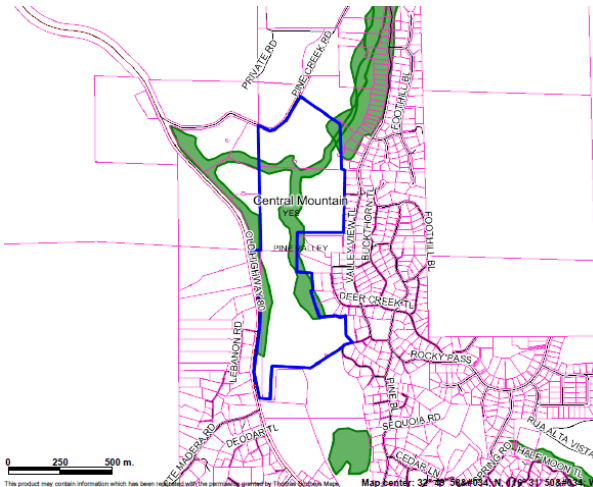
TM5236 (cont.)



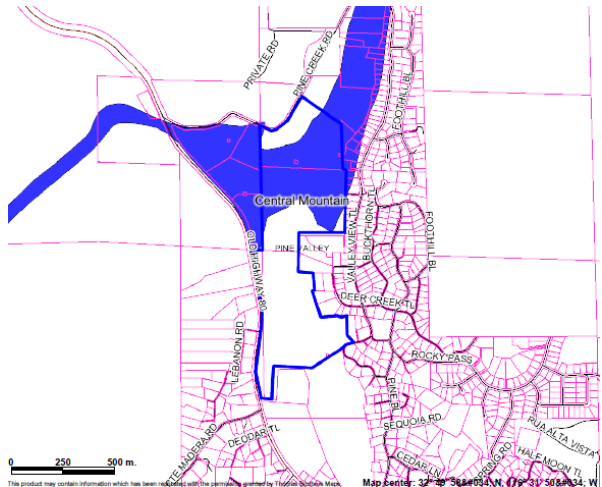
Existing General Plan



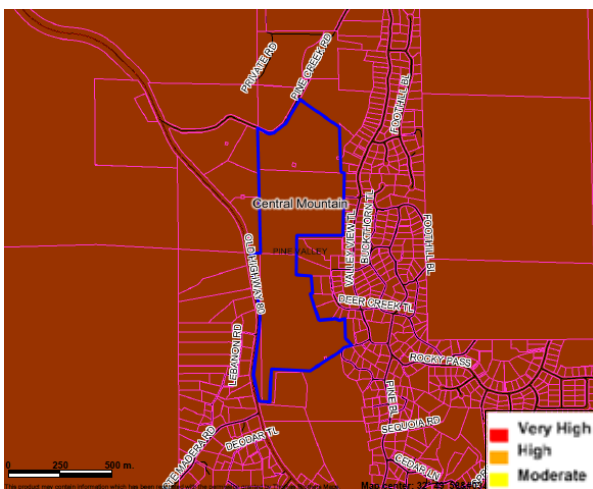
Existing Zoning



Wetlands



Floodplains



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TM5373 (also reviewed as DS22)

Change Necessary:

Change land use designation from SR10/RL80 to Specific Plan Area

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	No
EIR Recirculation Needed	No
Level of Change	Minor

Notes:

1- Based on staff's experience

Property Description

Application Name:

Basara LLC/ Plote Raymond E Living Trust

Size:

287.5 acres, 10 parcels

300 mobile home lots approved

Date approved:

October 17, 2008

Location/Description:

Borrego Springs Subregional Group Area

Approximately 1.5 miles south of Palm Canyon

Drive via Borrego Valley Road

Outside CWA boundary

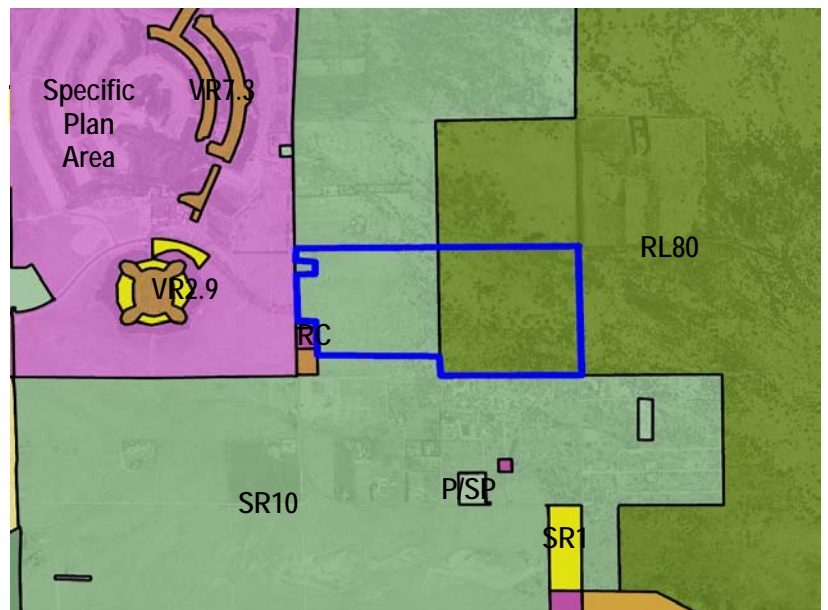
Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zone



Aerial



PC/Staff Recommendation

Land Use

General Plan

Scenario	Designation
Existing General Plan	(21) Specific Plan Area
PC / Staff Recommendation	SR10 / RL80
Referral	SR10 / RL80
Draft Land Use	
Hybrid	
Environmentally Superior	RL20 / RL80

Zoning

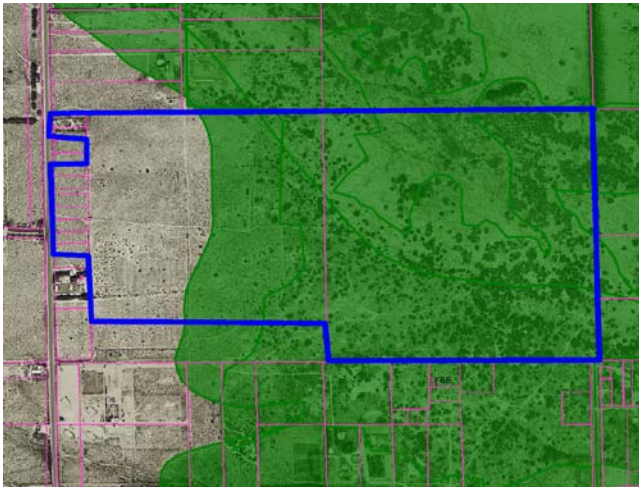
Existing — S88; 1,500 sq. ft. minimum lot size RS1; 1 acre minimum lot size
Proposed — S88; 1,500 sq. ft. minimum lot size RS1; 1 acre minimum lot size S92; 1 acre minimum lot size

Discussion

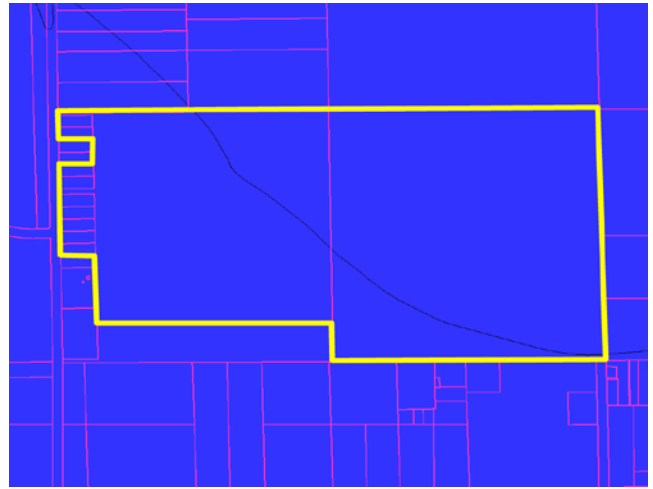
The site, known as Mesquite Trails, has an adopted Specific Plan along with the approved Tentative Map. A (21) Specific Plan Area designation is applied under the Existing General Plan. Following the mapping principles for the General Plan Update, this property should be designated as Specific Plan Area.

UNRECORDED SUBDIVISIONS REVIEW

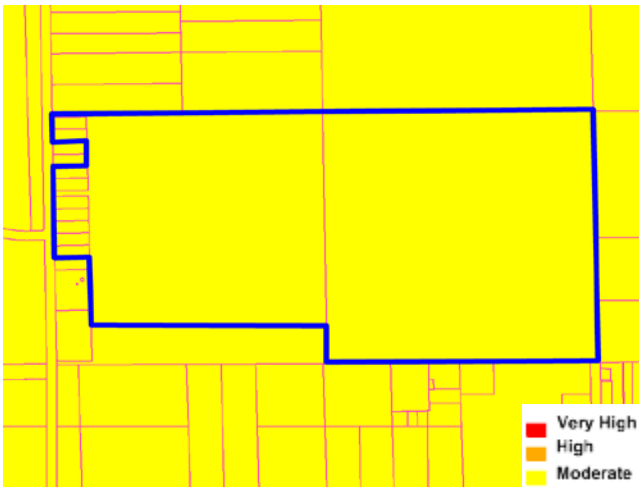
TM5373 (cont.)



Wetlands



Floodplain



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TM5484

Change Necessary:

Change land use designation from SR10/RL40 to SR4/RL20

Community Recommendation	Unknown
Opposition Expected ¹	Yes
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:
1- Based on staff's experience

Project Description

Application Name:

JMK Properties

Size:

73 acres, 1 existing parcel
8 residential lots approved

Date approved:

September 15, 2010

Location/Description:

Mountain Empire (Potrero)

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Steep slope (greater than 25%)
- ◐ Floodplain
- Wetlands
- ◐ Habitat Value
- Agricultural Lands
- ◐ Fire Hazard Severity Zones

Land Use

General Plan

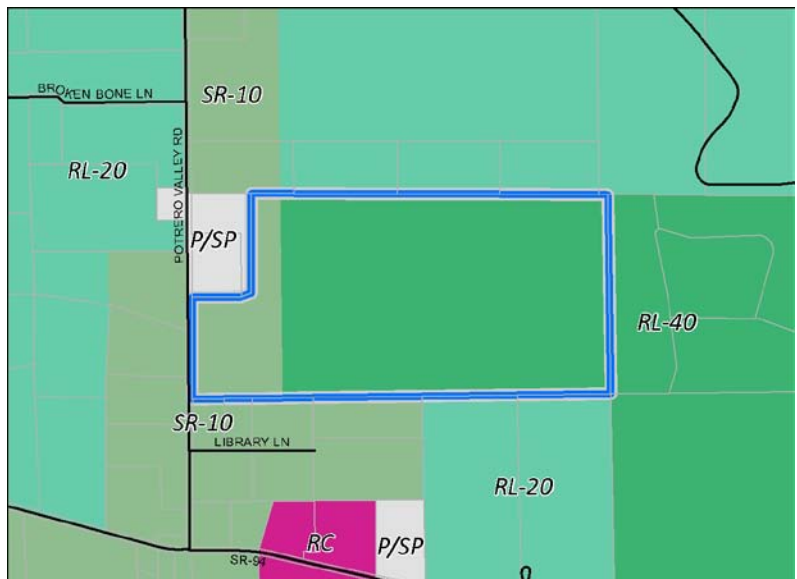
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	SR10/RL40
Referral	RC/SR4/RL40
Hybrid	SR4/RL40
Draft Land Use	SR4/RL40
Environmentally Superior	SR4/RL80

Zoning

Existing — S92, 8-acre minimum lot size
Proposed — Same



Aerial



PC/Staff Recommendation

Discussion

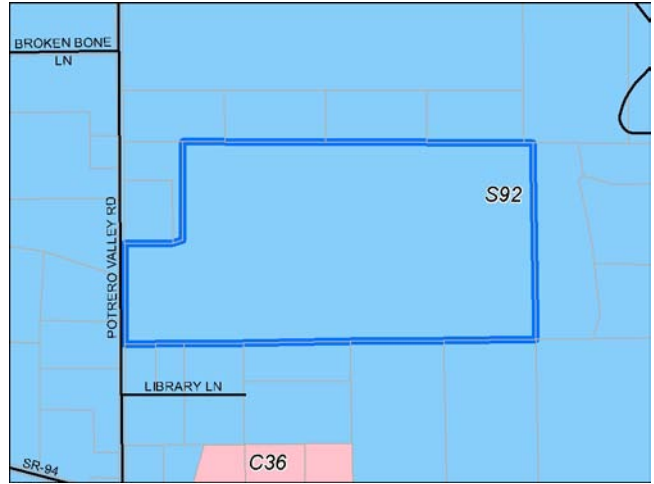
The most appropriate way to reflect the TM is to designate the western 2/3 of the property as SR4 and the eastern 1/3 as RL20 because the TM as designed is clustered to the west. The SR4 will be a spot but is adjacent to other Semi-rural designation as is within the center of Potrero so it would still be consistent with mapping principles.

UNRECORDED SUBDIVISIONS REVIEW

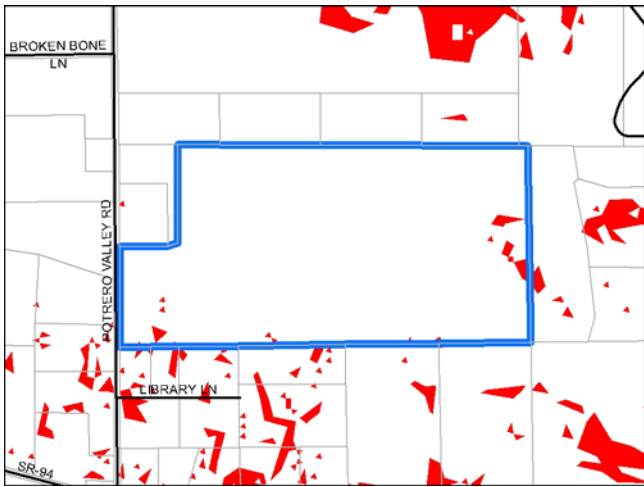
TM5484 (cont.)



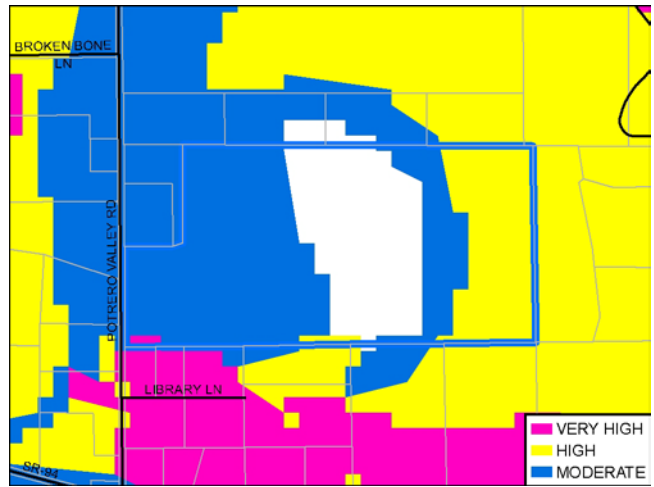
Existing General Plan



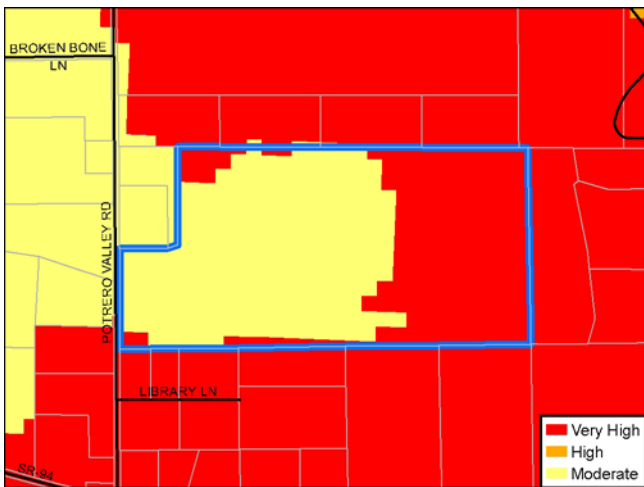
Existing Zoning



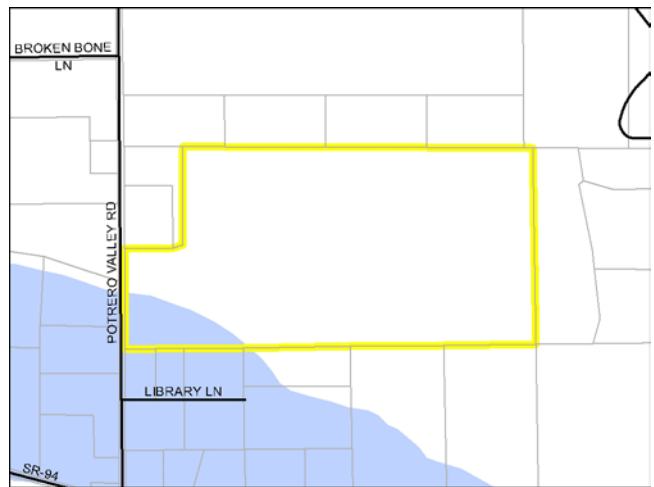
Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones



Floodplain

UNRECORDED SUBDIVISIONS REVIEW

TM5516

Change Necessary:

Change land use designation from SR10/RL40 to SR4

Community Recommendation	Unknown
Opposition Expected ¹	Yes
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

MCS Company

Size:

149.9 acres, 1 existing parcel
17 residential lots approved

Date approved:

December 18, 2009

Location/Description:

North Mountain (Ranchita)

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use

General Plan

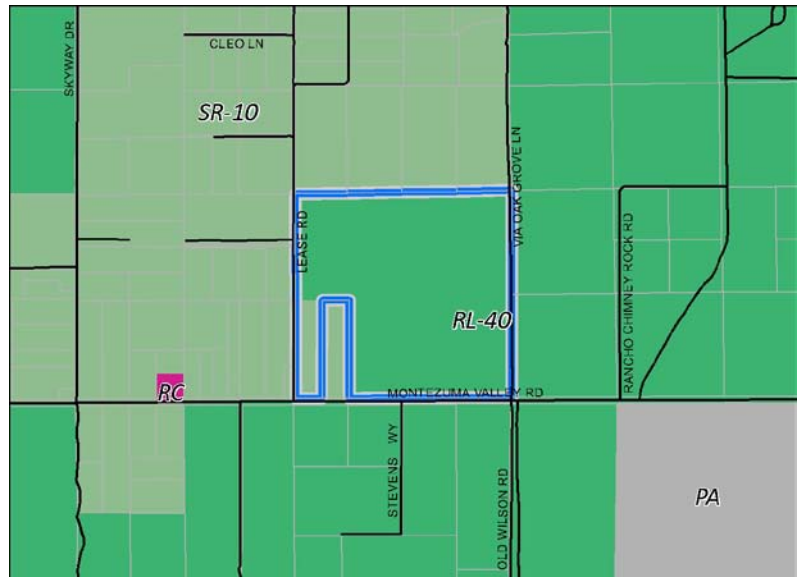
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	SR10/RL40
Referral	SR10/RL40
Hybrid	SR10/RL40
Draft Land Use	SR10/RL80
Environmentally Superior	SR10/RL80

Zoning

Existing — A70, 8-acre minimum lot size
Proposed — Same



Aerial



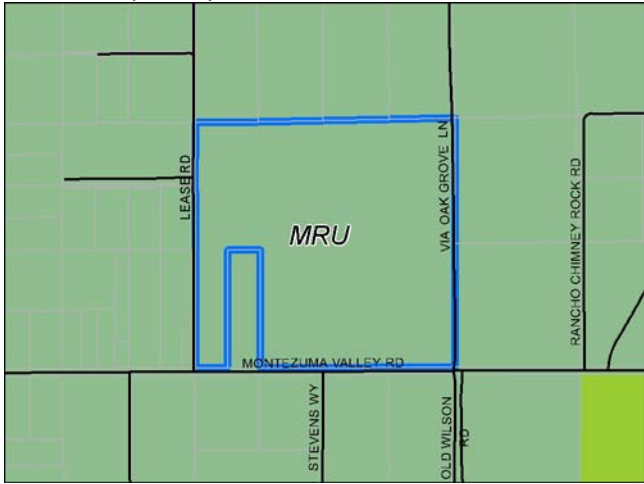
PC/Staff Recommendation

Discussion

This property would need to be designated SR4 to reflect the approved TM. This would result in a spot but it is adjacent to other Semi-rural designated lands. Additionally, it is near the center of the Ranchita community so the designation would be consistent with the mapping principles. A change in designation would likely be opposed by environmental groups.

UNRECORDED SUBDIVISIONS REVIEW

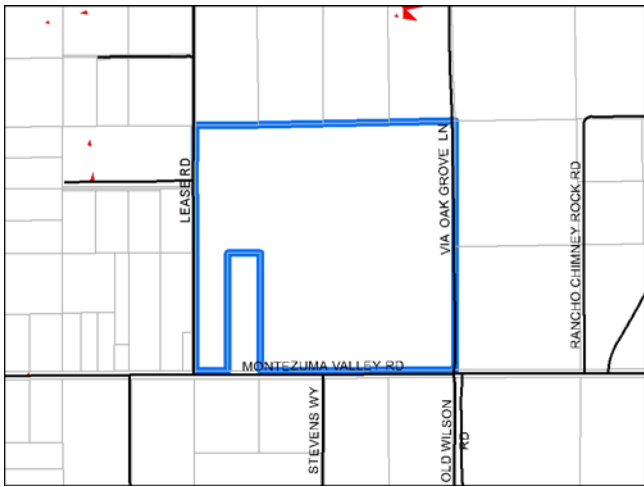
TM5516 (cont.)



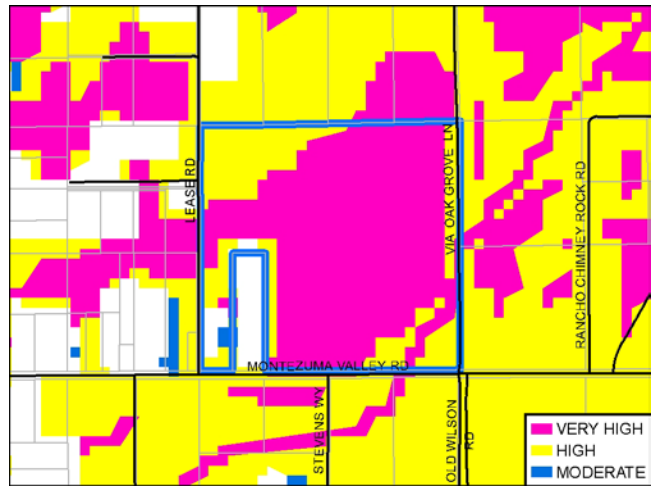
Existing General Plan



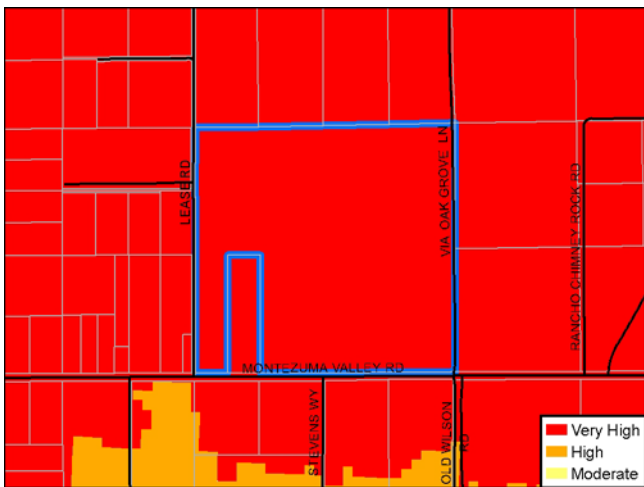
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TM5532

Change Necessary:

Change land use designation from SR4/SR10 to SR2

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

Frulla Inc.

Size:

41 acres, 2 existing parcel
11 residential lots approved

Date approved:

March 12, 2010

Location/Description:

Fallbrook

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- ◐ Habitat Value
- ◐ Agricultural Lands
- ◐ Fire Hazard Severity Zones

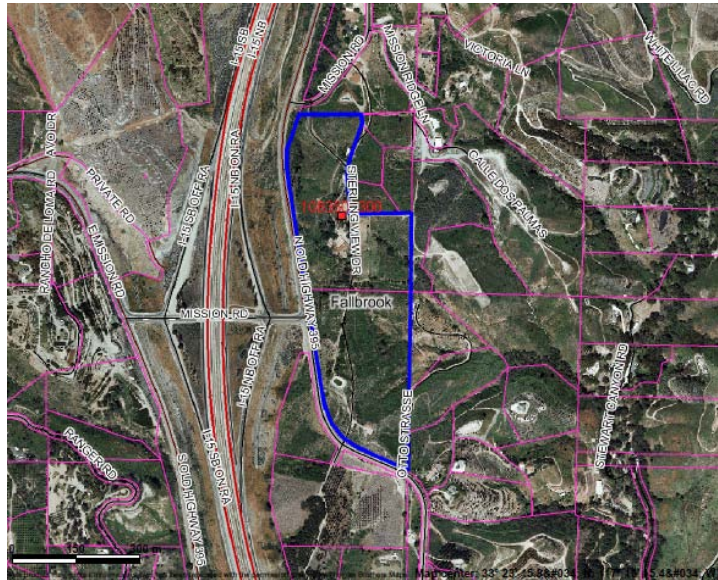
Land Use

General Plan

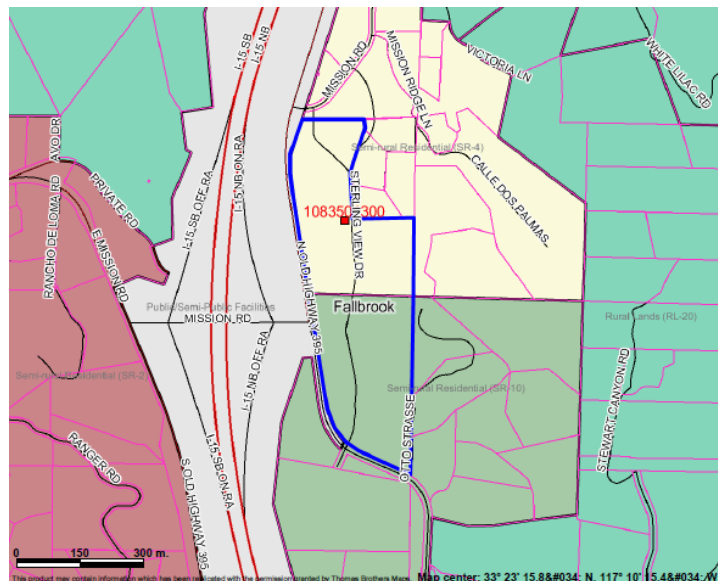
Scenario	Designation
Existing General Plan	1du/2,4 ac
PC / Staff Recommendation	SR4/SR10
Referral	SR4/SR10
Hybrid	SR10
Draft Land Use	SR10
Environmentally Superior	SR20

Zoning

Existing — A70, 2-acre minimum lot size
Proposed — Same



Aerial



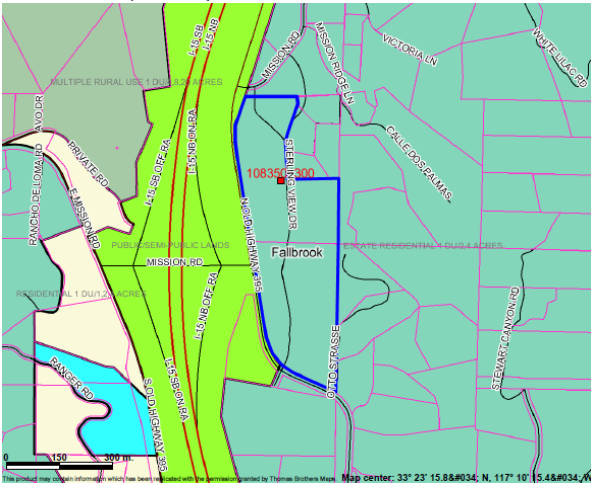
PC/Staff Recommendation

Discussion

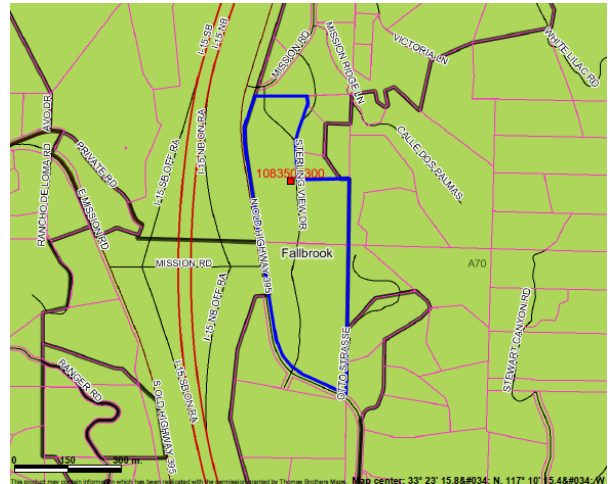
To recognize this TM the entire property should be designated SR2. If redesignated, the change could be combined with TPM 20793

UNRECORDED SUBDIVISIONS REVIEW

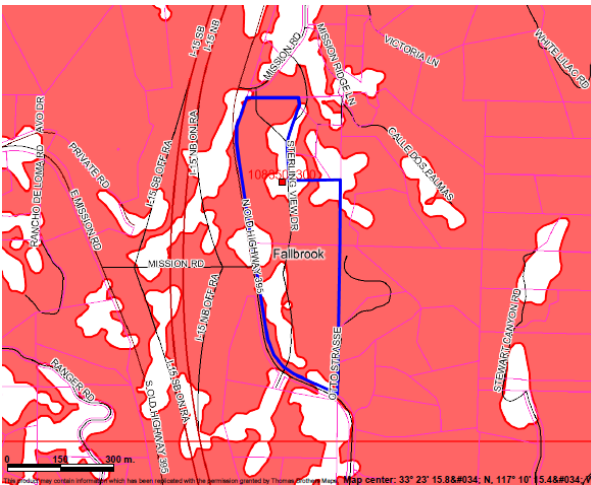
TM5532 (cont.)



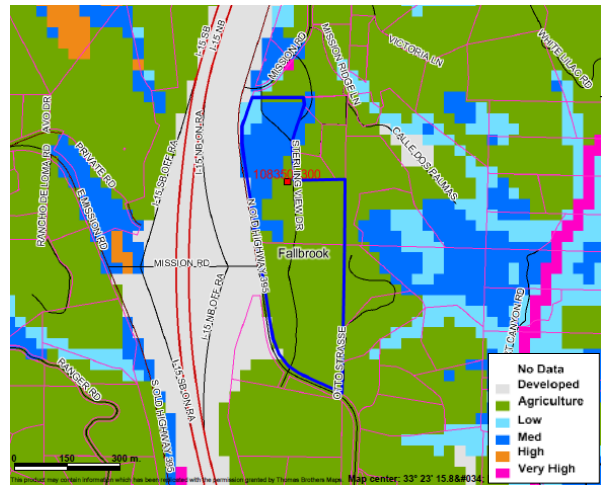
Existing General Plan



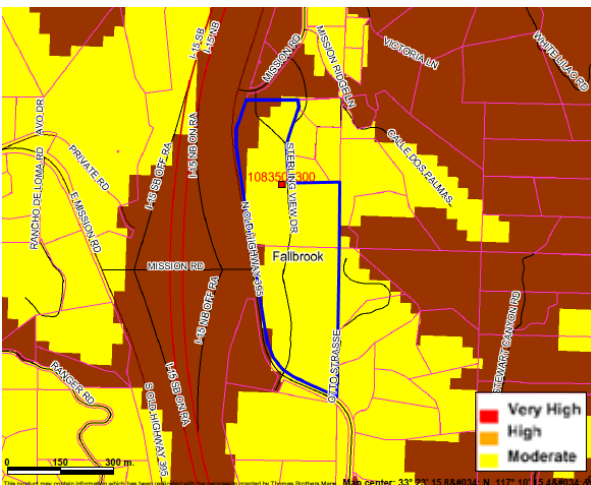
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM20611

Change Necessary:

Change land use designation from RL20 to SR10

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

Jiles Ranch Inc.

Size:

55 acres, 1 existing parcel
5 residential lots approved

Date approved:

April 23, 2005

Location/Description:

Pala-Pauma

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

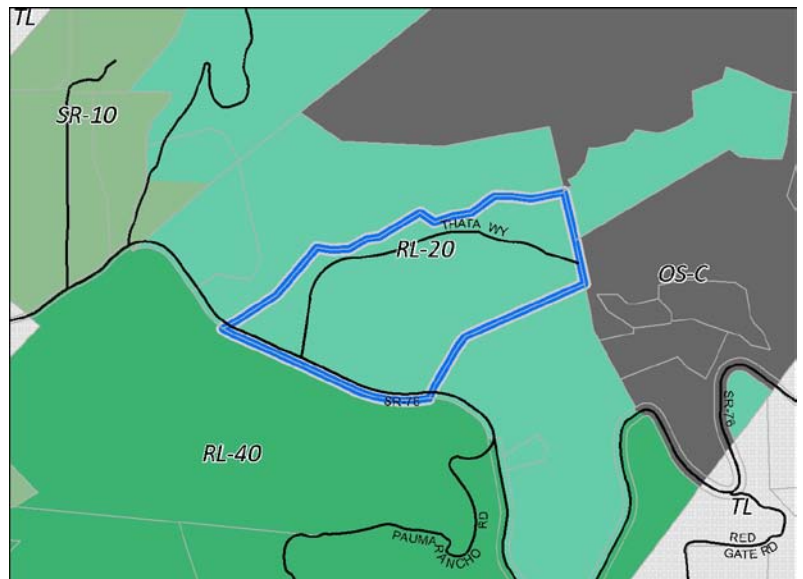
- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- ◐ Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use

<i>General Plan</i>	
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	RL20
Referral	RL20
Hybrid	RL20
Draft Land Use	RL20
Environmentally Superior	RL40
<i>Zoning</i>	
Existing — A70, 8-acre minimum lot size	
Proposed — Same	



Aerial



PC/Staff Recommendation

Discussion

To recognize this TM the entire property should be designated SR10; however, this would result in a spot of SR10 that is not contiguous with other Semi-Rural designations. Therefore it is recommended that parcels adjacent also be considered for the SR10 designation. This would result in additional subdivision potential for a few other parcels. It is estimated that this would only increase potential subdivision yield by 2 lots on agricultural lands. Therefore, this is not consider a substantial change.

UNRECORDED SUBDIVISIONS REVIEW

TPM20611 (cont.)



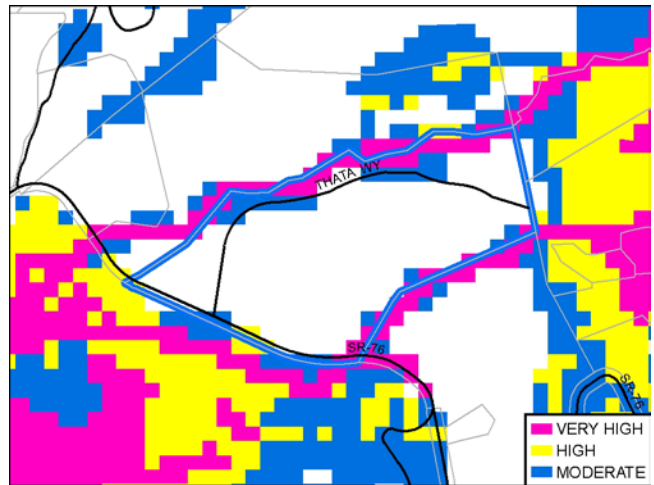
Existing General Plan



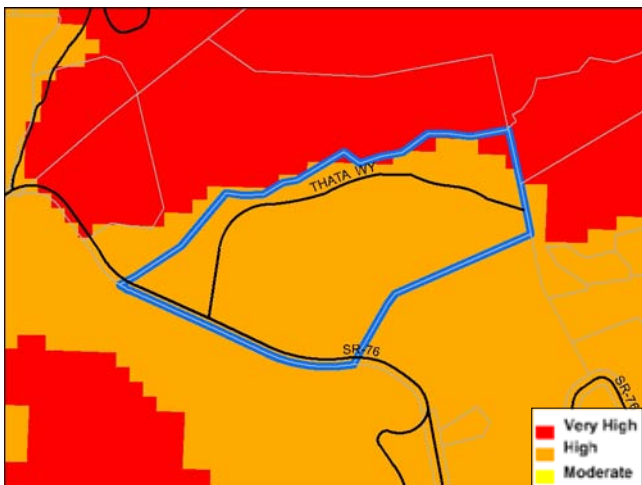
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM20719

Change Necessary:

Change land use designation from RL80 to RL40

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	No
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

Lansing Inc.

Size:

247 acres, 1 existing parcel
5 residential lots approved

Date approved:

March 8, 2007

Location/Description:

Mountain Empire (Boulevard)

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- ◐ Habitat Value
- ◐ Agricultural Lands
- Fire Hazard Severity Zones

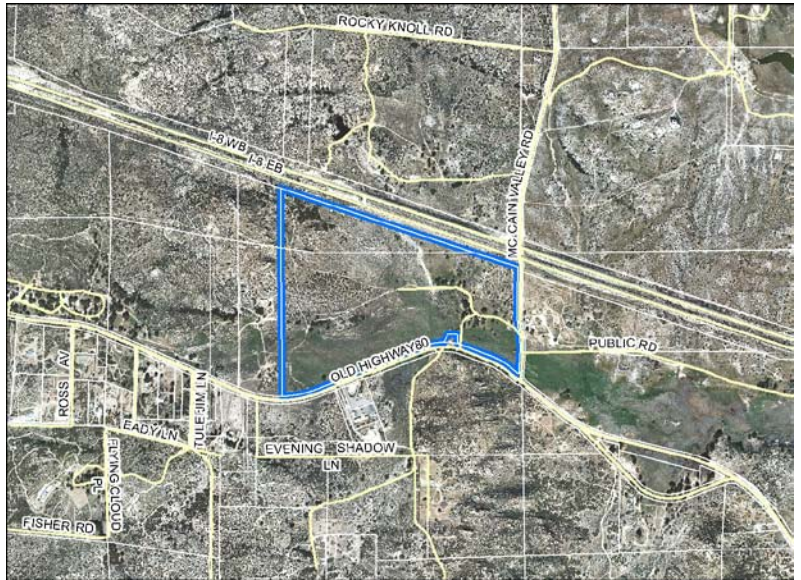
Land Use

General Plan

Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	RL80
Referral	RL80
Hybrid	RL80
Draft Land Use	RL80
Environmentally Superior	RL80

Zoning

Existing — S92, 8-acre minimum lot size
Proposed — Same



Aerial



PC/Staff Recommendation

Discussion

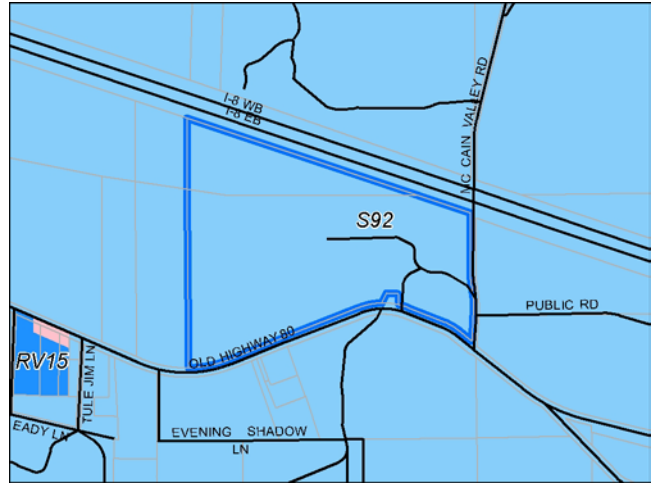
To recognize this TM the entire property should be designated RL40.

UNRECORDED SUBDIVISIONS REVIEW

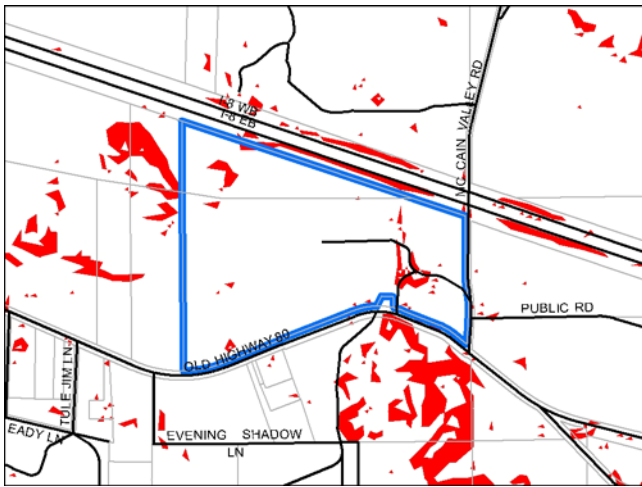
TPM20719 (cont.)



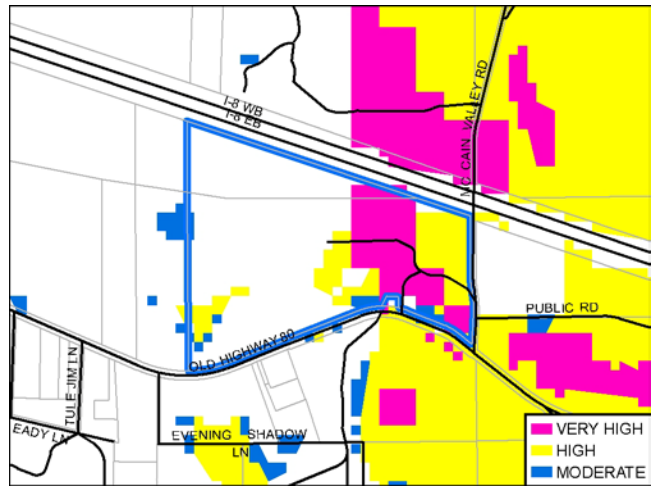
Existing General Plan



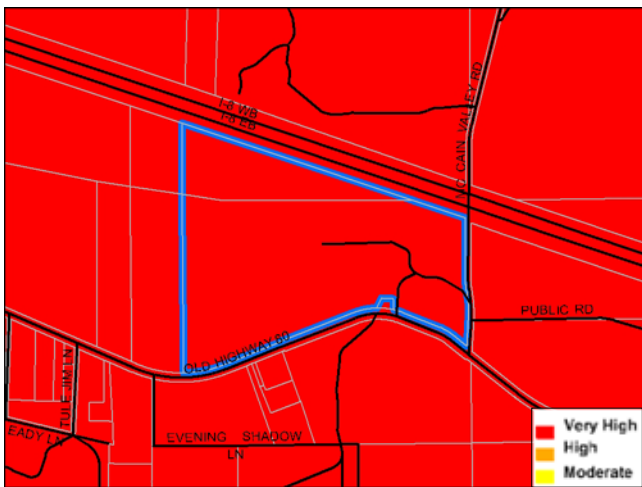
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM20726

Change Necessary:

Change land use designation from RL40 to SR10

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	No
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

Robnett Albert

Size:

86 acres, 2 existing parcel
5 residential lots approved

Date approved:

May 17, 2007

Location/Description:

Jamul/Dulzura

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- ◐ Steep slope (greater than 25%)
- Floodplain
- Wetlands
- ◐ Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use

General Plan

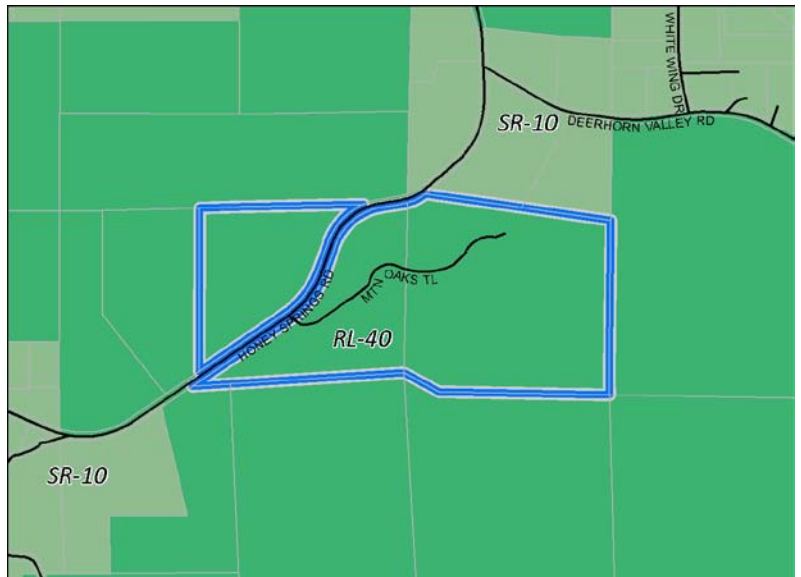
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	RL40
Referral	RL40
Hybrid	RL40
Draft Land Use	RL40
Environmentally Superior	RL80

Zoning

Existing — A72, 8-acre minimum lot size
Proposed — Same



Aerial



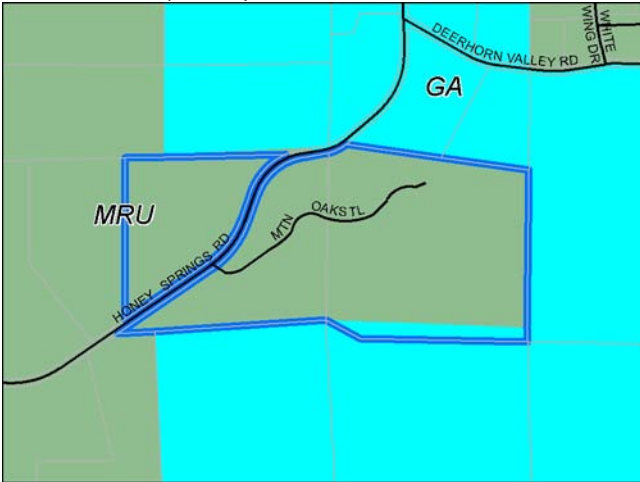
PC/Staff Recommendation

Discussion

To recognize this TPM the entire property should be designated SR10.

UNRECORDED SUBDIVISIONS REVIEW

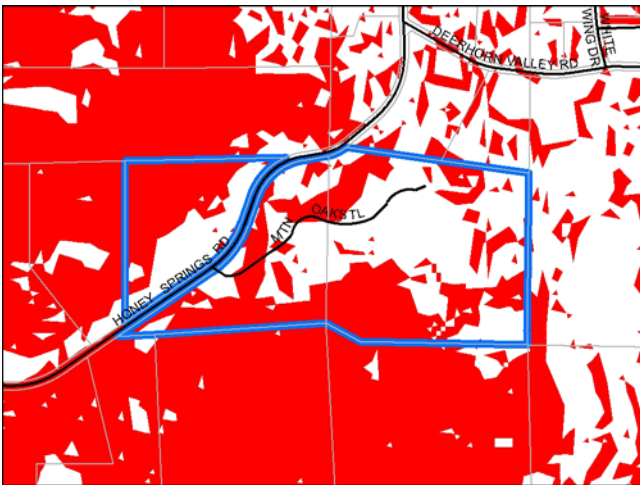
TPM20726 (cont.)



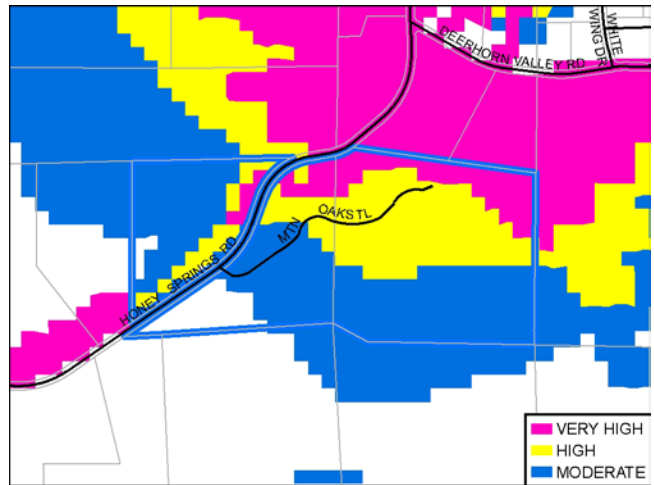
Existing General Plan



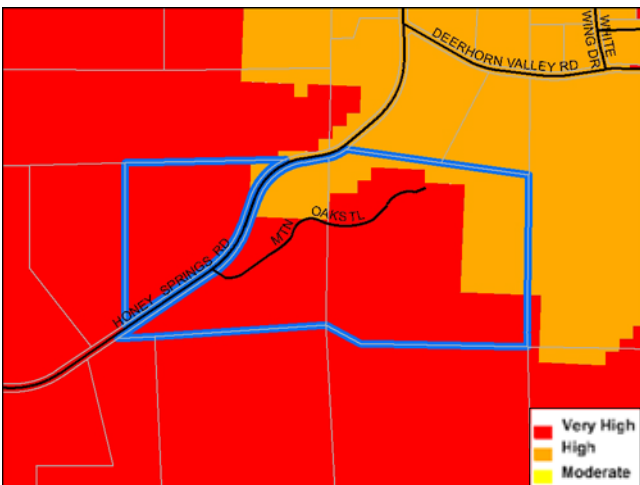
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

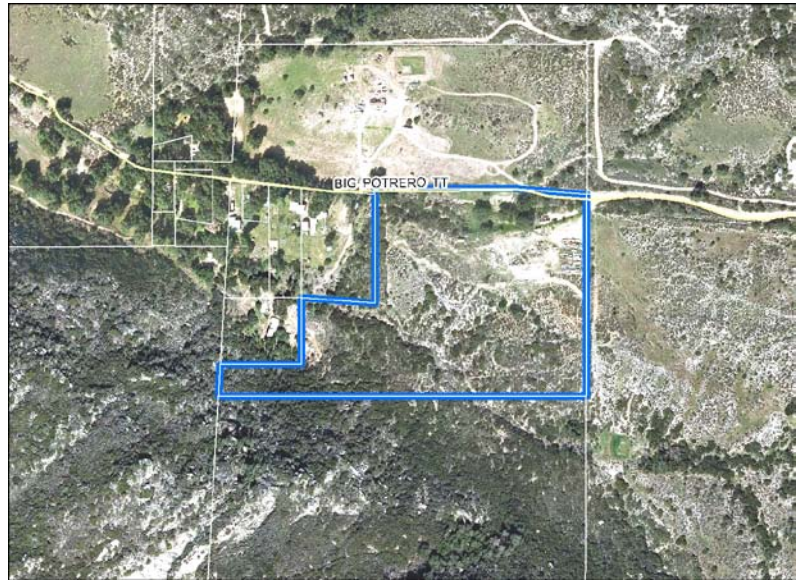
TPM20756

Change Necessary: SR4	
Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Major

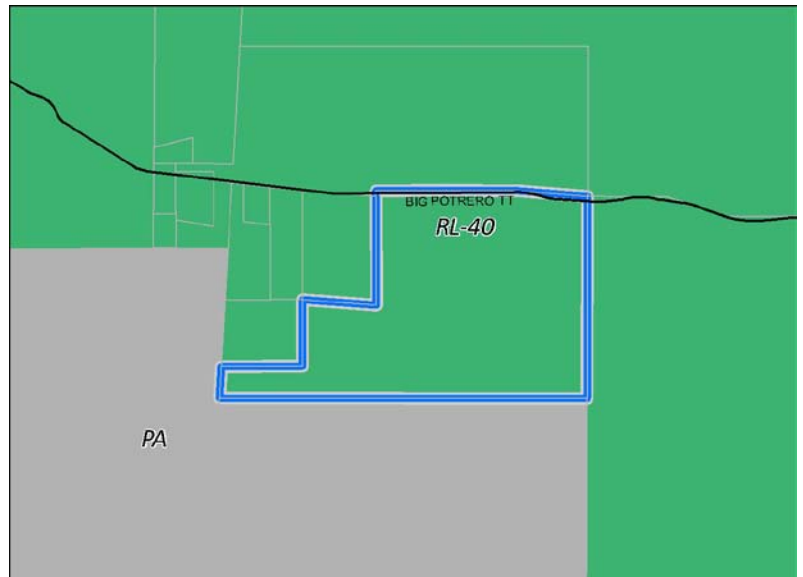
Note:
1- Based on staff's experience

Project Description	
<u>Application Name:</u> Arellano Ignacio	
<u>Size:</u> 17 acres, 1 existing parcel 3 residential lots approved	
<u>Date approved:</u> January 26, 2009	
<u>Location/Description:</u> Mountain Empire (Campo/Lake Morena)	
<u>Prevalence of Constraints (See following page):</u> ● - high; ◐ - partially; ○ - none	
◐ Steep slope (greater than 25%)	
○ Floodplain	
◐ Wetlands	
◐ Habitat Value	
○ Agricultural Lands	
● Fire Hazard Severity Zones	

Land Use	
<i>General Plan</i>	
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	RL40
Referral	RL40
Hybrid	RL40
Draft Land Use	RL40
Environmentally Superior	RL80
<i>Zoning</i>	
Existing — A72, 4-acre minimum lot size	
Proposed — Same	



Aerial



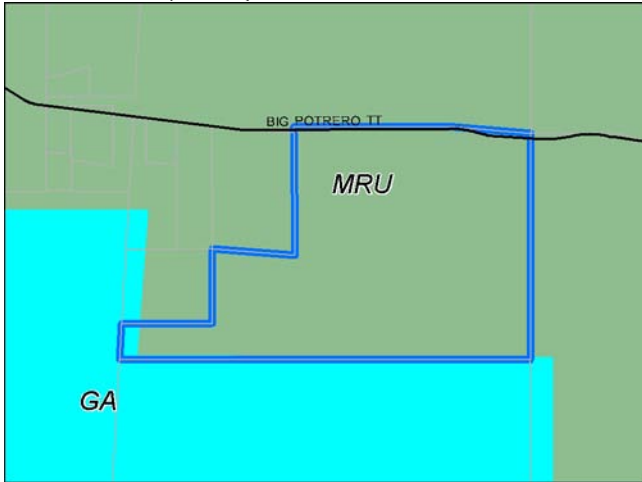
PC/Staff Recommendation

Discussion

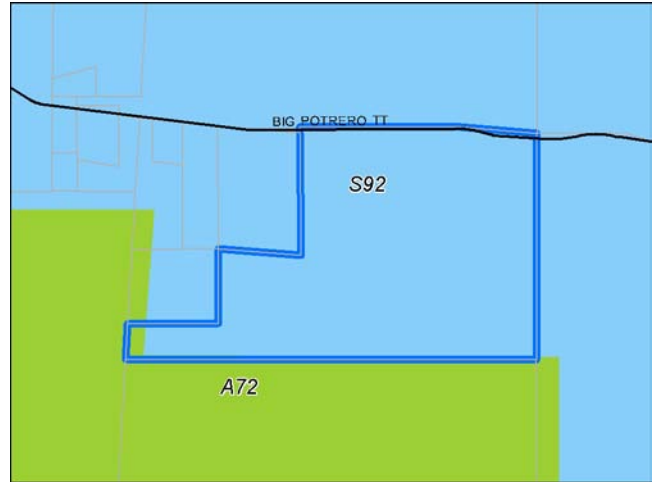
To recognize this TPM the property should be designated SR4. However, there is no other Semi-rural designated land nearby. There are some parcels to the immediate west of the property that are less than 4 ac in size and could be included in the SR4 designation. While not desirable, isolated pockets of semi-rural lands to represent existing parcels such as this do occur in a couple of other areas in the General Plan Update. However, because of the small size of this cluster of parcels, and distance from other Semi-rural areas or town centers, this change is considered Major.

UNRECORDED SUBDIVISIONS REVIEW

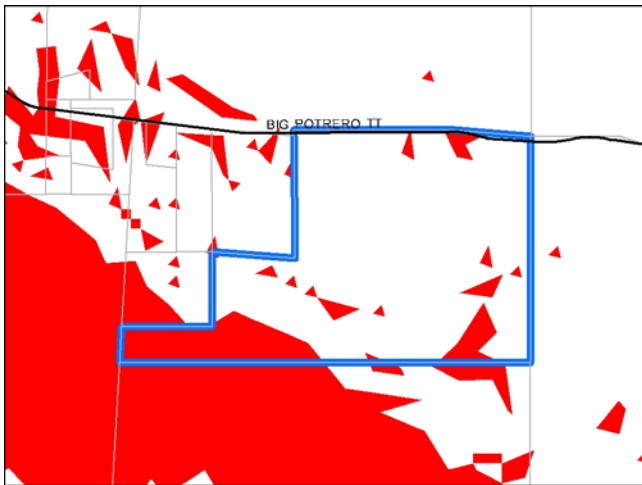
TPM20756 (cont.)



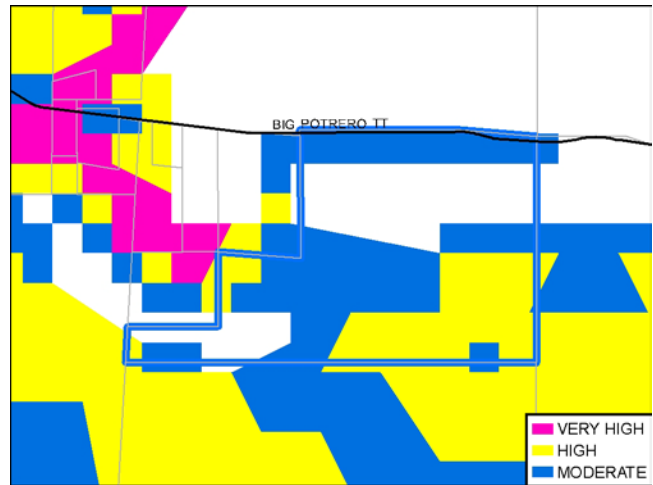
Existing General Plan



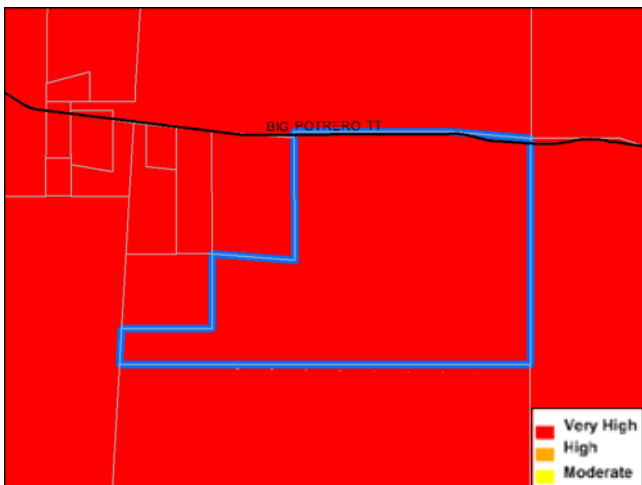
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM20778

Change Necessary:

Change land use designation from RL40 to SR10

Community Recommendation	Unknown
Opposition Expected ¹	Yes
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Major

Note:
1- Based on staff's experience

Project Description

Application Name:

Pijnenberg

Size:

76 acres, 1 existing parcel
5 residential lots approved

Date approved:

August 6, 2009

Location/Description:

Jamul/Dulzura

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

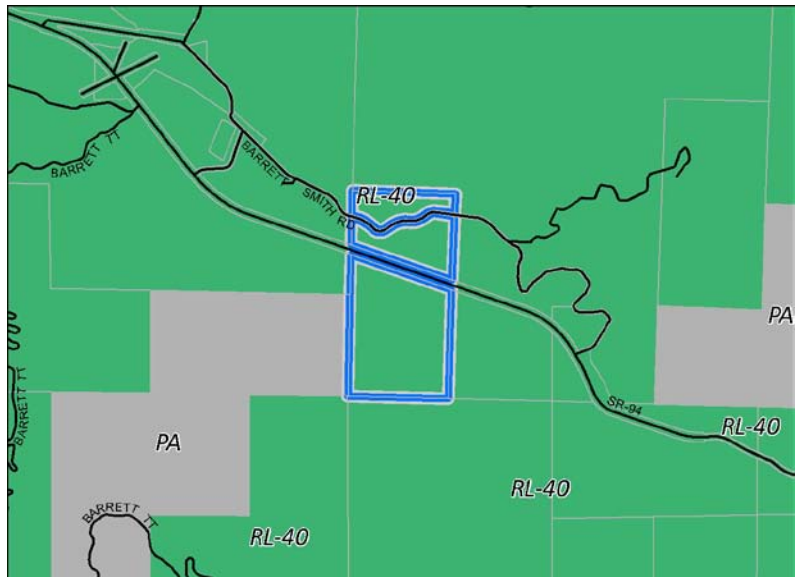
- ◐ Steep slope (greater than 25%)
- Floodplain
- Wetlands
- ◐ Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use

<i>General Plan</i>	
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	RL40
Referral	RL40
Hybrid	RL40
Draft Land Use	RL40
Environmentally Superior	RL80
<i>Zoning</i>	
Existing — A72, 8-acre minimum lot size	
Proposed — Same	



Aerial



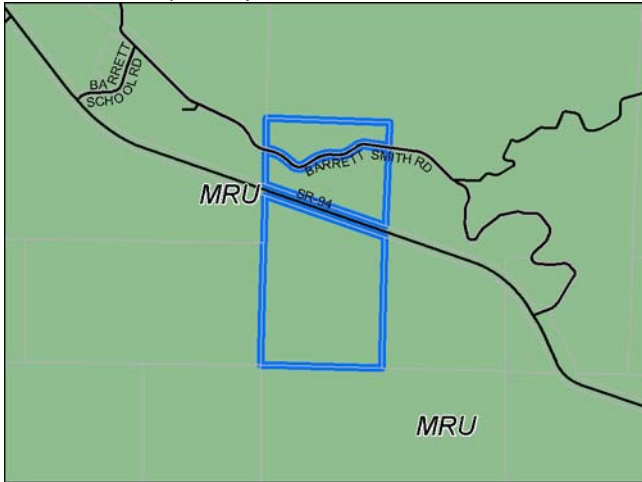
PC/Staff Recommendation

Discussion

This TPM requires a designation of SR10 to reflect its approval. However, there are no Semi-rural lands located nearby and no existing smaller parcels in the vicinity of this site. Therefore a change in designation would be an isolated spot that is not in following the General Plan Update mapping principles. Therefore, a change in designation on this property is considered Major.

UNRECORDED SUBDIVISIONS REVIEW

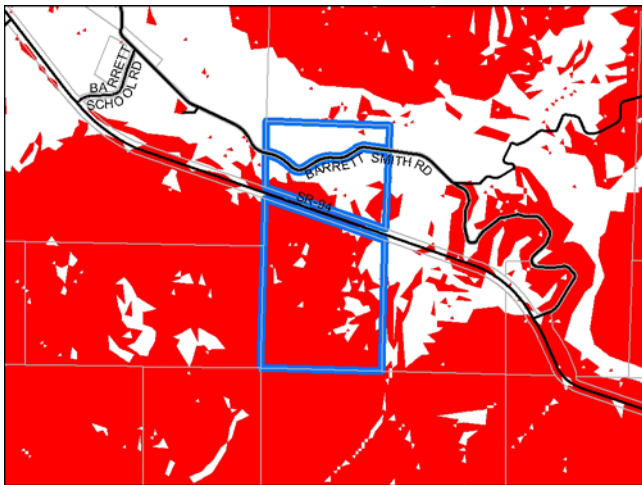
TPM20778 (cont.)



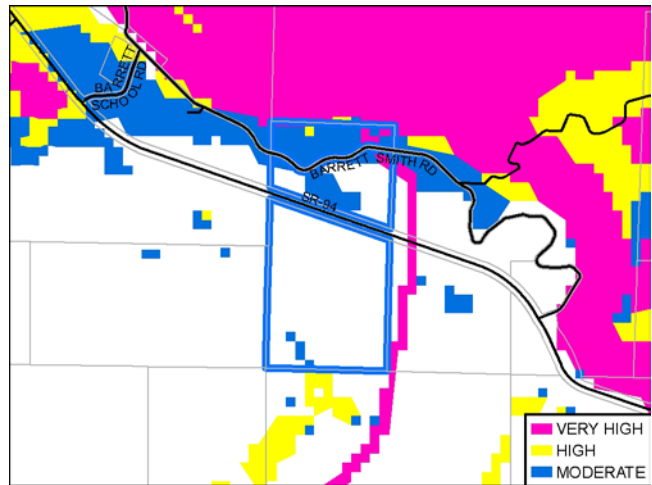
Existing General Plan



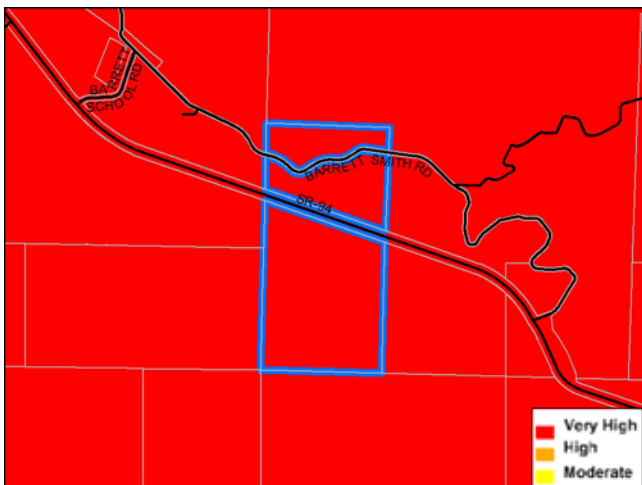
Existing Zoning



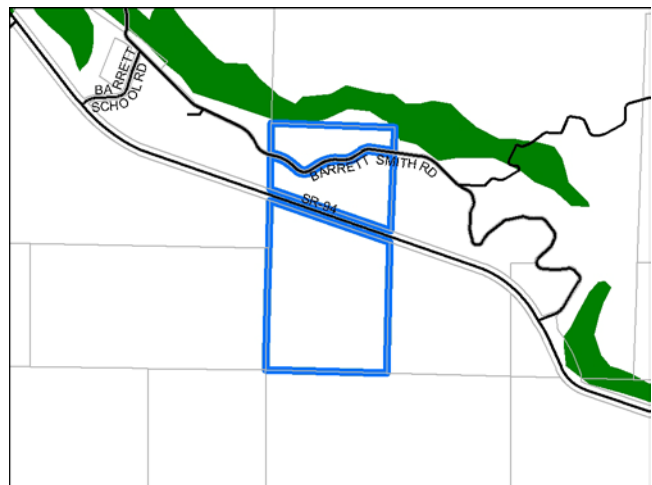
Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones



Wetlands

UNRECORDED SUBDIVISIONS REVIEW

TPM20780

Change Necessary: Change land use designation from RL20 to SR4	
Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	No
EIR Recirculation Needed	No
Level of Change	Minor

Note:
1- Based on staff's experience

Project Description

Application Name:
RCDK Realty II LTD

Size:
14 acres, 1 existing parcel
3 residential lots approved

Date approved:
November 30, 2007

Location/Description:
Valley Center

Prevalence of Constraints (See following page):

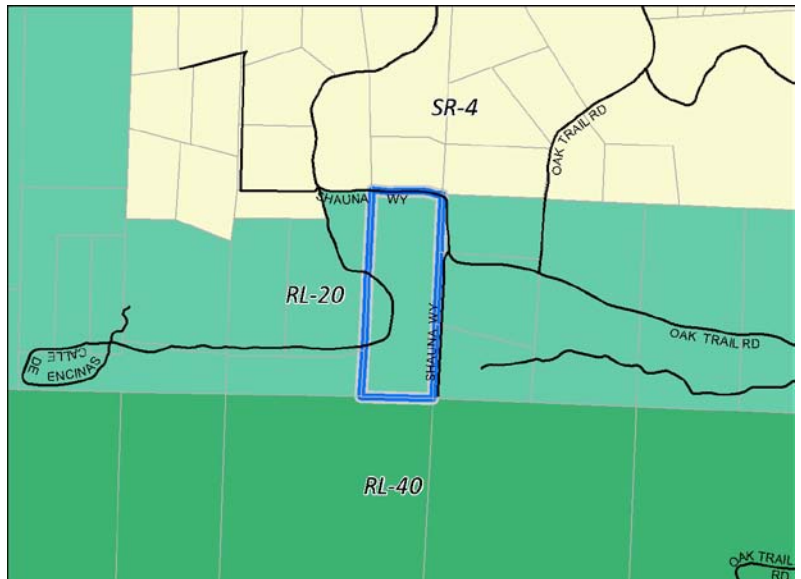
- - high; ◐ - partially; ○ - none
- ◐ Steep slope (greater than 25%)
- Floodplain
- Wetlands
- ◐ Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use

<i>General Plan</i>	
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	RL20
Referral	RL20
Hybrid	RL20
Draft Land Use	RL20
Environmentally Superior	RL20
<i>Zoning</i>	
Existing — A70, 4-acre minimum lot size	
Proposed — Same	



Aerial



PC/Staff Recommendation

Discussion

This TPM requires a designation of SR4 to reflect its approval. SR4 lands are located immediately to the north. Extending the SR4 to the west and east of the project site would allow those lands to subdivide further and therefore would require further analysis in order to avoid extending the SR4 into this single property. The designation of the single property is considered a Minor change while extending the SR4 to adjacent lands would be considered a Moderate change.

UNRECORDED SUBDIVISIONS REVIEW

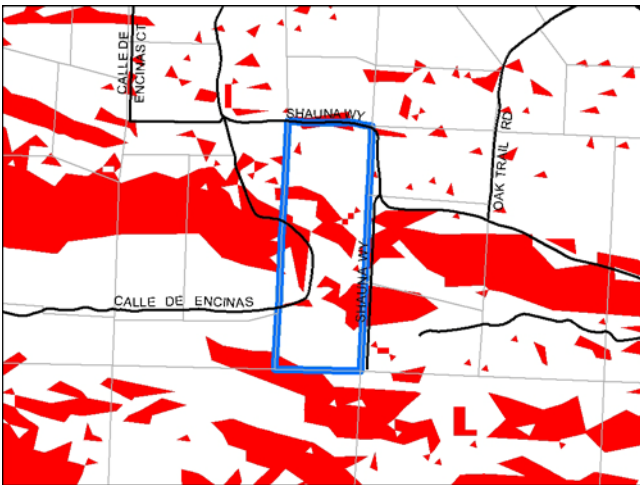
TPM20780 (cont.)



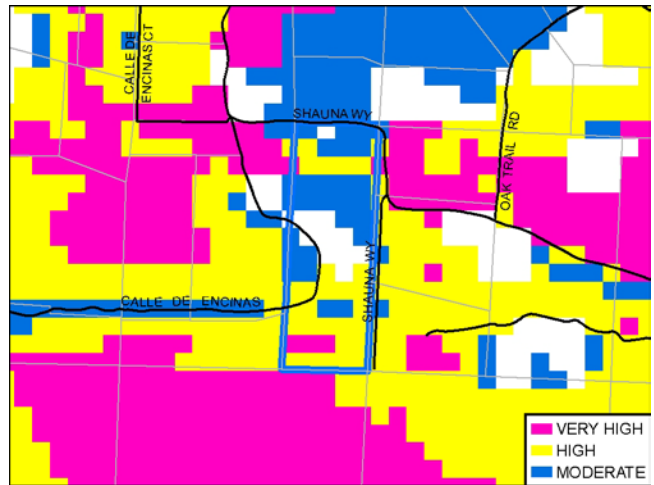
Existing General Plan



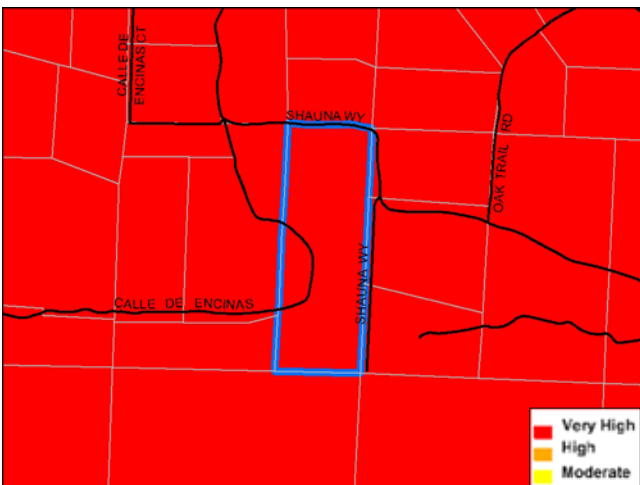
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM20788

Change Necessary:

Change land use designation from SR10 to SR4

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

Cunningham California

Size:

26 acres, 1 existing parcel
2 residential lots approved

Date approved:

December 16, 2009

Location/Description:

Bonsall

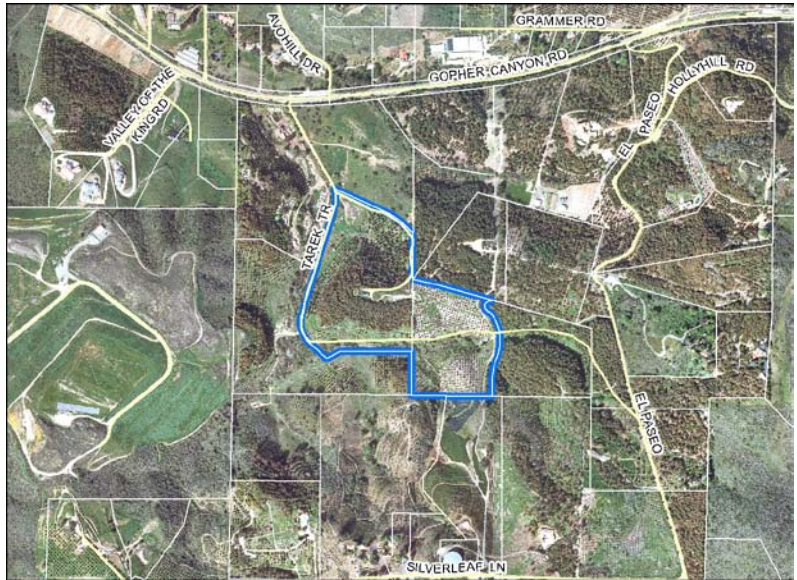
Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

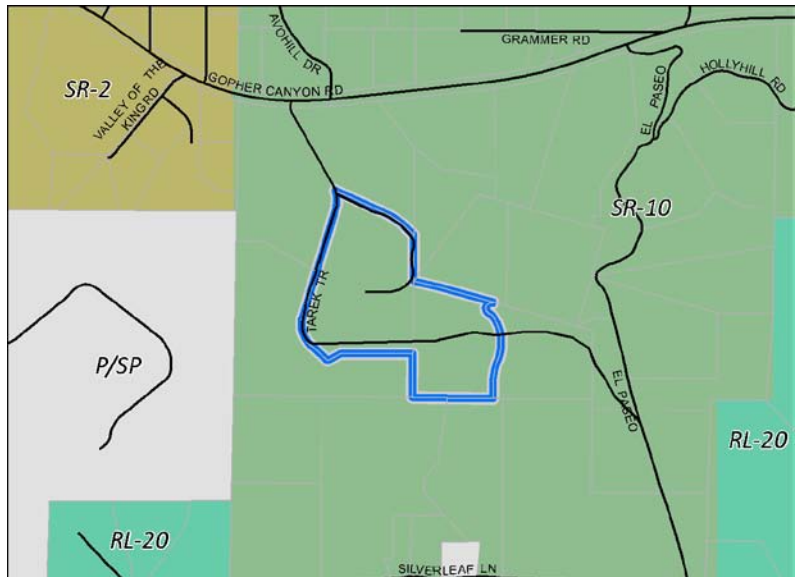
- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

Land Use

<i>General Plan</i>	
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	SR10
Referral	SR10
Hybrid	SR10
Draft Land Use	SR10
Environmentally Superior	RL20
<i>Zoning</i>	
Existing — RR, 4-acre minimum lot size	
Proposed — Same	



Aerial



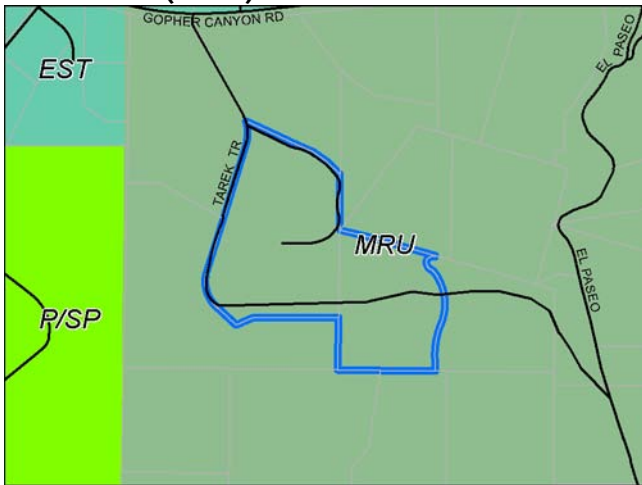
PC/Staff Recommendation

Discussion

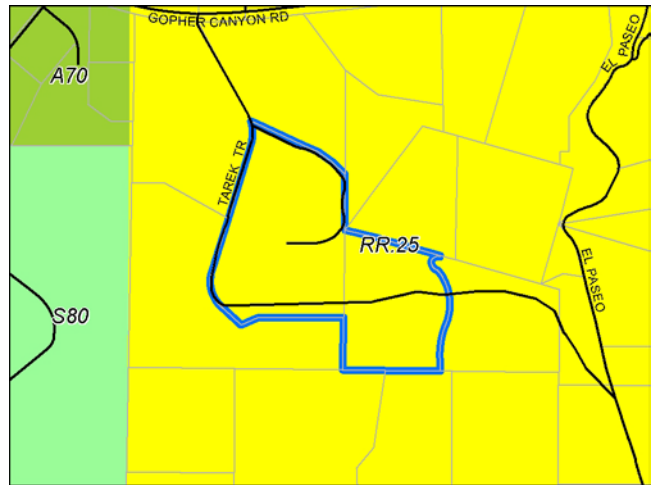
As a result of steep slopes, the SR10 designation would not allow subdivision of the property. Therefore, SR4 would be needed to reflect the approved TPM. Many existing lots around the property could be included in the SR4 and no additional subdivision would result due to slopes. Therefore the SR4 could be provided in a way to minimize the spot designation.

UNRECORDED SUBDIVISIONS REVIEW

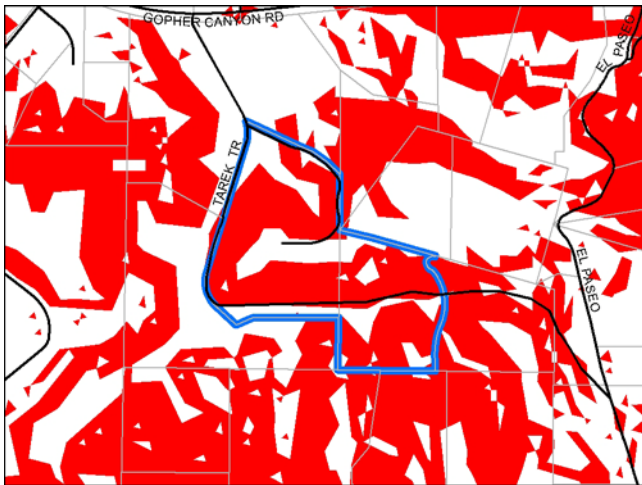
TPM20788 (cont.)



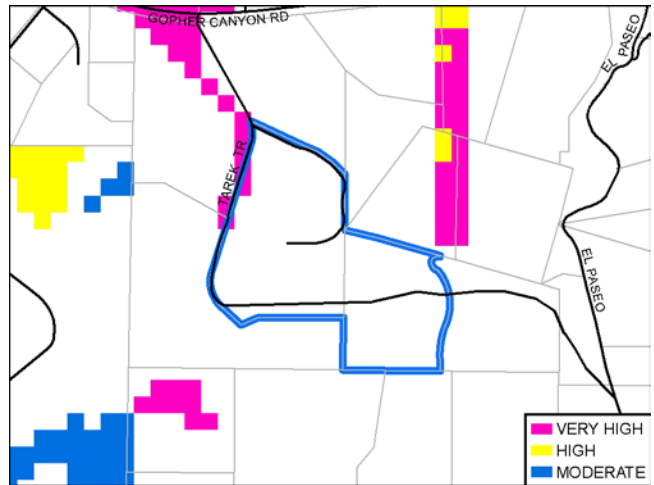
Existing General Plan



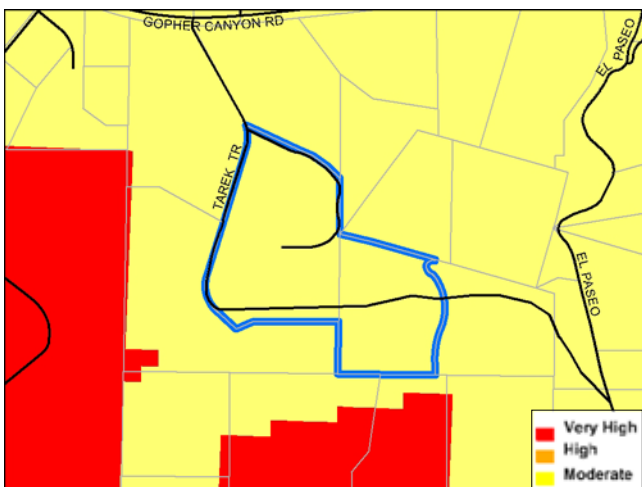
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM20793

Change Necessary: SR2	
Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:
1- Based on staff's experience

Project Description

Application Name:
Winter Family

Size:
19 acres, 1 existing parcel
4 residential lots approved

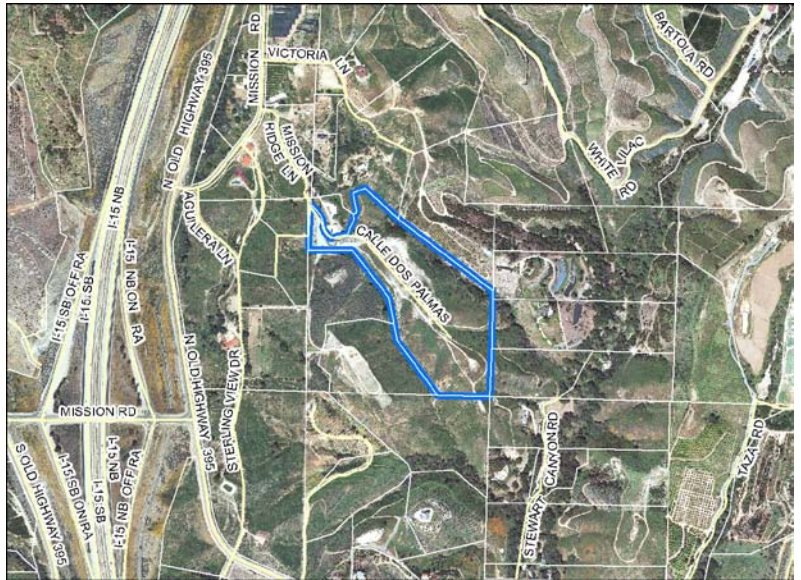
Date approved:
June 21, 2007

Location/Description:
Fallbrook

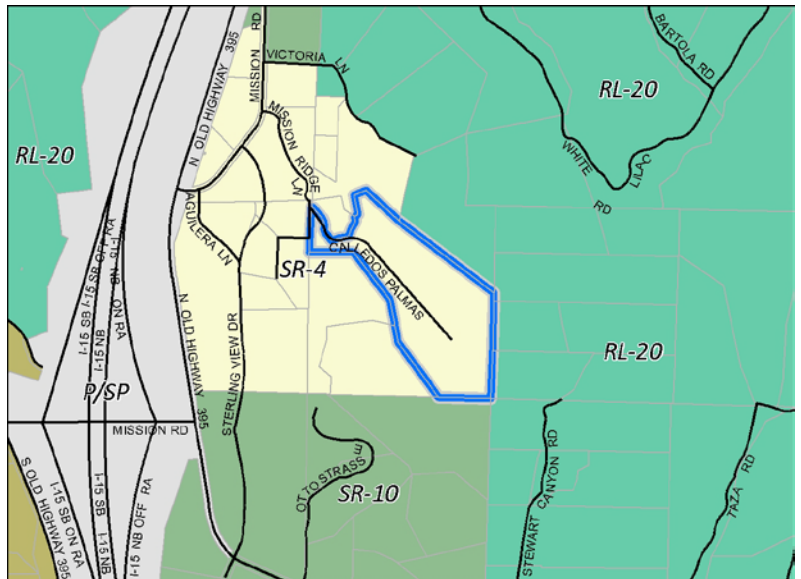
- Prevalence of Constraints (See following page):
- - high; ◐ - partially; ○ - none
 - ◐ Steep slope (greater than 25%)
 - Floodplain
 - Wetlands
 - ◐ Habitat Value
 - Agricultural Lands
 - Fire Hazard Severity Zones

Land Use

<i>General Plan</i>	
Scenario	Designation
Existing General Plan	1du/2,4 ac
PC / Staff Recommendation	SR4
Referral	SR4
Hybrid	SR10
Draft Land Use	SR10
Environmentally Superior	SR20
<i>Zoning</i>	
Existing — A70, 2-acre minimum lot size	
Proposed — Same	



Aerial



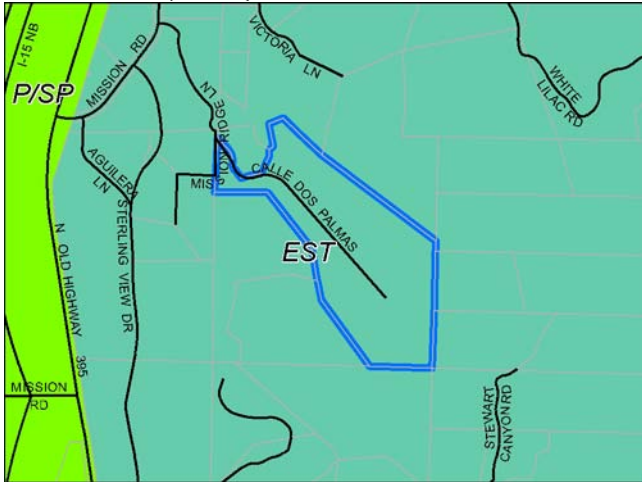
PC/Staff Recommendation

Discussion

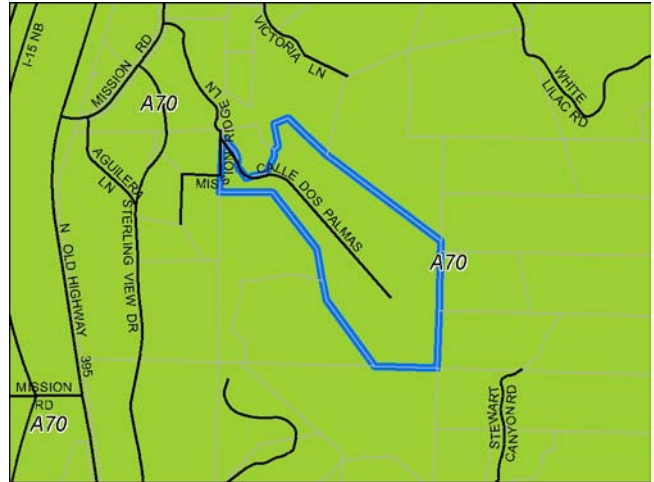
Although most of the property is not mapped as steep slopes in the County GIS, the project's steep slopes analysis suggests only 3.7 lots would be allowed with SR4. Only 4 existing lots to the west could be included with this change to SR2 without allowing additional subdivision on other lots. Although this would result in a small area of SR2, it is adjacent to other Semi-rural areas.

UNRECORDED SUBDIVISIONS REVIEW

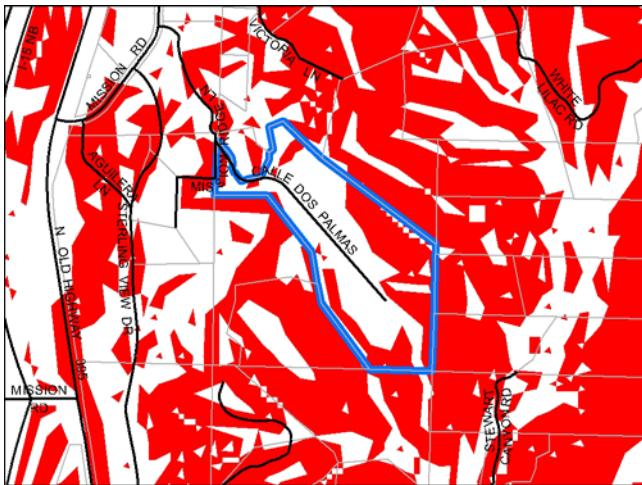
TPM20793 (cont.)



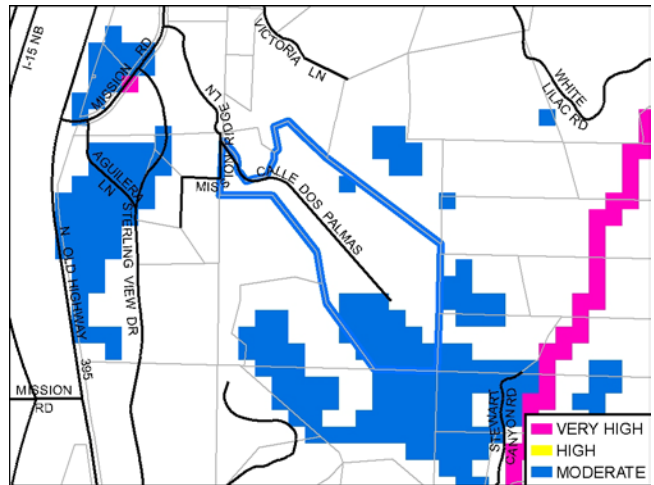
Existing General Plan



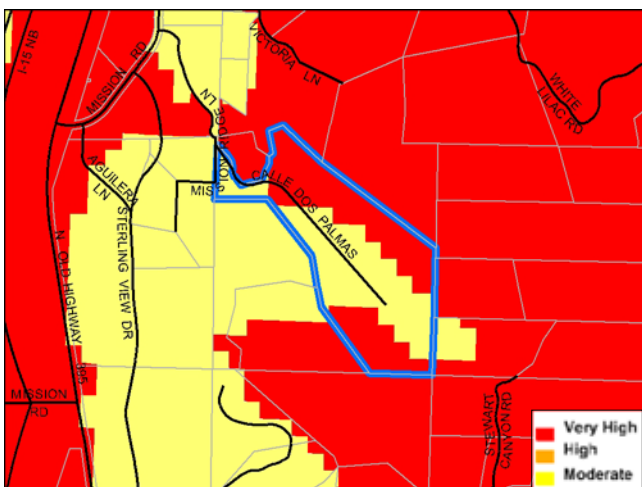
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM20811

Change Necessary:

Change land use designation from SR4 to SR2

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:
1- Based on staff's experience

Project Description

Application Name:

Mustafa Bassam

Size:

16 acres, 1 existing parcel
5 residential lots approved

Date approved:

August 10, 2009

Location/Description:

Valley Center

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- ◐ Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

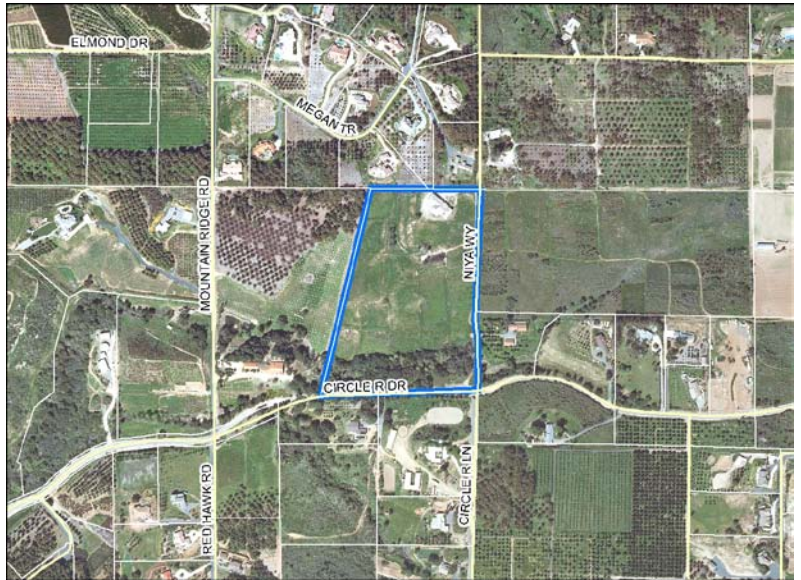
Land Use

General Plan

Scenario	Designation
Existing General Plan	1du/2,4 ac
PC / Staff Recommendation	SR4
Referral	SR4
Hybrid	SR4
Draft Land Use	SR4
Environmentally Superior	SR4

Zoning

Existing — A70, 2-acre minimum lot size
Proposed — Same



Aerial



PC/Staff Recommendation

Discussion

This TPM requires a designation of SR2 to reflect its approval. Existing 2 acre parcels are located immediately to the north. The SR2 designation could be applied to the project site and parcels to the north to provide a larger designation of SR2. Additional SR2 designations that reflected existing parcelization is nearby.

UNRECORDED SUBDIVISIONS REVIEW

TPM20780 (cont.)



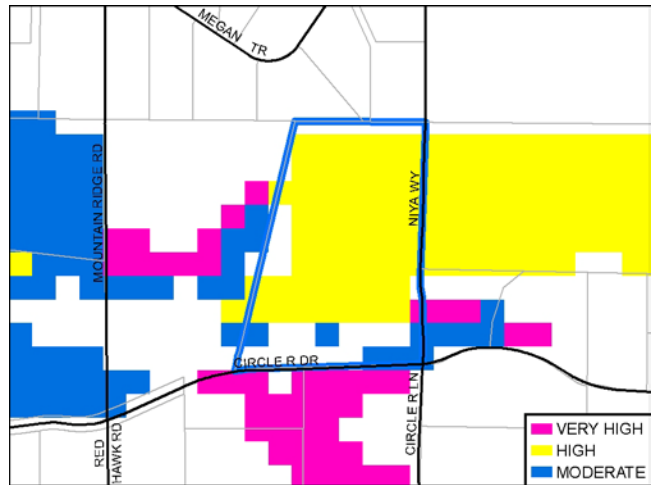
Existing General Plan



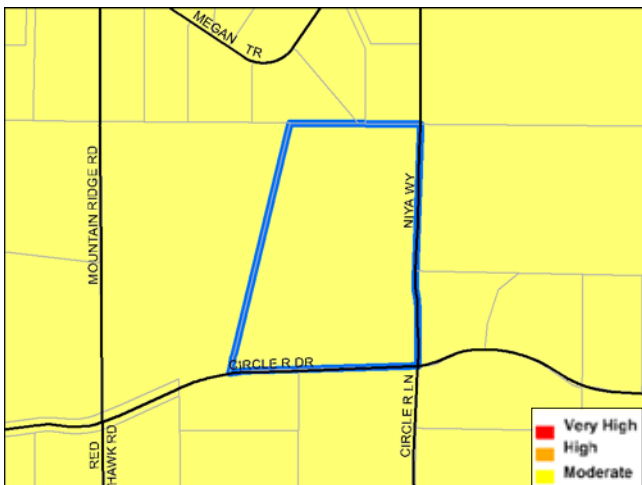
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM20840

Change Necessary:

Change land use designation from RL20 to SR2

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	No
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

Leslie / Bersztyn

Size:

23 acres, 2 existing parcel
4 residential lots approved

Date approved:

September 5, 2007

Location/Description:

Crest/Dehesa

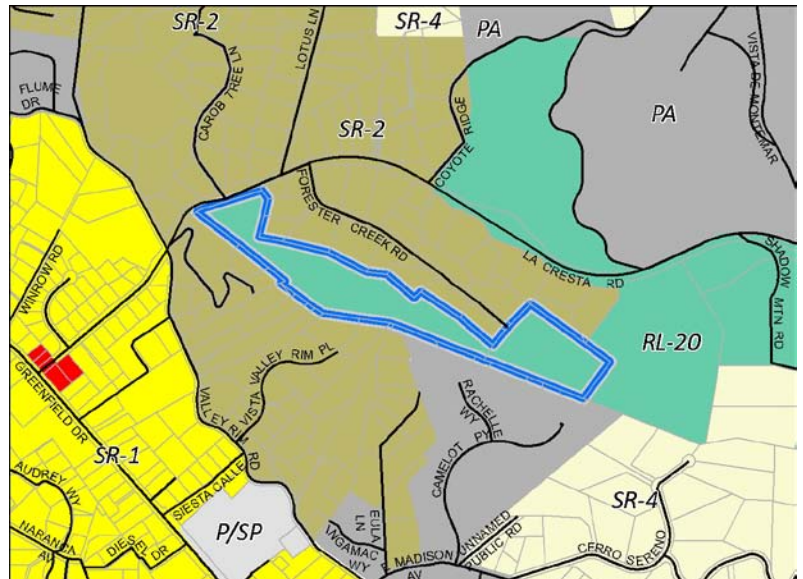
Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones



Aerial



PC/Staff Recommendation

Land Use

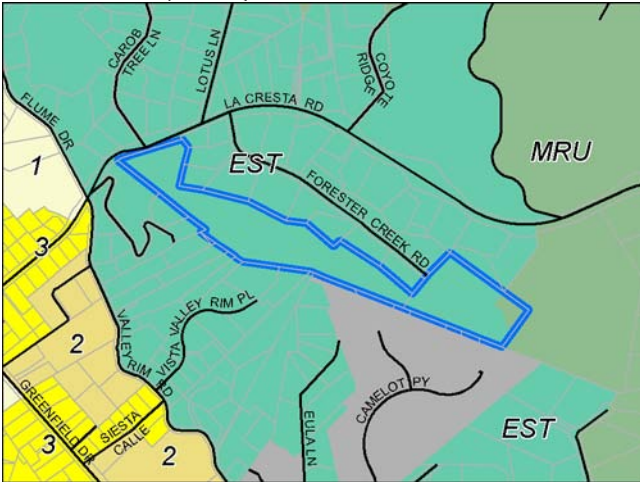
General Plan	
Scenario	Designation
Existing General Plan	1du/2,4 ac
PC / Staff Recommendation	RL20
Referral	RL20
Hybrid	RL20
Draft Land Use	RL20
Environmentally Superior	RL20
Zoning	
Existing — A70, 2-acre minimum lot size	
Proposed — Same	

Discussion

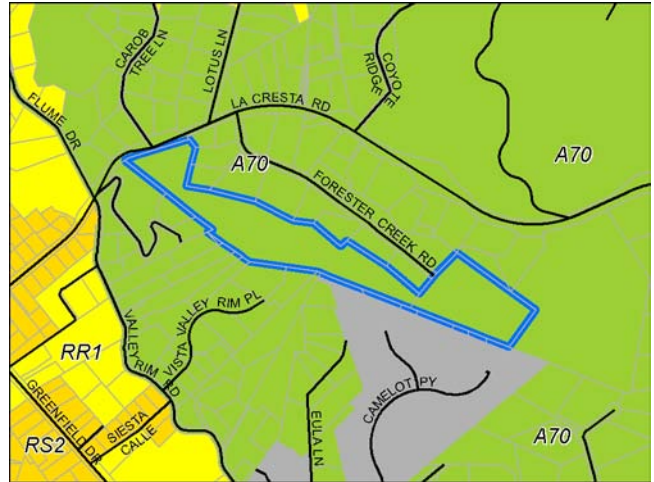
This TPM requires a designation of SR2 to reflect its approval because of the steep slopes. The property is mostly surrounded by SR2 designation already.

UNRECORDED SUBDIVISIONS REVIEW

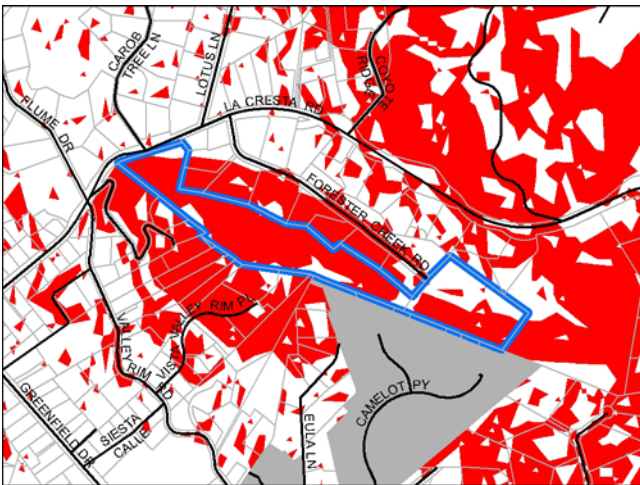
TPM20840 (cont.)



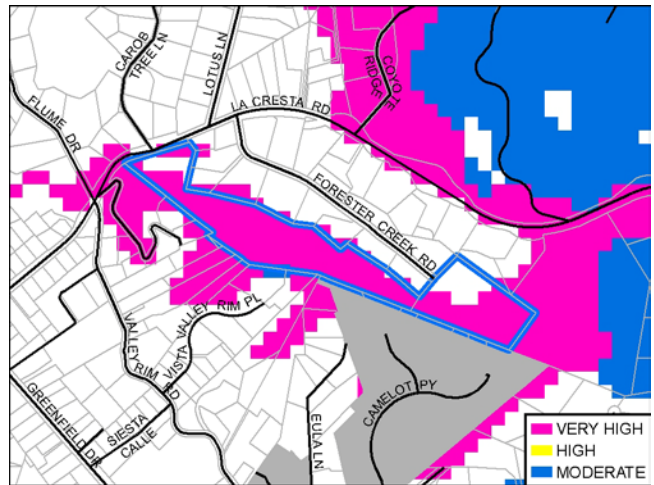
Existing General Plan



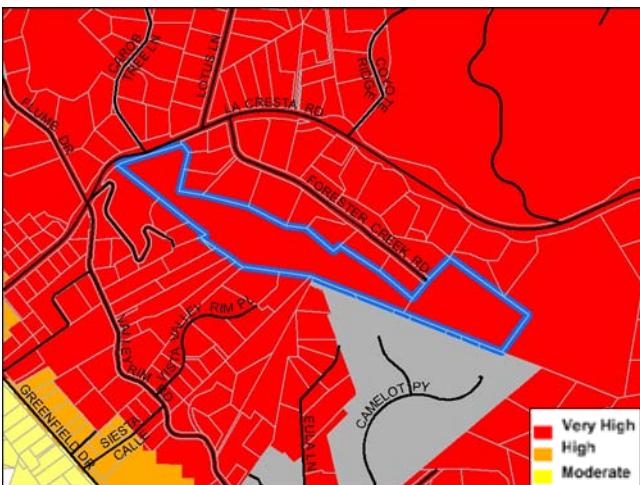
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM20846

Change Necessary: Change land use designation from SR10 to SR4	
Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

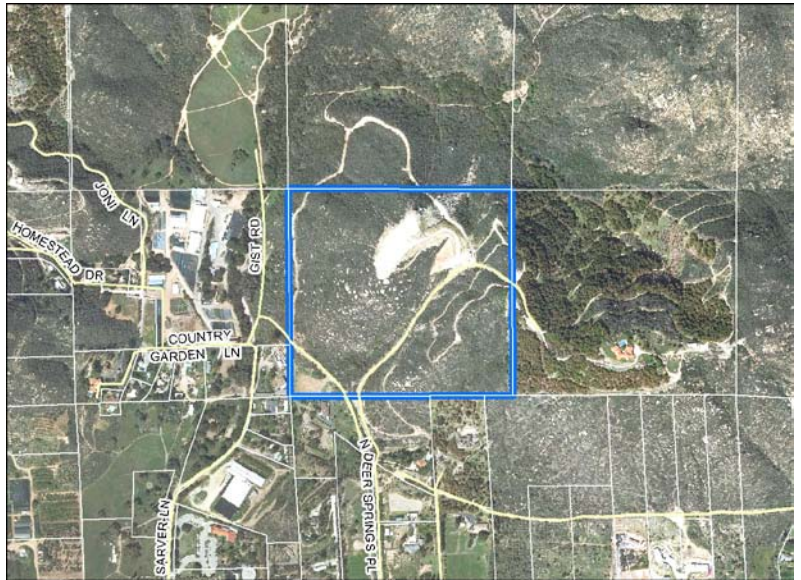
Note:
1- Based on staff's experience

Project Description

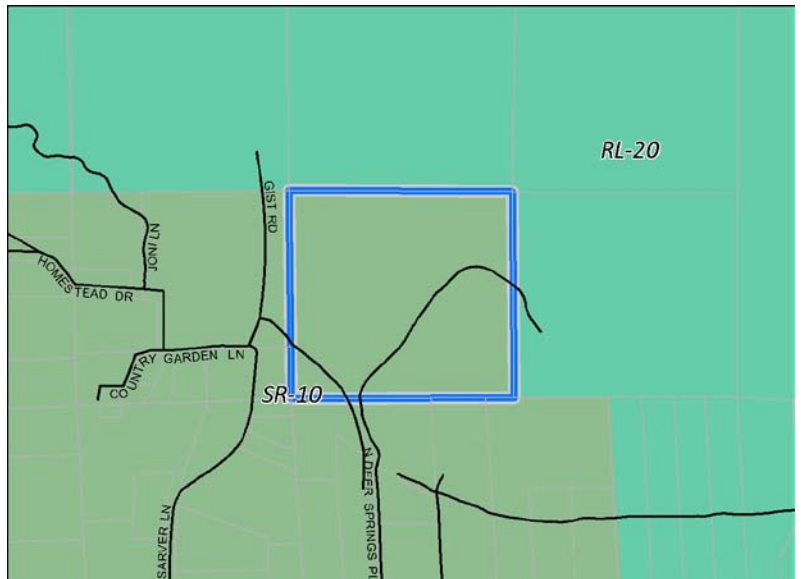
<u>Application Name:</u> Pizzuto
<u>Size:</u> 41 acres, 1 existing parcel 3 residential lots approved
<u>Date approved:</u> January 29, 2009
<u>Location/Description:</u> North County Metro (Twin Oaks)
<u>Prevalence of Constraints (See following page):</u> ● - high; ◐ - partially; ○ - none
● Steep slope (greater than 25%)
○ Floodplain
○ Wetlands
◐ Habitat Value
○ Agricultural Lands
● Fire Hazard Severity Zones

Land Use

<i>General Plan</i>	
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	SR10
Referral	SR10
Hybrid	SR10
Draft Land Use	RL20
Environmentally Superior	RL40
<i>Zoning</i>	
Existing — A70, 4-acre minimum lot size	
Proposed — Same	



Aerial



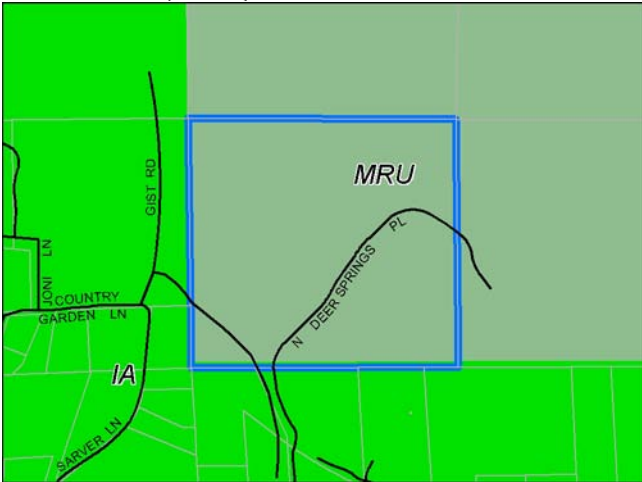
PC/Staff Recommendation

Discussion

This TPM requires a designation of SR4 to reflect its approval because steep slopes reduce the yield under SR10 to 2 lots. Existing parcels less than 4 acres are located to the immediate southwest of the property and could be included in a redesignation. (This was previously Referral #1, NC10. Although the referral of SR10 was reflected on the PC/Staff Recommendation it is not sufficient to match the approved TPM.)

UNRECORDED SUBDIVISIONS REVIEW

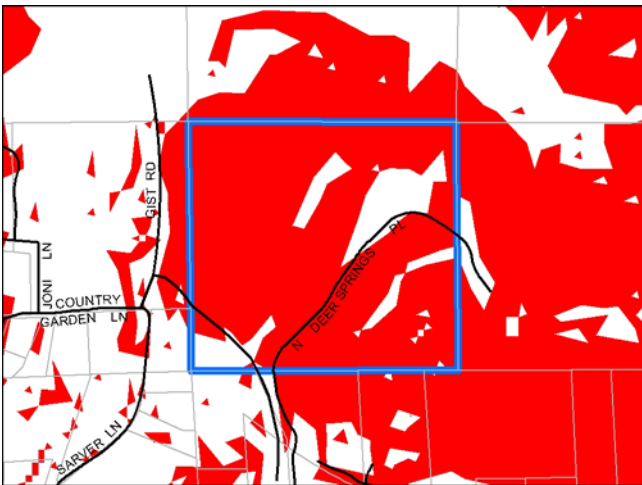
TPM20846 (cont.)



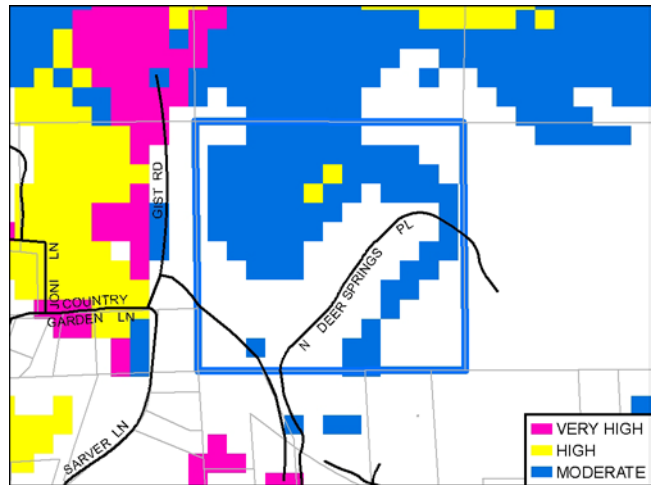
Existing General Plan



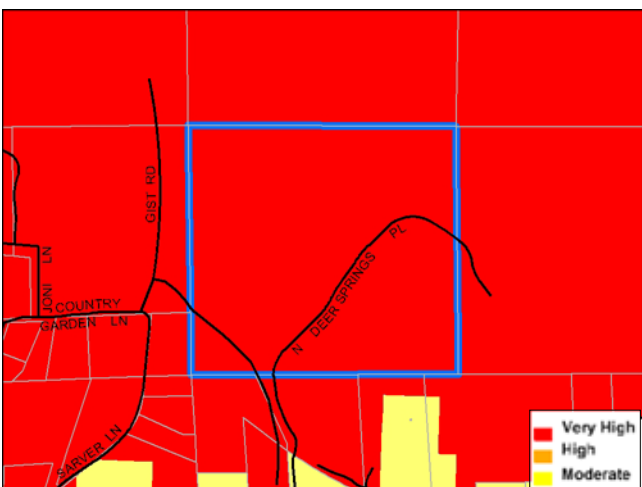
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM20848

Change Necessary: SR2	
Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	No
EIR Recirculation Needed	No
Level of Change	Minor

Note:
1- Based on staff's experience

Project Description

Application Name:

House Daren

Size:

16 acres, 1 existing parcel
5 residential lots approved

Date approved:

August 1, 2007

Location/Description:

Valley Center

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- ◐ Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- ◐ Agricultural Lands
- Fire Hazard Severity Zones

Land Use

General Plan

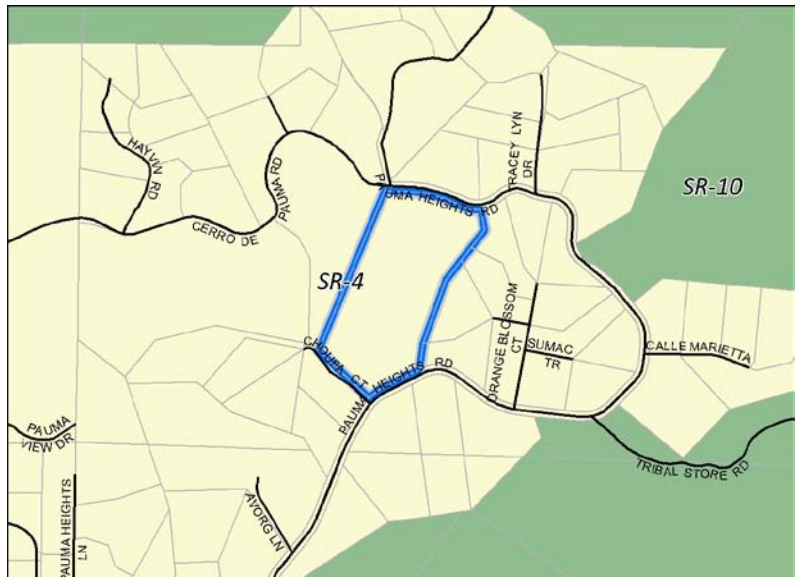
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	RL20
Referral	RL20
Hybrid	RL20
Draft Land Use	RL20
Environmentally Superior	RL20

Zoning

Existing — A70, 2-acre minimum lot size
Proposed — Same



Aerial



PC/Staff Recommendation

Discussion

This TPM requires a designation of SR2 to reflect its approval. Existing lots of 2 acres are located immediately to the east and could be included in the change in designation.

UNRECORDED SUBDIVISIONS REVIEW

TPM20848 (cont.)



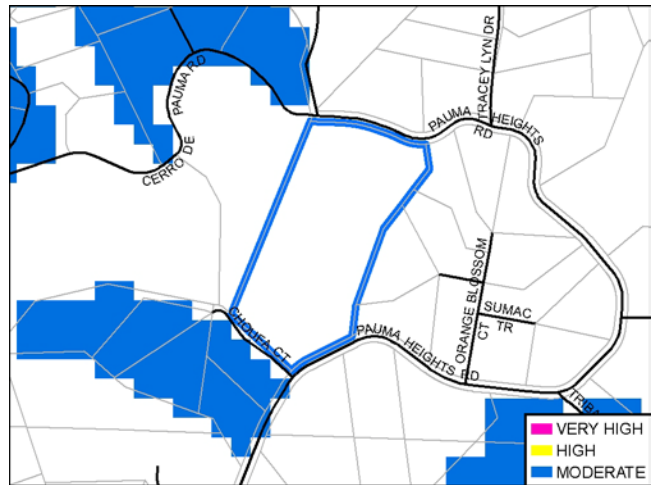
Existing General Plan



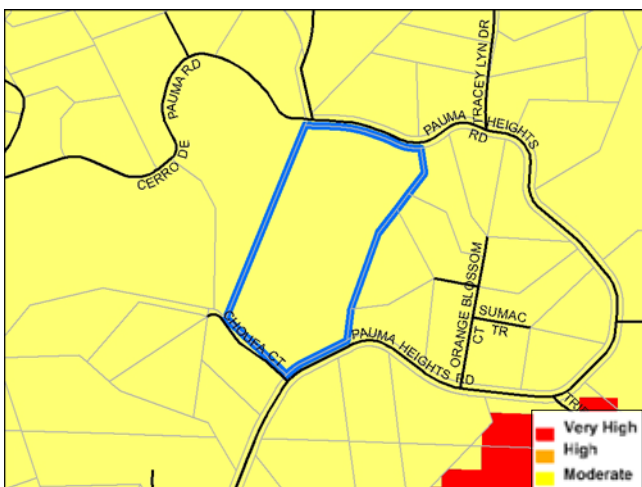
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM20954

Change Necessary:

Change land use designation from RL20 to SR4

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

Nystrom

Size:

38 acres, 1 existing parcel
4 residential lots approved

Date approved:

November 27, 2007

Location/Description:

Valley Center

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

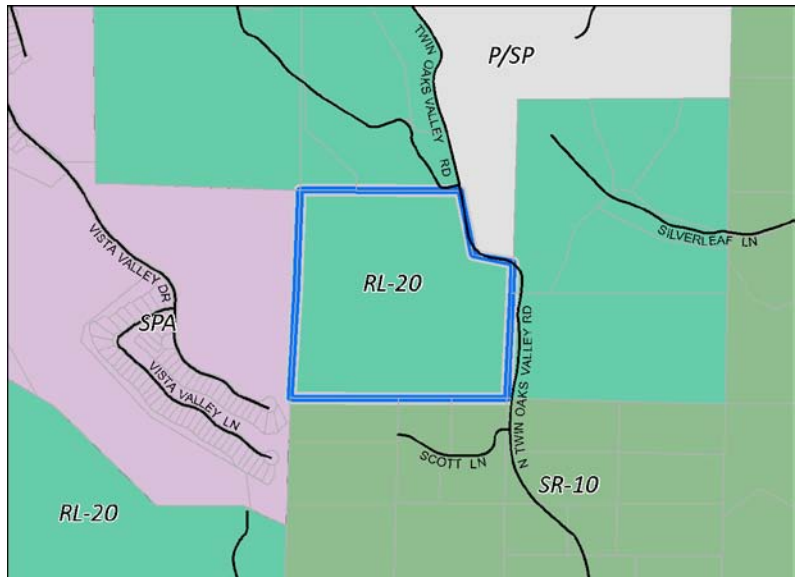
- ◐ Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- ◐ Agricultural Lands
- Fire Hazard Severity Zones

Land Use

<i>General Plan</i>	
Scenario	Designation
Existing General Plan	1du/2,4 ac
PC / Staff Recommendation	RL20
Referral	RL20
Hybrid	RL20
Draft Land Use	RL20
Environmentally Superior	RL20
<i>Zoning</i>	
Existing — A70, 2-acre minimum lot size	
Proposed — Same	



Aerial



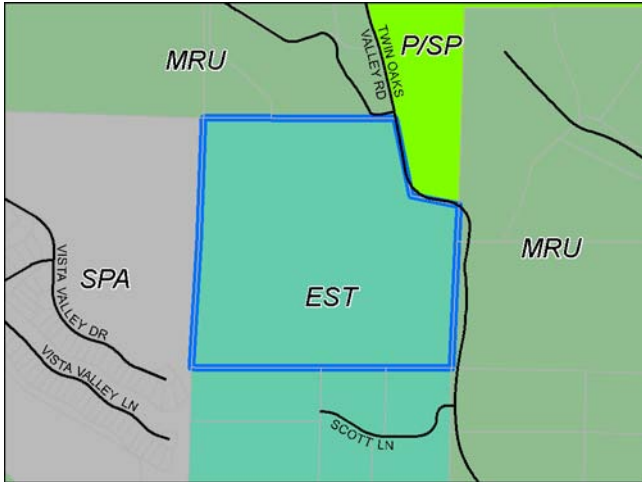
PC/Staff Recommendation

Discussion

This TPM requires a designation of SR4 to reflect its approval. Parcels to the south could be combined with the SR4 without allowing further subdivision.

UNRECORDED SUBDIVISIONS REVIEW

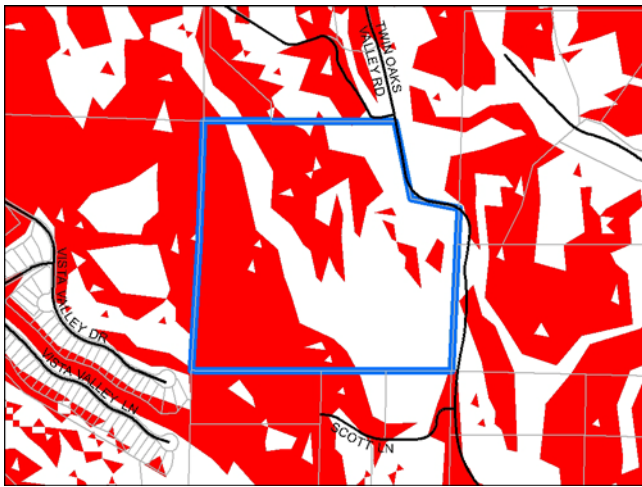
TPM20954



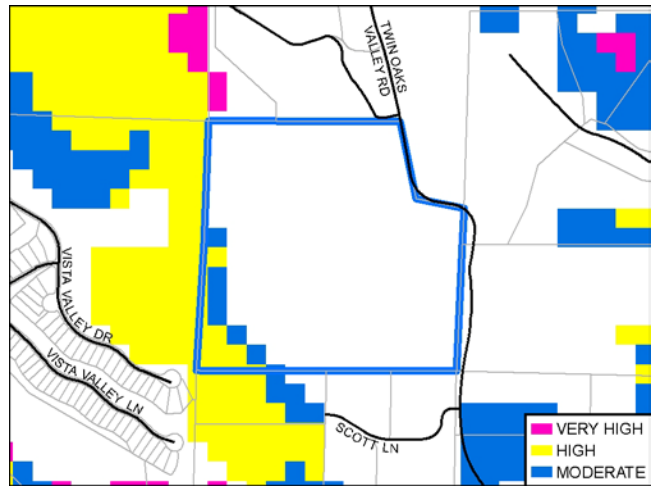
Existing General Plan



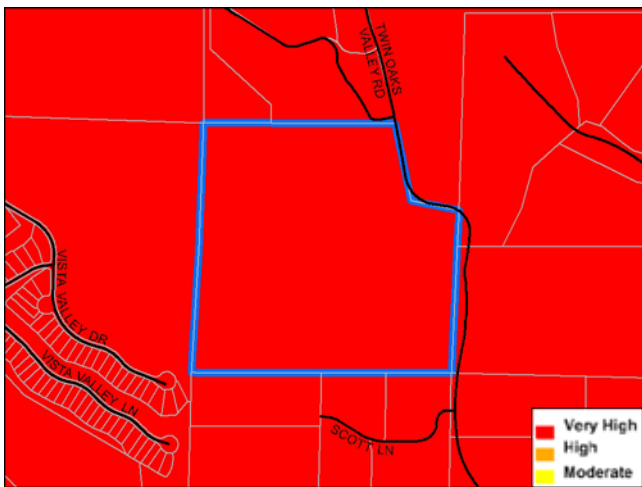
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

BONSALL

DRAFT

UNRECORDED SUBDIVISIONS REVIEW

TPM20999

Change Necessary: Change land use designation from SR4 to SR2	
Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:
1- Based on staff's experience

Project Description

Application Name:

Avorg Corp

Size:

14.7 acres, 1 existing parcel
4 residential lots approved

Date approved:

December 22, 2008

Location/Description:

Valley Center

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- ◐ Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- ◐ Agricultural Lands
- Fire Hazard Severity Zones

Land Use

General Plan

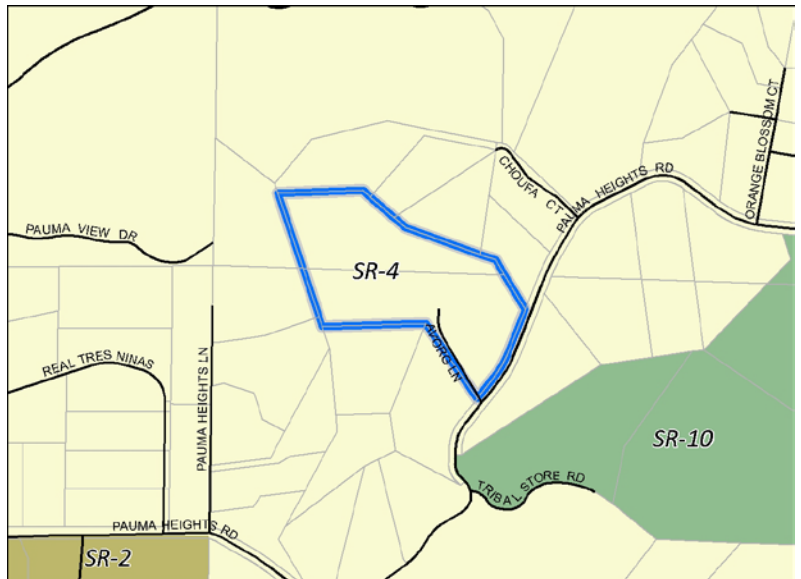
Scenario	Designation
Existing General Plan	1du/2,4 ac
PC / Staff Recommendation	SR4
Referral	SR4
Hybrid	SR4
Draft Land Use	SR4
Environmentally Superior	SR4

Zoning

Existing — A70, 2-acre minimum lot size
Proposed — Same



Aerial



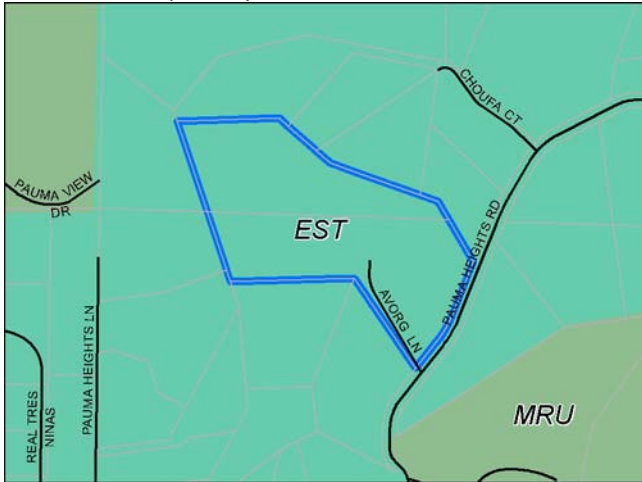
PC/Staff Recommendation

Discussion

This TPM requires a designation of SR2 to reflect its approval. Smaller lots are adjacent to it and could be included without allowing additional subdivision potential.

UNRECORDED SUBDIVISIONS REVIEW

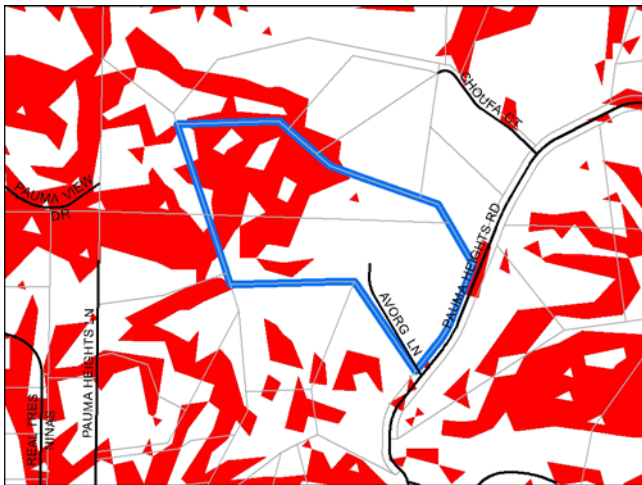
TPM20999 (cont.)



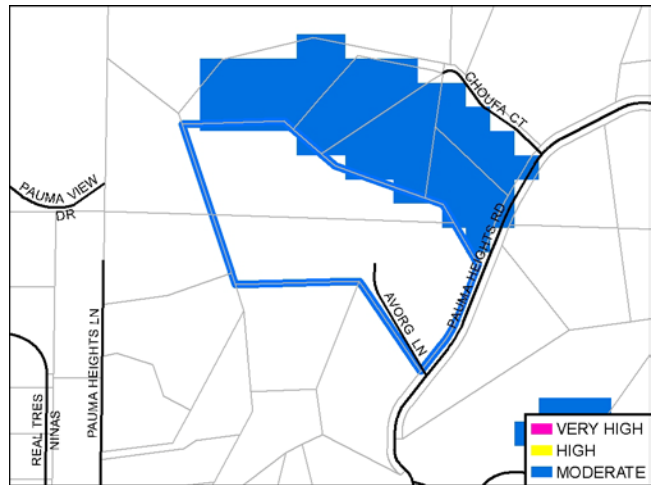
Existing General Plan



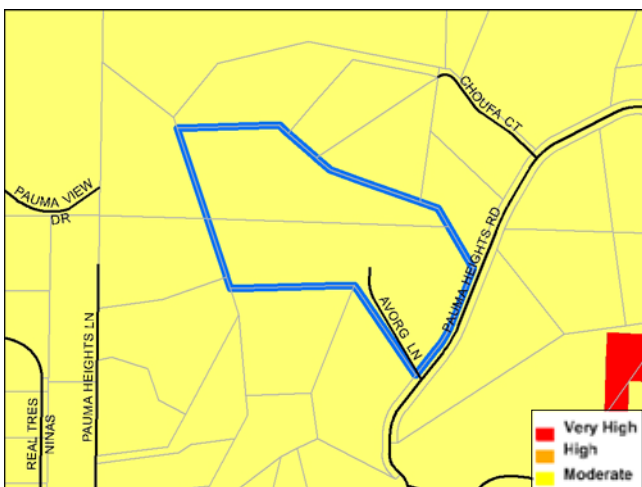
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM21001

Change Necessary: Change land use designation from SR4 to SR2	
Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:
1- Based on staff's experience

Project Description

Application Name:

Goodnight

Size:

5 acres, 1 existing parcel
2 residential lots approved

Date approved:

December 8, 2009

Location/Description:

Valley Center

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- ◐ Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- ◐ Agricultural Lands
- Fire Hazard Severity Zones

Land Use

General Plan

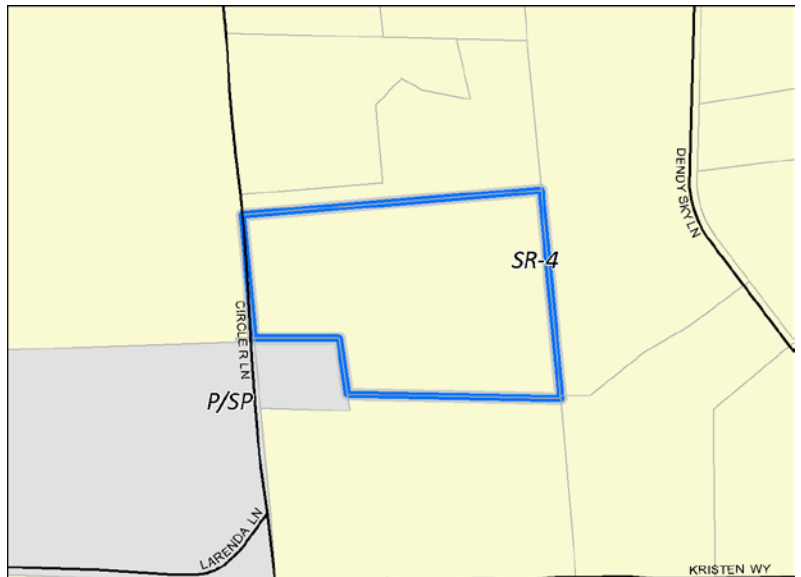
Scenario	Designation
Existing General Plan	1du/2,4 ac
PC / Staff Recommendation	SR4
Referral	SR4
Hybrid	SR4
Draft Land Use	SR4
Environmentally Superior	SR4

Zoning

Existing — A70, 2-acre minimum lot size
Proposed — Same



Aerial



PC/Staff Recommendation

Discussion

This TPM requires a designation of SR2 to reflect its approval. There are a few smaller parcels adjacent to it that it could be grouped with but this change will result in a fairly small island of SR2 in the midst of an SR4 area (see zoomed out PC/Staff Recommendation figure on next page).

UNRECORDED SUBDIVISIONS REVIEW

TPM21004

Change Necessary:

Change land use designation from SR2/RL20 to SR10

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:
1- Based on staff's experience

Project Description

Application Name:

Fallbrook Development

Size:

87 acres, multiple existing parcel
5 residential lots approved

Date approved:

May 11, 2009

Location/Description:

Valley Center

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- ◐ Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

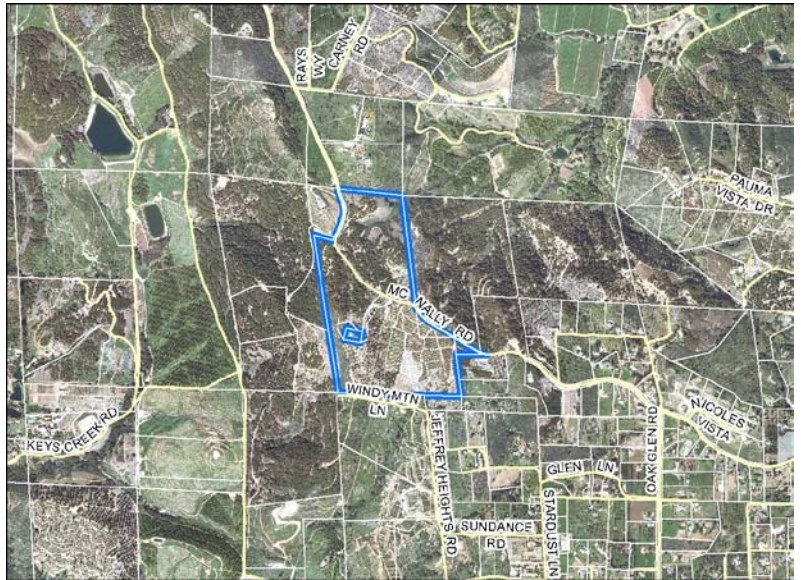
Land Use

General Plan

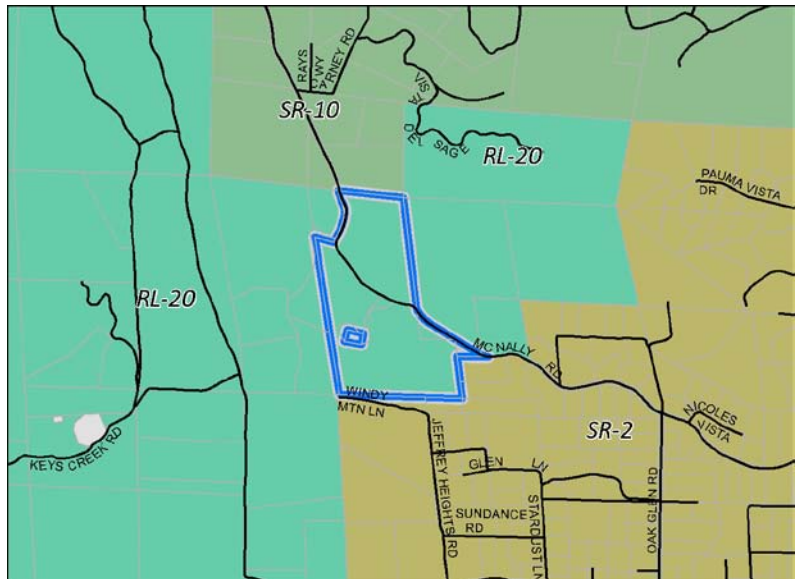
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	SR2/RL20
Referral	SR2/RL20
Hybrid	SR2/RL20
Draft Land Use	SR2/RL20
Environmentally Superior	SR2/RL40

Zoning

Existing — A70, 4-acre minimum lot size
Proposed — Same



Aerial



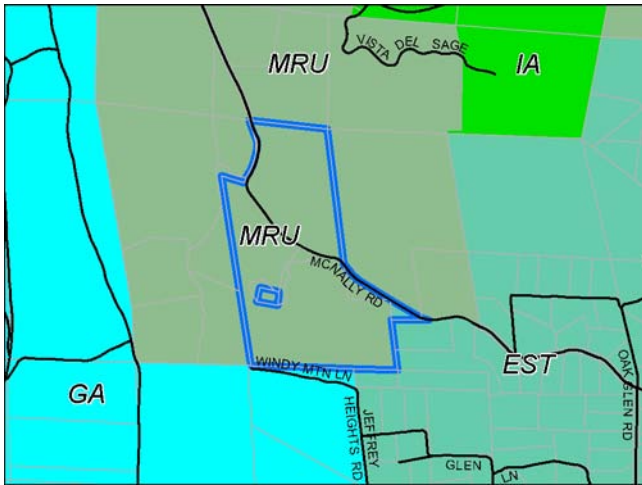
PC/Staff Recommendation

Discussion

The current recommendation has 3 acres of the project site at SR-2 and the remainder at RL-20. This would allow for an overall density of 5 lots but because of the multiple designation the General Plan Update would require a density transfer which is accomplished by major use permit or specific plan. To avoid the need for these processes, all of the property could be designation as SR10. This would provide for a yield equal or greater than what is approved and a density transfer would not be necessary because the whole property would have the same designation. The designation would be a single spot of SR10 but it is adjacent to SR2 and transitions to RL20. Therefore, it would be consistent with the mapping principles for the General Plan Update.

UNRECORDED SUBDIVISIONS REVIEW

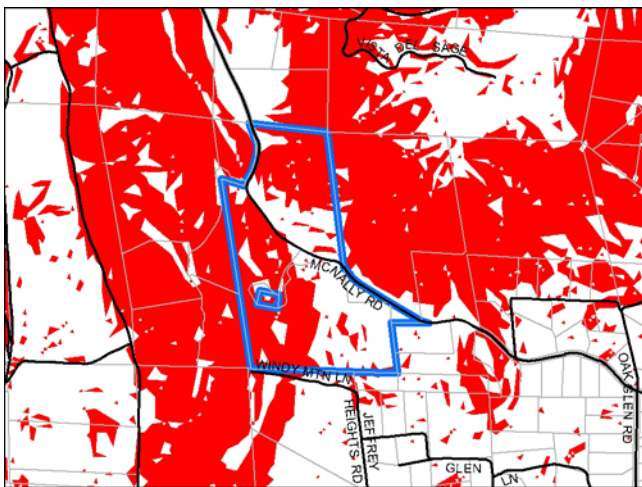
TPM21004 (cont.)



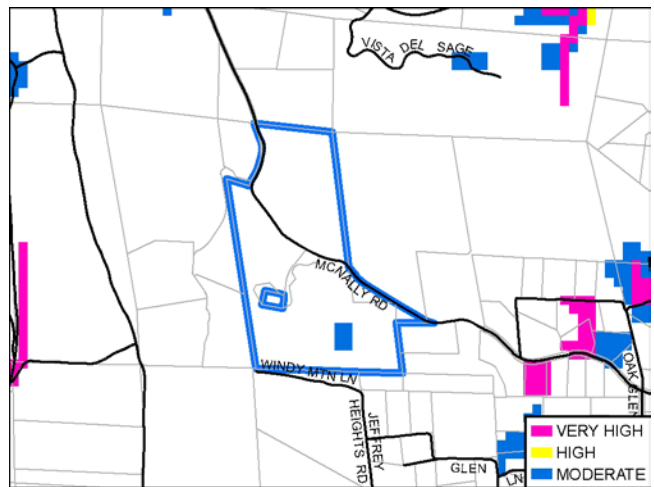
Existing General Plan



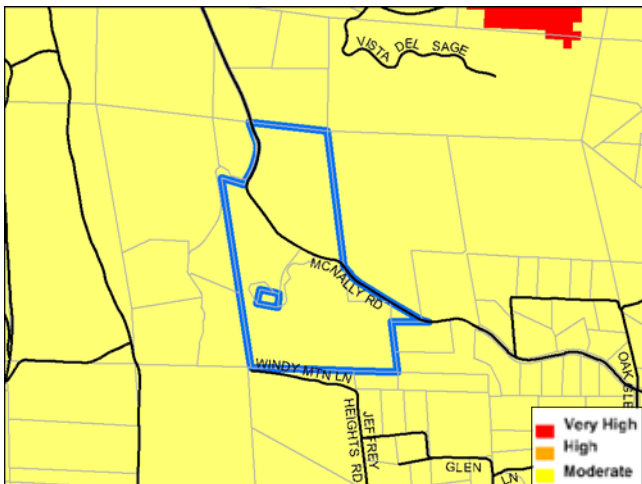
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM21060

Change Necessary:

Change land use designation from RL40 to SR4

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Major

Note:

1- Based on staff's experience

Project Description

Application Name:

Hamilton

Size:

24 acres, 1 existing parcel
2 residential lots approved

Date approved:

March 6, 2009

Location/Description:

Jamul/Dulzura

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

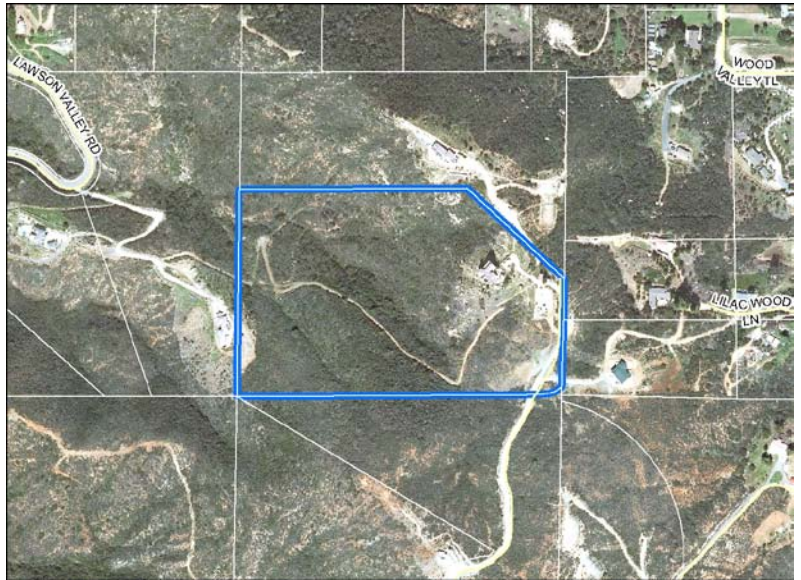
Land Use

General Plan

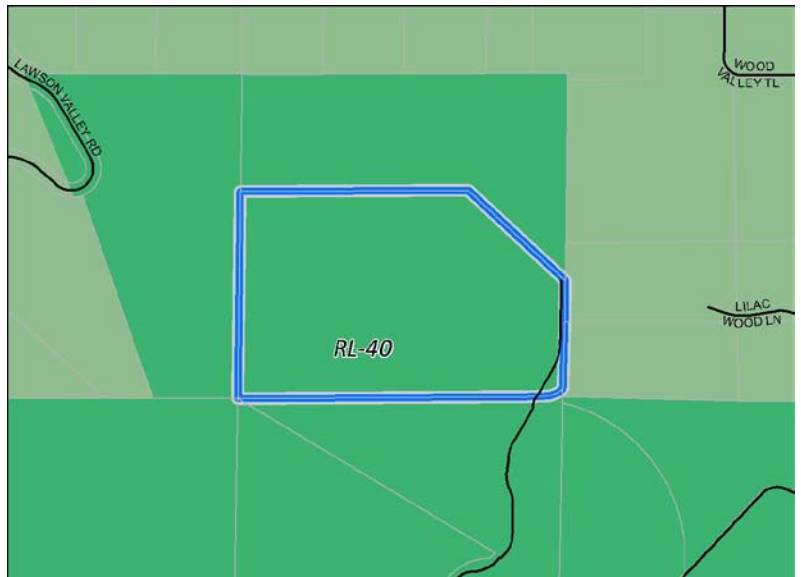
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	RL40
Referral	RL40
Hybrid	RL40
Draft Land Use	RL40
Environmentally Superior	RL80

Zoning

Existing — A72, 8-acre minimum lot size
Proposed — Same



Aerial



PC/Staff Recommendation

Discussion

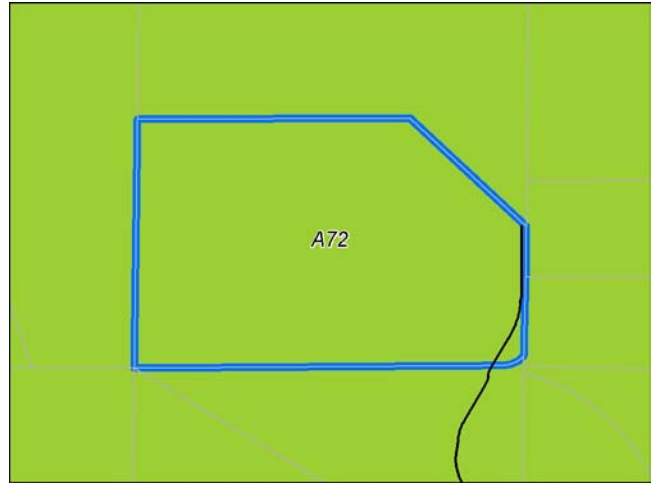
The site contains mostly steep slope so the SR10 designation would not be sufficient. Instead, an SR4 is needed and would result in an isolated area of this designation. A few parcels could be combined. It is also possible to include a larger area but it would result in some subdivision potential in an area that the General Plan Update is generally reducing growth. As a result, this is considered a Major change.

UNRECORDED SUBDIVISIONS REVIEW

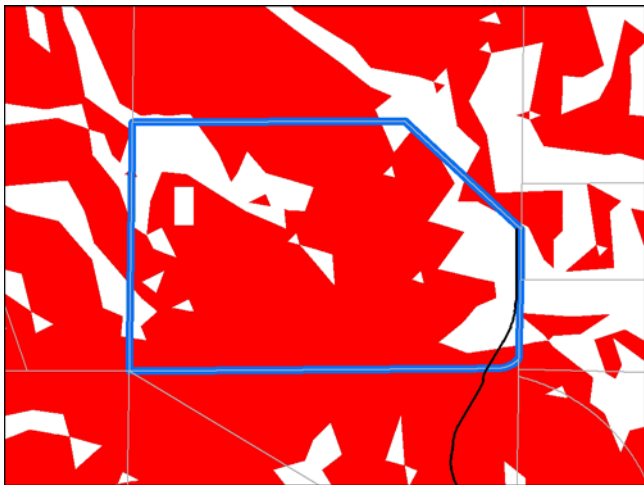
TPM21060 (cont.)



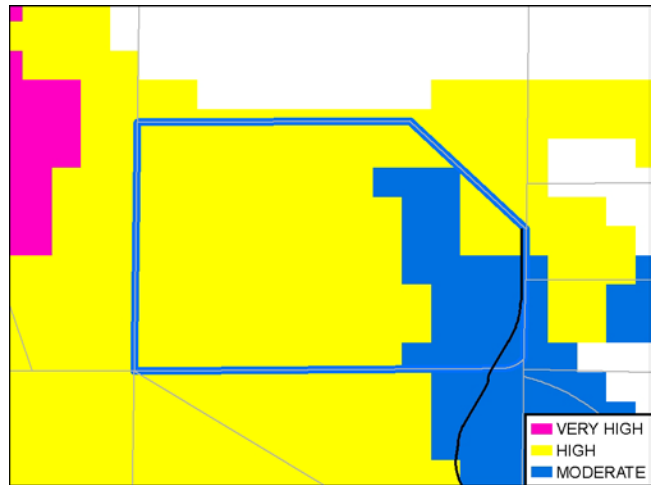
Existing General Plan



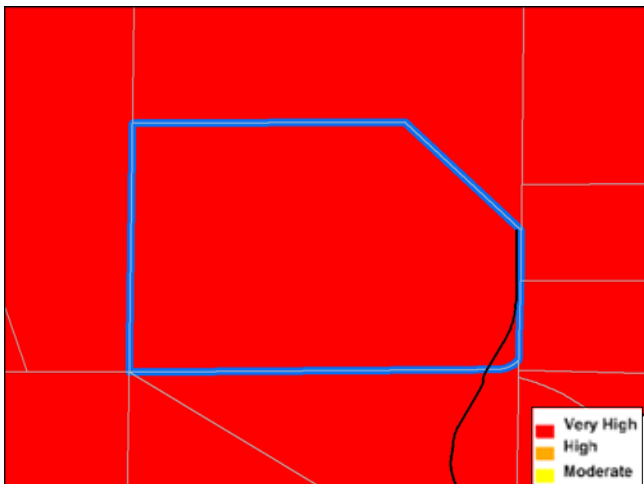
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM21094

Change Necessary: Change land use designation from RL40 to SR4	
Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Notes:
1- Based on staff's experience

Property Description

Application Name:

Shellstrom

Size:

23 acres, 1 parcel
4 residential lots approved

Date Approved:

October 6, 2010

Location/Description:

Central Mountain (Descanso), Accessed via
Viejas Blvd., Outside CWA boundary

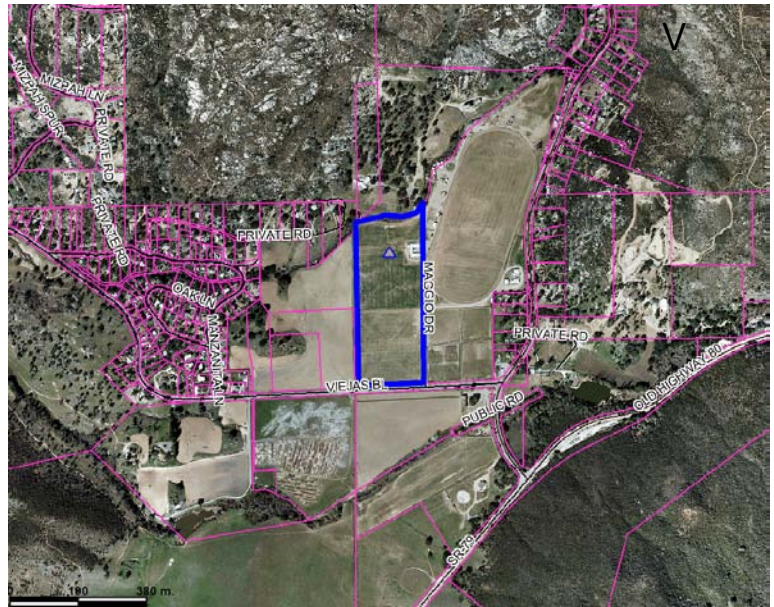
Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

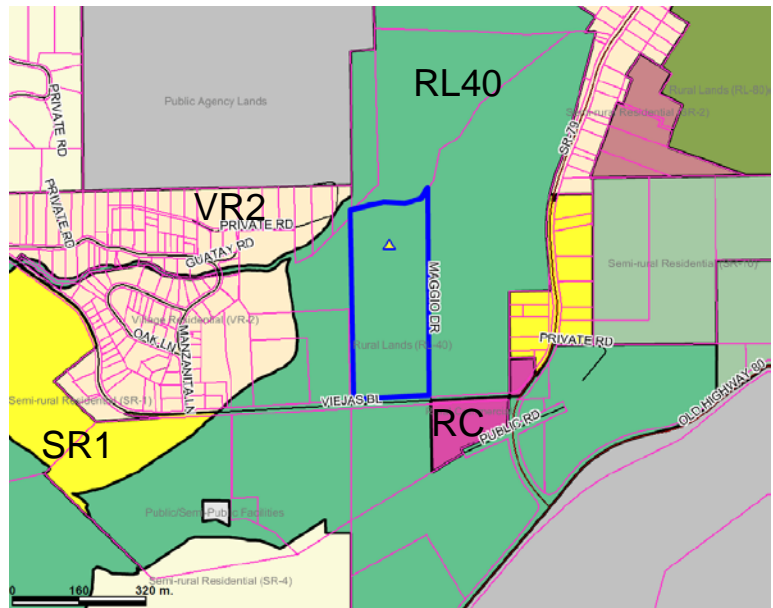
- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- ◐ Agricultural Lands
- Fire Hazard Severity Zones

Land Use

General Plan	
Scenario	Designation
Existing General Plan	(1) 1 du/1,2,4 ac 1 du/4,8, 20 ac
PC / Staff Recommendation	RL40
Referral	RL40
Hybrid	
Draft Land Use	
Environmentally Superior	RL80
Zoning	
Existing — S92, 4-acre minimum lot size	
Proposed — same as existing	



Aerial



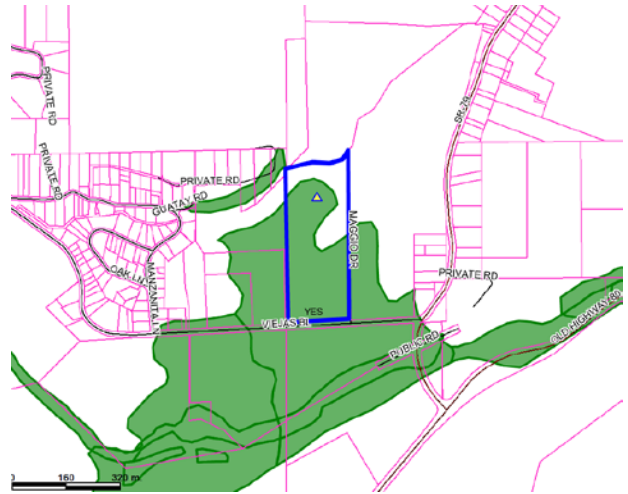
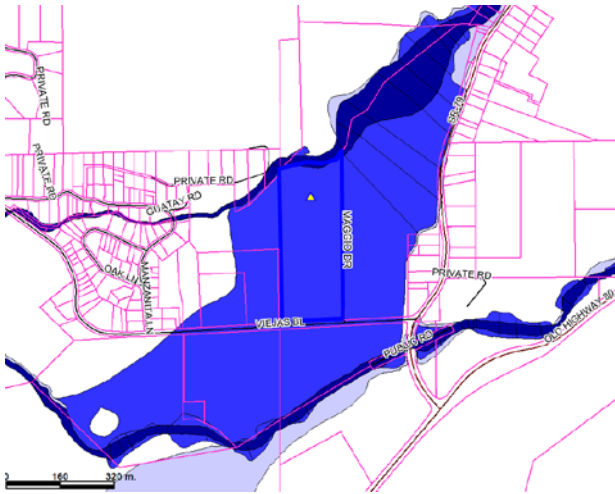
PC/Staff Recommendation

Discussion

The site requires a designation of SR4 to reflect the approved tentative parcel map. There are no SR4 designated areas in the immediate vicinity, which is surrounded by Rural Lands 40 designations. If the three parcels to the west are also designated Semi-Rural 4 it would not result in additional yield as those parcels are already each designated partially as Village Residential 2.

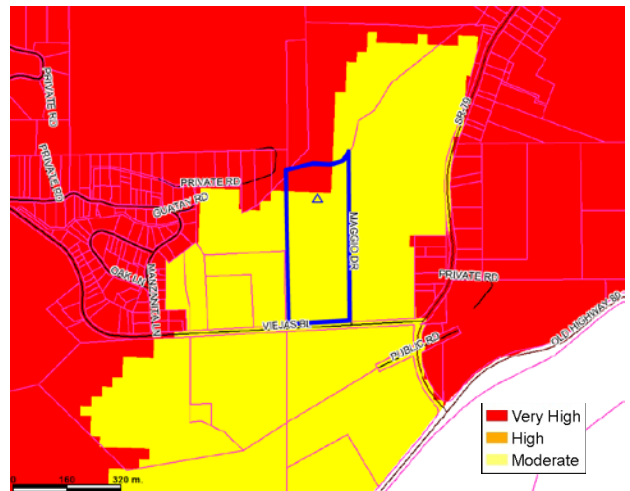
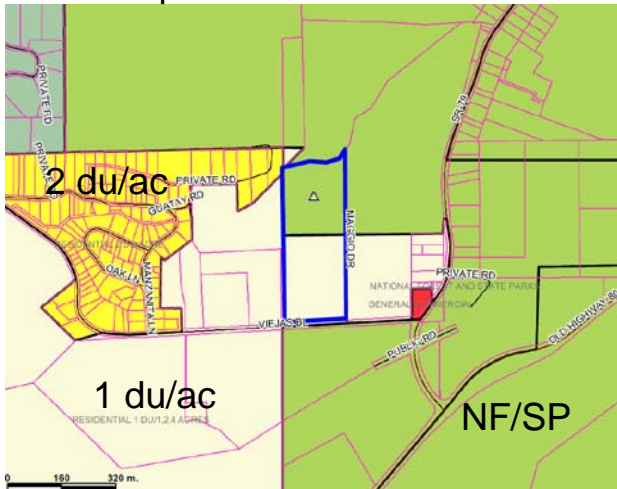
UNRECORDED SUBDIVISIONS REVIEW

TPM21094 (cont.)



FEMA Floodplain

Wetland



Existing General Plan

Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM21095

Change Necessary:

Change land use designation from SR10 to SR4

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

Rimsa Family

Size:

13 acres, 1 existing parcel
2 residential lots approved

Date approved:

April 8, 2009

Location/Description:

North County Metro (Twin Oaks)

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

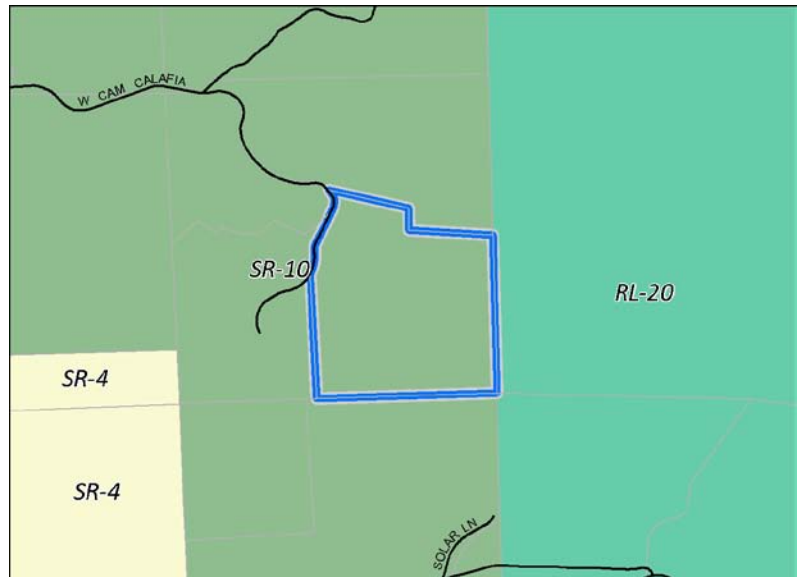
- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- ◐ Agricultural Lands
- Fire Hazard Severity Zones

Land Use

<i>General Plan</i>	
Scenario	Designation
Existing General Plan	1du/4,8,20 ac
PC / Staff Recommendation	SR10
Referral	SR10
Hybrid	SR10
Draft Land Use	SR10
Environmentally Superior	RL20
<i>Zoning</i>	
Existing — S92, 4-acre minimum lot size	
Proposed — Same	



Aerial



PC/Staff Recommendation

Discussion

This TPM requires a designation of SR4 to reflect its approval. There are SR4 designated lands nearby but not adjacent. Additionally, while steep slopes occur throughout this area, many of the surrounding lots would have subdivision potential if designated at SR4. To avoid only designating this one property as a spot of SR4, the most desirable approach would be to include the parcels to the immediate west and southwest. This may allow for an additional potential lot or 2 on those adjacent parcels.

UNRECORDED SUBDIVISIONS REVIEW

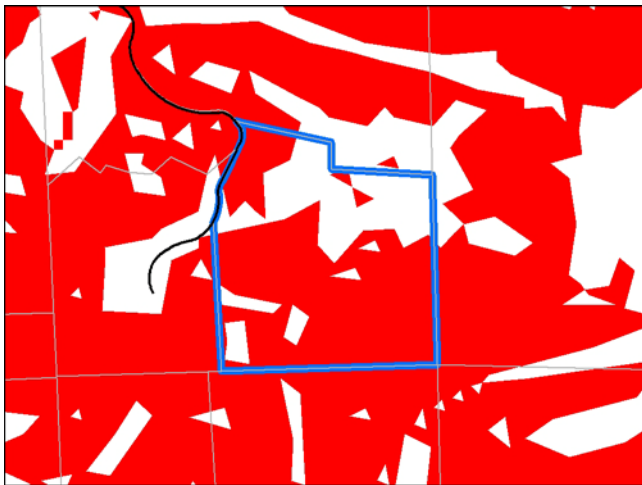
TPM21095 (cont.)



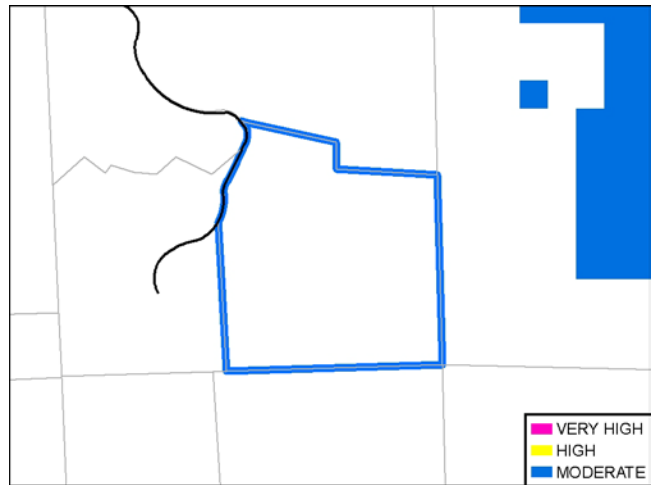
Existing General Plan



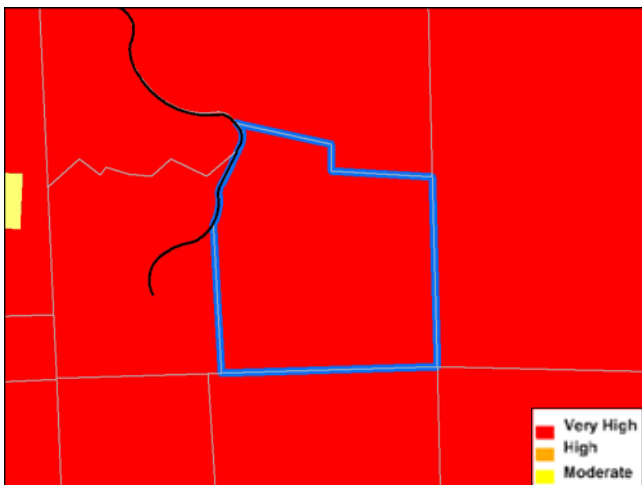
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM21155 (also reviewed as B019)

Change Necessary:

Change land use designation from SR4 to SR2

Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	Yes
EIR Recirculation Needed	No
Level of Change	Minor

Note:

1- Based on staff's experience

Project Description

Application Name:

Anderson

Size:

5.8 acres, 1 existing parcel
2 residential lots approved

Date approved:

April 23, 2010

Location/Description:

Bonsall

Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- ◐ Habitat Value
- Agricultural Lands
- Fire Hazard Severity Zones

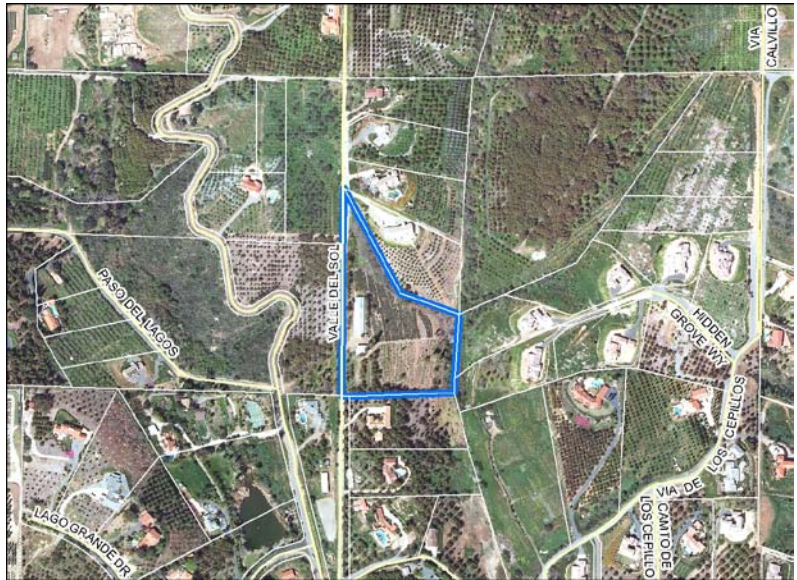
Land Use

General Plan

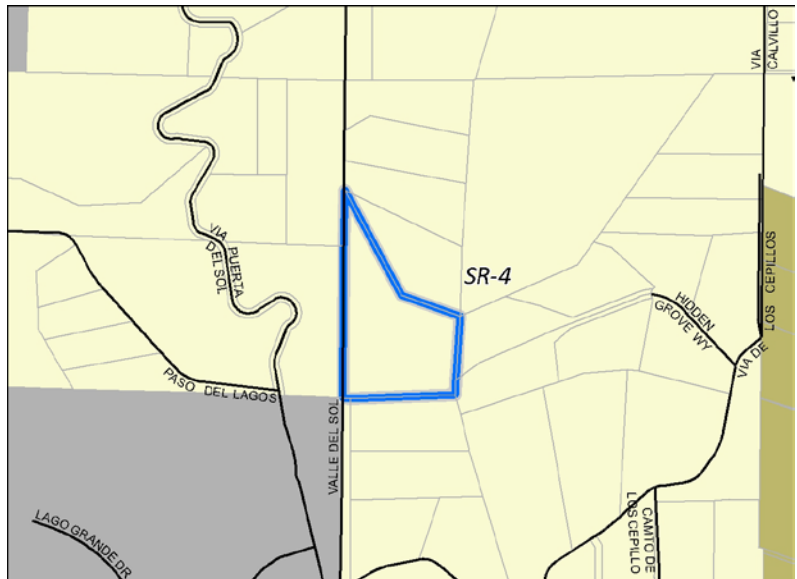
Scenario	Designation
Existing General Plan	1du/2,4 ac
PC / Staff Recommendation	SR4
Referral	SR4
Hybrid	SR4
Draft Land Use	SR4
Environmentally Superior	SR4

Zoning

Existing — RR, 2-acre minimum lot size
Proposed — Same



Aerial



PC/Staff Recommendation

Discussion

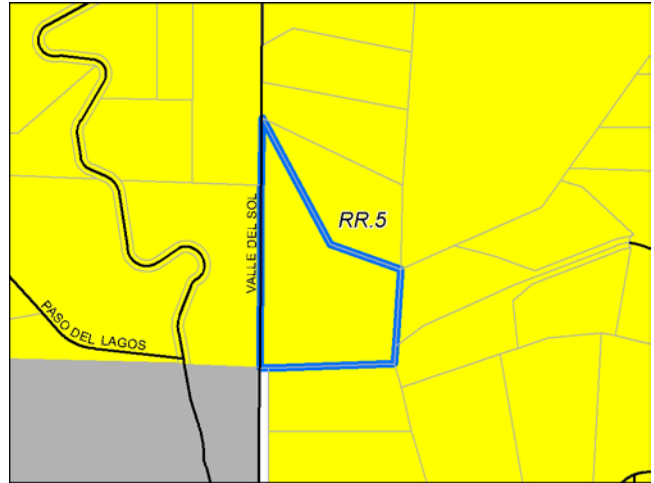
This TPM requires a designation of SR2 to reflect its approval. SR2 lands are located to the east and a number of smaller parcels are also in the area. These parcels could be combined with the project site and redesignated to SR2 to provide a continue block of SR2. Only one or 2 additional lots on nearby parcels would be allowed with this approach.

UNRECORDED SUBDIVISIONS REVIEW

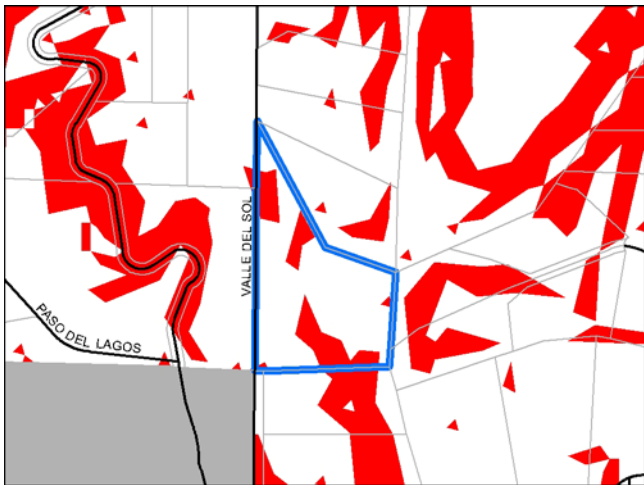
TPM21155 (cont.)



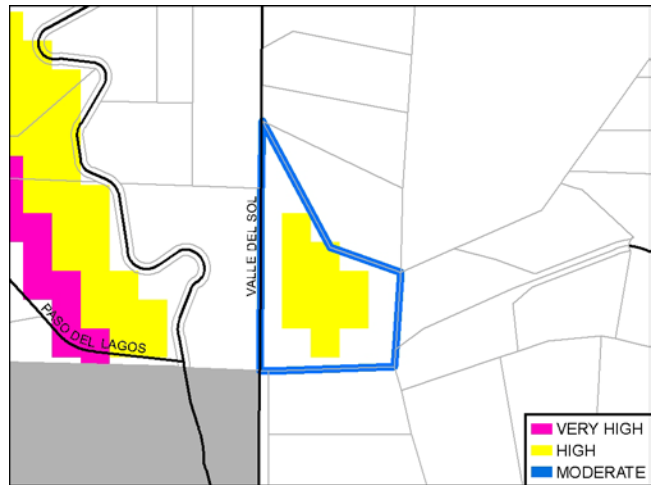
Existing General Plan



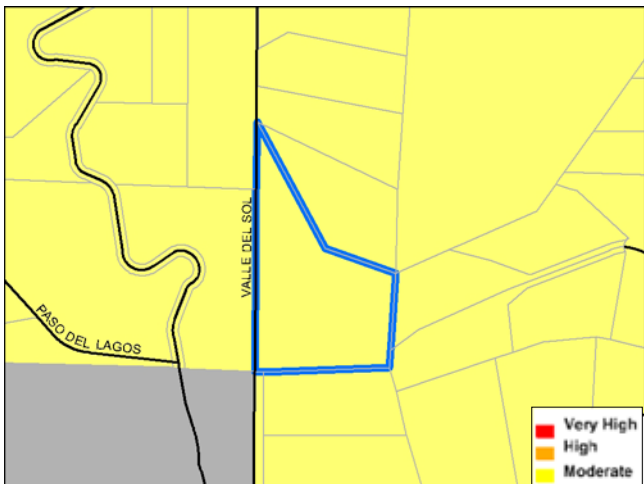
Existing Zoning



Steep Slope (Greater than 25%)



Habitat Evaluation Model



Fire Hazard Severity Zones

UNRECORDED SUBDIVISIONS REVIEW

TPM21159 (see also B030)

Change Necessary: Change land use designation from SR10 to SR4	
Community Recommendation	Unknown
Opposition Expected ¹	No
Spot Designation/Zone	No
EIR Recirculation Needed	No
Level of Change	Minor

Notes:
1- Based on staff's experience

Property Description

Application Name:

Terry J. Brown and Michael S. Hefner

Size:

58.3 acres, 1 parcel
5 residential lots approved

Date Approved:

December 10, 2010

Location/Description:

Bonsall, Accessed via Aquaduct Rd., Inside CWA boundary

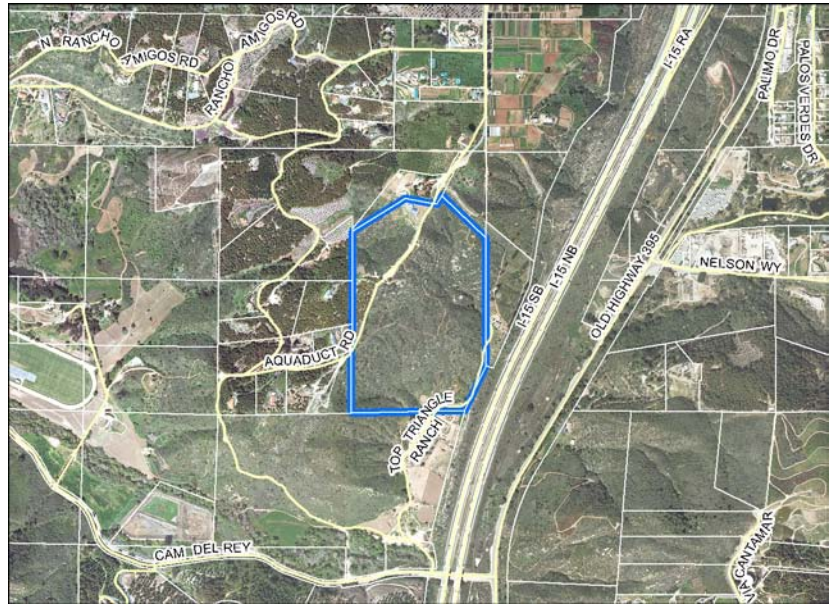
Prevalence of Constraints (See following page):

● - high; ◐ - partially; ○ - none

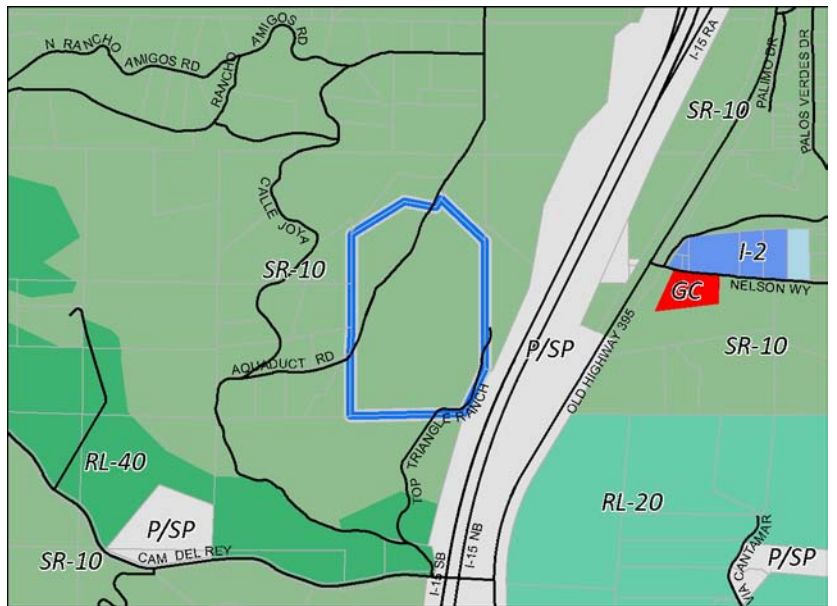
- Steep slope (greater than 25%)
- Floodplain
- Wetlands
- Habitat Value
- ◐ Agricultural Lands
- Fire Hazard Severity Zones

Land Use

General Plan	
Scenario	Designation
Existing General Plan	1 du/4,8, 20 ac
PC / Staff Recommendation	SR10
Referral	SR10
Hybrid	
Draft Land Use	
Environmentally Superior	RL20
Zoning	
Existing — A70, 4-acre minimum lot size	
Proposed — Same as existing	



Aerial



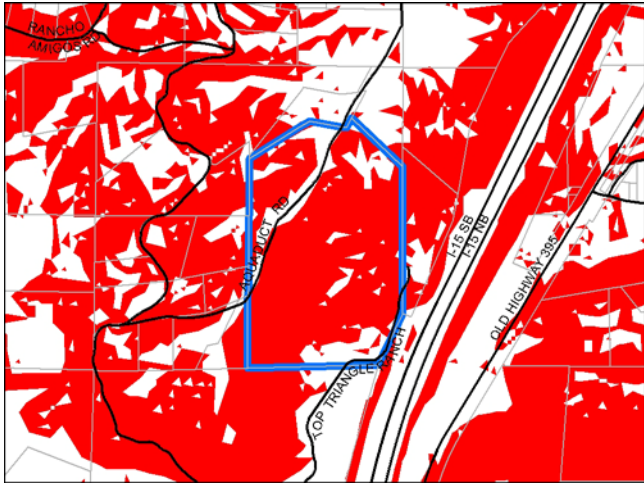
PC/Staff Recommendation

Discussion

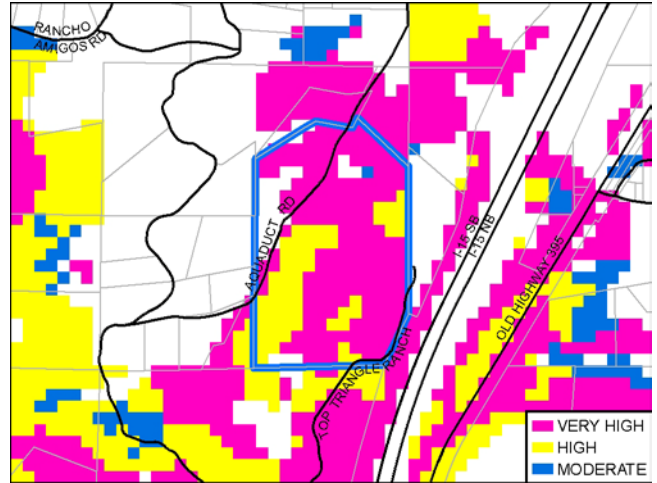
The site requires a designation of SR4 to reflect the approved tentative parcel map. There are no SR4 designated areas in the immediate vicinity but there are some existing parcels that are in the 4 acre range that could be included in a change in designation without allowing for further subdivision.

UNRECORDED SUBDIVISIONS REVIEW

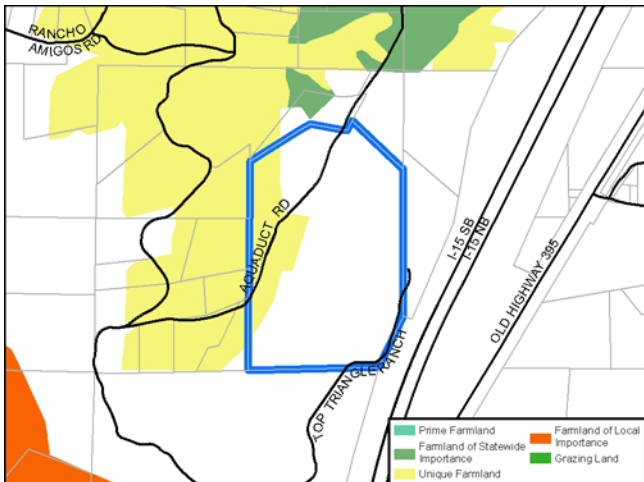
TPM21159 (cont.)



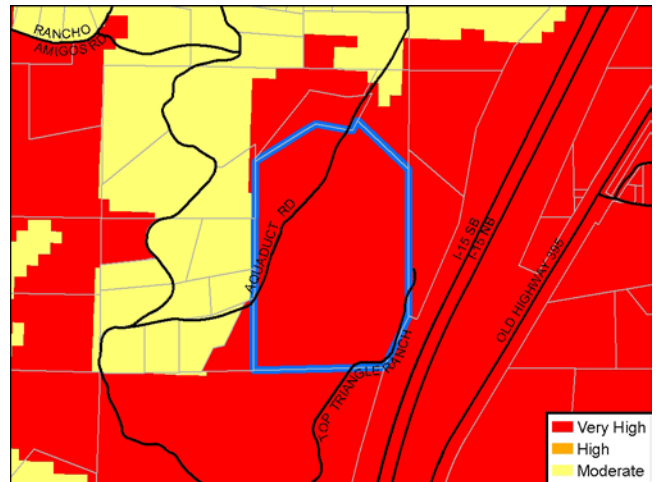
Steep Slope (Greater than 25%)



Habitat Evaluation Model



Agricultural Lands



Fire Hazard Severity Zones