

Attachment B

**Supplemental Information on
Issues Identified by the Board
for Follow-Up**

Preface

In the staff report dated March 16, 2011, staff provided responses to 27 issues specifically identified for follow up by the Board of Supervisors at prior hearings. On March 16, the Board indicated that it would discuss certain issues from this list at the April 13, 2011 hearing. The Board also requested that staff be prepared to discuss an additional issue regarding proposed Land Use Element Policy LU-14.4, which would guide the expansion of sewer services.

The following pages provide background information on Policy LU-14.4 as a new issue: Issue 28, Sewer Service Extension. Also, since the March 16 staff report was prepared additional information has become available on Issue 21, Alternative Septic Systems. This additional information is also included in this attachment.

The first 27 issues are listed below and detailed background information on these issues is included in the March 16, 2011 staff report, available at:

http://www.sdcounty.ca.gov/dplu/gpupdate/docs/BOS_March_2011/B_3162011_Final.pdf.

Table B- 1

Density Reduction Related Issues	Future Development and Conservation Related Issues
1. Purchase of Agricultural Conservation Easements (PACE) Program	16. Deference to Community Plans
2. Transfer of Development Rights (TDR) Program	17. Conservation Subdivisions - Avoidance Requirements
3. Focused Williamson Act Program Concept	18. Conservation Subdivisions - Multi-Family Building Allowance
4. Fiscal and Lending Impacts	19. Conservation Subdivisions - Design
5. Groundwater Study, Water Supply, and Water Quality	20. Groundwater Ordinance Lot Size Reductions
6. Consideration of Fire Risk	21. Alternative Septic Systems
7. Supplemental GIS Analysis for Existing Parcelization	22. Open Space Lands Maintenance
Content Specific Issues	Other Identified Issues
8. Flexibility in Policy Language	23. Community Planning and Sponsor Group Positions
9. Future General Plan Amendments (GPAs)	24. Climate Change
10. Specific Plan Areas	25. Impacts to Unrecorded Subdivision Maps
11. Special Study Areas	26. Removal of Agricultural Preserve Designators
12. Residential Density Determination	27. Mapping Clean-up Process
13. Fire Response/Travel Time Standards	28. Sewer Service Extension
14. Acceptable Level of Service for Roads	
15. Road 3A - Valley Center	

28. Sewer Service Extension

Statement of Issue

Staff was requested to be prepared to discuss proposed Land Use Element Policy LU-14.4, which relates to the expansion of sewer services. Opposition to this policy has been raised at past General Plan Update hearings in correspondence and in testimony contending that the policy is overly restrictive and “prohibits the extension of sewer services beyond the disproportionately small areas identified for village uses and prohibits the extension of sewer district boundaries.”¹

Discussion

Proposed Land Use Element Policy LU-14.4 provides limitations on the extension of sewer services which are similar to some of the restrictions that are in place under the existing General Plan. Generally, throughout the unincorporated county, a one-acre minimum lot size is required for new development unless sewer services are provided. The development industry is concerned that this limits the ability to cluster development, which in turn reduces the effectiveness of the proposed Conservation Subdivision Program. On the contrary, several planning and sponsor groups assert that clustered development of small lot subdivisions is not consistent with their rural community character. Additionally, they are also concerned that extension of sewer facilities can induce growth beyond what is contemplated in the General Plan, especially when those facilities are sized with excess capacity.

The original draft of Policy LU-14.4 that was supported by the General Plan Update Steering Committee is provided below but has since been modified by the Planning Commission. During the Planning Commission hearings (November 2009 - August 2010) testimony was received on both sides of the policy. As a result, a compromise was reached at the February 19, 2010 Planning Commission hearing where two additional exceptions were added to the policy to facilitate the extension of sewer services in certain circumstances: when within existing sewer district boundaries and where specifically allowed in the community plan. The revised policy is provided below and is recommended by the Planning Commission and staff.

STEERING COMMITTEE SUPPORTED POLICY LU-14.4

Sewer Facilities. *Prohibit sewer facilities that would induce unplanned growth. Require sewer systems to be planned, developed, and sized to serve the land use pattern and densities depicted on the Land Use Map. Sewer systems and services shall not be extended beyond Village boundaries (or extant Urban Limit Lines) except when necessary for public health, safety, or welfare.*

PLANNING COMMISSION/STAFF RECOMMENDED POLICY LU-14.4

Sewer Facilities. *Prohibit sewer facilities that would induce unplanned growth. Require sewer systems to be planned, developed, and sized to serve the land use pattern and densities depicted on the Land Use Map. Sewer systems and services shall not be extended beyond either Village boundaries or extant Urban Limit Lines, whichever is more restrictive, except:*

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

Options for Modification(s) by Board

It is within the discretion of the Board of Supervisors to modify or remove Policy LU-14.4 from the General Plan Update. These would be considered minor changes from the perspective of the process necessary to accommodate them because it would not require amendments to the guiding principles or recirculation of the Environmental Impact Report. However, the policy was included in the General Plan Update because it was determined necessary to have some guidance as to where and when expansion of sewer was appropriate. Additionally, the policy as originally drafted had overwhelming support by the General Plan Update Steering Committee because of the importance of such a policy to their interests. Further revision to the policy would likely concern these and other stakeholders.

Additional Information

No additional information is relevant to this issue.

¹ County General Plan Update, "Fixing the Fatal Flaws", Stakeholders Coalition White Paper, August 2010

21. Alternative Septic Systems ***Additional Information***

Update on Statewide Alternative Onsite Wastewater Treatment Systems Regulations, March 23, 2011

The Department of Environmental Health, as a member of the California Conference of Directors of Environmental Health (CCDEH) has been working with other stakeholder groups and the State Water Resources Control Board (SWRCB) to develop uniform performance standards and regulations for the permitting and operation of OWTS in the State of California.

The SWRCB recently released an updated version of the regulations and the industry group (CCDEH) has met with the SWRCB to provide input. Below is the updated timeline that the SWRCB has provided for the creation and the implementation of the new statewide regulations:

- March 11, 2011 release to internal stakeholder group for comments which are due back to the SWRCB by March 18, 2011- ***Completed***
- April 4, 2011 release of preliminary environmental documents for public comments
- May 2011 (first week) – public meetings to elicit public comment
 - Sacramento
 - Riverside
- September 1, 2011 – release of final draft incorporating comments from April 4 release and public meetings. Open for 60 days.
- Late January to early February 2012 – formal response to comments released
- March 2012 – SWRCB adoption of regulations

These timelines are hard and fast in order to make the March 2012 deadline. This deadline is in effect as a result of the lawsuit filed by Heal the Bay and proposed legislation (Huber). The SWRCB has made completing this project one of its top four priorities.

The County Department of Environmental Health will forward the proposed regulations to local stakeholders when provided by the State to encourage participation in the process.