COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

DATE: February 10, 2012

TO: Planning Commission

SUBJECT: ZONING ORDINANCE UPDATE NO. 29, COUNTY CODE AND ADMINISTRATIVE CODE AMENDMENTS; POD 11-004 (District: All)

SUMMARY:

Overview
The project is a series of proposed amendments to the Zoning Ordinance, County Code and Administrative Code which are intended to make minor clarifications and additions to improve customer service and improve procedures. Amendments to the Zoning Ordinance related to various definitions, civic and commercial use classifications, development regulations, special area regulations, general regulations including temporary use regulations, accessory use regulations, off-premise and on-premise signs, other general regulations, procedures and other miscellaneous revisions and clarifications. Amendments to the County Code relating to Procedures to Record Orders as Liens, Recordation of Notices of Violation, Sound Level Limits, Abandoned Vehicle Abatement, Grading or Clearing Within Open Space Easements and Adoption of Chapter 1, Division II of the California Building Code relating to Administration Provisions. An amendment to the Administrative Code relating to Hearing Officers.

Recommendation(s)
DEPARTMENT OF PLANNING AND LAND USE
That the Planning Commission make the following recommendations to the Board of Supervisors:

1. Find that the Planning Commission has reviewed and considered the information contained in the Negative Declaration on file with the Department of Planning and Land Use as Environmental Review Number 11-00-001 before making its recommendation on the project.

2. Adopt the attached Form of Ordinance (Attachment B), titled:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, USE REGULATIONS,

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CA 92123-1666 • (858) 694-2960 • MS 0650 • FAX (858) 694-3373

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PROCEDURES AND OTHER MISCELLANEOUS TOPICS

3. Approve the introduction of the Ordinance, (first reading), read the title and waive further reading of the Ordinance (Attachment C), titled:

AN ORDINANCE AMENDING SECTION 650 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO HEARING OFFICERS AND AMENDING AND ADDING SECTIONS TO THE SAN DIEGO COUNTY CODE RELATING TO PROCEDURES TO RECORD ORDERS AS LIENS; RECORDATION OF NOTICES OF VIOLATION; SOUND LEVEL LIMITS; ABANDONED VEHICLE ABATEMENT; GRADING OR CLEARING WITHIN OPEN SPACE EASEMENTS AND ADOPTION OF CHAPTER 1, DIVISION II, OF THE CALIFORNIA BUILDING CODE

4. Submit the Ordinance for further Board consideration and adoption (second reading).

Fiscal Impact
N/A

Business Impact Statement
N/A

Advisory Board Statement
N/A

Involved Parties
County of San Diego

BACKGROUND:
Pursuant to Sections 7501 and 7503.e of the Zoning Ordinance, the Director of Planning and Land Use is authorized to initiate requests to amend the Zoning Ordinance as necessary in order to implement the General Plan and ensure consistency of the Zoning Ordinance with the General Plan. Since the adoption of the Zoning Ordinance in 1978, the Director of Planning and Land Use has periodically packaged a series of miscellaneous clean-up amendments proposed to the Zoning Ordinance in order to correct errors, clarify ambiguities, streamline regulations, bring regulations into consistency with State law, and other similar purposes. This present project of proposed Zoning Ordinance Amendments constitutes the twenty-ninth update package submitted by the Director of Planning and Land Use. In addition, this action allows an opportunity to amend several sections of the County Code and the Administrative Code concurrently which will improve existing regulations and make minor corrections and additions to various sections.

The proposed amendments to the Zoning Ordinance, the County Code and the Administrative Code are intended to improve customer service and to improve the procedures for processing

various discretionary permits and to correct minor inconsistencies. A complete summary of all the proposed amendments is provided in Attachment A. In all, changes are proposed to 58 different sections of the Zoning Ordinance. The following is a summary of a few of the more significant amendments:

Customer Service Improvements include:

- Community Gardens: Adding Zoning Ordinance provisions to allow Community Gardens in zones where Field and Row Crops are an allowed use will support the County of San Diego "Communities Putting Prevention to Work" (CPPW) Grant Program. The proposed outcomes of the program are to increase access to fresh produce grown in school and community gardens and to develop and implement policies in general plans, permits and/or ordinances to establish and sustain school and community gardens.
- Agricultural Tourism: Adding Zoning Ordinance provisions to allow Agricultural Tourism on properties with a Commercial Agricultural Operation will further support the County of San Diego "Communities Putting Prevention to Work" (CPPW) Grant Program. This use allows farm visitors to harvest their own produce, and allows on-site tours, on-site agricultural instruction, demonstrations and lectures about agriculture related topics and participation in agricultural operations on the premises.
- Community Identification Sign: Amending Zoning Ordinance Section 6207, Off-Premise Signs to allow a Community Identification Sign to be located over a road. The current ordinance requires Community Identification Signs to be located on private property. The amendment would allow a larger sign area and increased height for these signs. No changes are proposed to the limitation on the number of signs or the requirement to process a Site Plan permit for review and approval of a sign location and design by the appropriate Community Planning/Sponsor Group or Design Review Board. Any sign proposed over the public right-of-way would also require approval by the Department of Public Works to ensure that the location, height and design will not adversely affect public health, safety or general welfare.
- Temporary Health Care Trailers: Amending Zoning Ordinance Section 6118, Use of a Trailer Coach, would eliminate the requirement for a property owner to furnish a $1,000 security deposit to ensure the future removal of a temporary health care trailer. This deposit is refunded when the trailer is removed from the property. Removing this requirement would reduce the initial permit cost for property owners to place a temporary health care trailer on their property.

Process Improvements include:

- Administrative Permit noticing requirements: Amending numerous sections of the Zoning Ordinance to revise the noticing requirements. Current ordinance indicates differing noticing requirements for different types of Administrative Permits throughout the ordinance. Staff proposes to amend the Zoning Ordinance to eliminate inconsistencies. Public notice will be provided to all property owners within 300 feet of a project's boundaries with a minimum of 20 different property owners being noticed. The only exception will be to maintain the required 1,000 foot noticing requirements for an Administrative Permit for an Adult Entertainment Establishment.

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- Site Plan Review Procedure: Amending Zoning Ordinance Section 7168, Expiration and Extension. This amendment would allow the Director to grant one or more extensions of a Site Plan for 24 months rather than a total of 12 months.
- Waiver of a Site Plan: Amending numerous sections throughout the Zoning Ordinance to remove the term Site Plan "Waiver" and replace with "Site Plan Permit Exemption" to clarify that a project may be exempt from processing a Site Plan permit but that other requirements still apply (such as obtaining a building permit). "Waiver" has caused confusion by implying that there are no requirements applicable to a project.
- Minor Deviation clarification: Section 7609, Minor Deviation from Plan, Amending these provisions of the Zoning Ordinance to clarify the types of changes to a project that may be approved by the minor deviation process.
- Explosives Storage: Section 6904, Explosives Storage, the current regulations limit the approval of a Major Use Permit (MUP) to a maximum of five years. Property owners must apply for and process a MUP modification every five years to continue their use. This can be a costly process for owners. This Zoning Ordinance amendment would allow a Major Use Permit to be approved for any term and add a requirement that a compliance report be submitted to the Director once every 5 years to determine that the use is in compliance with this ordinance.

Administrative Code Amendment includes:

- Clarify that the article which establishes the County Hearing Officer does not apply to Hearing Officers hired to hear appeals of recording of Notices of Violation. Appeals of these notices would be heard by a Hearing Officer appointed by the Director of the Department of Planning and Land Use.

County Code Amendments include:

- Recordation of Notices of Violation: Amending Division 8, Administrative Remedies of the County Code to add Sections 18.301 through 18.309. These new provisions will provide a new procedure by which County enforcement officials may record a Notice of Violation as an alternative enforcement method for any violation of the County Code, Zoning Ordinance or any other County ordinance or State law that County officials enforce. These notices may be recorded if an existing violation on a property is not corrected by the established deadline. Once a violation is corrected a Notice of Compliance would be issued to effectively cancel the Notice of Violation. Recordation of a Notice of Violation will provide notification to a future purchaser of a property that an ongoing violation exists on the property.

PROJECT ISSUES:
Please see discussion under "Public Input" below.

WAIVERS AND EXCEPTIONS:
N/A

ENVIRONMENTAL STATUS:

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A Negative Declaration was prepared for this project and circulated for public review from December 1, 2011 to January 17, 2012. See Attachment F for the environmental documentation. Public comments were not received during review of this document.

PREVIOUS ACTIONS:
N/A

PUBLIC INPUT:
The draft ordinances were distributed to all Community Planning Groups and Sponsor Groups, the Industry Advisory Group, the Building User Group and other interested parties for review on December 1, 2011. Public review ended on January 17, 2012. Comments were received from the Boulevard, Crest-Dehesa and Jamul-Dulzura Community Planning Groups, which are summarized below. See Attachment G for Public Documentation.

Boulevard CPG:
County Code Section 36.404: General Sound Level Limits, Table 36.404

Concern: The Community Group raised concerns related to lack of recognition of very low ambient noise levels in their rural area. They believe the Zoning Ordinance does not recognize or provide protections for those who are sensitive to noise. They suggest that the Zoning Ordinance be updated using the most up to date research and analyses available in order to fully and adequately address this issue.

Response: The current "General Sound Level Limits" table of the County Code contains the maximum allowed sound level limits applicable to properties based on the zoning and density of a property. The proposed amendment is intended to correct the references to the County of San Diego General Plan Land Use Designation and density for residentially zoned properties in the table. This proposed minor amendment does not change the allowed sound levels limits in any zones. The Boulevard Community Planning Group also included information regarding Wind Turbines with their comments. This information has been forwarded to the appropriate DPLU staff working on the ongoing Wind Ordinance amendments. The Zoning Ordinance Update and County Code Amendments do not amend regulations related to the establishment of Wind Turbines.

Crest-Dehesa CPG:
County Code Sections 18.207, Payment of Civil Penalties and 18.214, Procedures to Record Orders as Liens

Concern: The Community Group voted to recommend that these sections remain unchanged.

Response: The current ordinance Section 18.207(a) provides 45 days from the date the Notice and Order was issued to pay the civil penalties in full. Section 18.214(a) gives 45 days to pay the civil penalties from the date the Notice of Intent to Record was issued. The days were amended in Sections 18.207(a) to state 15 days and 18.214(a) to state 30 days so that the two sections did not conflict with each other. The intent was to have the entire process take place in 45 days. A

person who receives a civil penalty would have 45 days to pay the penalties before a lien would be filed unless an appeal was made.

Jamul-Dulzura CPG:
Zoning Ordinance Section 6108: Temporary Use Regulations, Civic, Fraternal or Religious Assembly

Concern: The Community Planning Group expressed concern that the proposed change to require a minimum of 14 days between temporary events might infringe on constitutional rights of free assembly. The example given is the weekly meetings of newly formed religious communities which do not have a permanent building and use such facilities as a school or community hall.

Response: This section of the Zoning Ordinance regulates temporary events that are not conducted at the regular gathering place for an organization. These events are currently limited to a maximum of 8 consecutive days and no more than four events in a calendar year. This amendment will limit the potential impacts to neighbors by requiring 14 days between events. This amendment language is also being added to Section 6106, Circus, Carnival, or Other Outdoor Entertainment Events, for consistency. Most zones require a Major Use Permit to establish a regular meeting place for religious, civic or fraternal organizations.

DEPARTMENT REASONS FOR RECOMMENDATION:

1. The proposed amendments to the Zoning Ordinance and County Code would continue to promote public health, safety and the general welfare by adding provisions to allow Community Gardens, amending certain definitions and uses and making miscellaneous minor revisions or clarifications to certain regulations and procedures.

2. The proposed amendments to the Zoning Ordinance, pursuant to Section 65860 of the Government Code, are consistent with the General Plan because the project changes only the regulations which implement the goals and policies of the General Plan. No changes in actual goals, policies, or allowed densities of the General Plan would be affected by the proposed amendments.

3. The Planning Commission has reviewed and considered the information contained in the Negative Declaration on file with the Department of Planning and Land Use as Environmental Review Number 11-00-001, dated December 1, 2011, before making its recommendation on the proposed project.

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cc: All Community Planning/Sponsor Groups
Joseph Farace, Planning Manager, Department of Planning and Land Use, M.S. O650
Devon Muto, Chief, Department of Planning and Land Use, M.S. O650

email cc:
Jeff Murphy, Deputy Director, Department of Planning and Land Use
Darren Gretler, Chief, Department of Planning and Land Use
Clay Westling, Senior Structural Engineer, Department of Planning and Land Use
Pam Elias, Chief, Department of Planning and Land Use
Brian Ziegler, Senior Deputy, County Counsel
Paul Mehnert, Senior Deputy, County Counsel
Dag Bunnemeyer, Planning Manager, Department of Planning and Land Use
Rich Grunow, Chief, Department of Planning and Land Use
Sami Real, Planning Manager, Department of Planning and Land Use
John Bennett, Land Use/Environmental Planner, Department of Planning and Land Use
Jim Bennett, Groundwater Geologist, Department of Planning and Land Use
James Pine, Plans Examiner, Department of Planning and Land Use
Donna Turbyfill, Deputy Director, Department of Public Works
Troy Bankston, Deputy Director, Department of Public Works
Thomas Duffy, Planning Manager, Environmental Services, Department of Public Works
Anthony Barry, Watershed Protection Program (Flood Control), Department of Public Works
Dawn Nielsen, Deputy, Department of Agriculture, Weights and Measures
Murali Pasumarthi, Program Manager, Department of Public Works
Karel Shaffer, Civil Engineer, Department of Public Works
Theresa Collier, Sheriff's Licensing Clerk, Licensing Division, Sheriff Department
Adrienne Yancey, Health and Human Services Agency
Melissa Roberts, Health and Human Services Agency
Cory Linder, Health and Human Services Agency
Le-Anh Irish, Food & Housing Division, Department of Environmental Health
Patrick McDonough, Department of Parks and Recreation
Ed Gowens, San Diego Regional Airport Authority
San Diego County Farm Bureau
Land Development Industry Group
Building User Group
Jerry Mosier
Bob Forsythe

ATTACHMENTS:
Attachment A – Summary of Ordinance Amendments
Attachment B – Draft Form of Ordinance - Zoning Ordinance Amendment
Attachment C – Draft Form of Ordinance - County Code and Administrative Code Amendments
Attachment D – Draft Zoning Ordinance Amendment - (Strikeout/Underline Version)
Attachment E – Draft County Code and Administrative Code Amendments - (Strikeout/Underline Version)

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Attachment F – Environmental Documentation
Attachment G – Public Documentation

CONTACT PERSON:

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AUTHORIZED REPRESENTATIVE: For ERIC GIBSON, DIRECTOR

Attachment A

Summary of Ordinance Amendments

Summary of Changes
POD 11-004; Log No. ER 11-00-001

Zoning Ordinance Amendments:

Section 1110: would add definitions of “Agricultural Tourism”, “Community Garden”, “Construction and/or Use of the Property In Reliance on a Permit”, “Minor Deviation” and “Plot Plan” and would amend the definitions of “Accessory Use”, “Flood, 10 Year”, “Flood, 100 Year”, “Groundwater Extraction Operation”, “Living Area”, “Site Plan” and “Street, Centerline of”.

Section 1350: would amend the “Major Impact Service and Utilities” Civic Use Type to include law enforcement training and military training uses on private property to the list of typical uses for clarification.

Section 1425: would amend the “Animal Sales and Services” Commercial Use Type to clarify that Kennel use includes “dog day care” services and to add that boarding of animals or grooming of animals may be allowed as accessory to the Veterinary (Large Animals) and Veterinary (Small Animals) use types.

Section 1490: would amend the “Gasoline Sales” Commercial Use Type to add retail sales of alternative vehicle fuels (including but not limited to natural gas (CNG) or biodiesel) to the description of the uses.

Section 2990: would amend the Use Matrix pages to remove the S87 zone references to bring these pages into conformance with a previous ZO amendment.

Section 3100: would amend the Animal Schedule to add a reference to the County Code which regulates the keeping of roosters.

Section 3112: would amend the Animal Enclosure Setback Schedule to add a reference to the County Code which regulates the keeping of roosters.

Section 3114: would amend the Kennel regulations to add that grooming services for the animals being boarded may be allowed as an incidental use subject to certain limitations.

Section 4505: would amend the “Floor Area Ratio Designator Notation” provisions to add that floor-area ratio pursuant to the Land Use Element of the General Plan may be applicable to a property.

Section 4600: would amend the Height Regulations as follows:

> 4615: would amend the “Additional Story Permitted” provisions to amend the noticing requirement for an Administrative Permit to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

4630: would amend the Fencing provisions to make a minor correction to a reference to Section 6700.

Section 5200: would amend the Scenic Area Regulations as follows:

5205: would amend the “Site Plan Required” provisions to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

5214: would amend the “Waiver of a Site Plan” provisions to remove the term “waiver” and replace with “Site Plan Permit Exemption”.

Section 5250: would amend the Airport Land Use Compatibility Plan (ALUCP) Area Regulations to add a requirement that owners of properties within an Airport Overflight Notification Area, as shown on an adopted ALUCP, shall record an Overflight Agreement prior to issuance of a building permit for any new residential development.

Section 5300: would amend the Sensitive Resource Area Regulations as follows:

5304: would amend the provisions regarding “Content of a Site Plan” to require that plans show the location of the 100 year floodplain as shown on the Department of Public Works 100 year Floodplain Maps and FEMA Flood Insurance Rate Maps.

5307: would amend the provisions of Use Regulations and Development Standards to amend the uses permitted in the Floodway to state that reclamation plans restore a site to its natural state and would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction and would make minor revisions to the provisions of the Floodplain Fringe to clarify what is considered development for purposes of that subsection.

Section 5710: would amend the Historical/Archaeological Landmarks and Districts provisions to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

Section 5750: would amend the Community Design Review Area Regulations as follows:

5757: would remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

5799: would remove an incorrect reference to another section.

Section 5905: would amend the Design Review Area Regulations to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

Section 6100: would amend the Temporary Use Regulations as follows:

6106: would amend the provisions regulating the duration of a temporary circus, carnival, or other outdoor entertainment event to state that there shall be a minimum of 14 consecutive days between events.

6108: would amend the provisions regulating the duration of temporary gathering for a civic, fraternal or religious assembly to state that there shall be a minimum of 14 consecutive days between events.

6116: would amend the provisions regulating Temporary Uses in New Subdivisions to revise an incorrect reference to a section of the County Code.

6118: would amend the provisions regarding Use of a Trailer Coach, Residential Uses to remove the requirement that an owner furnish security in the amount of $1,000 for the future removal of a temporary health care trailer.

Section 6123: would amend the Meteorological Testing Facility regulations to amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

Section 6124: would amend the Temporary Outdoor Sales provisions to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

Section 6152: would amend the Accessory Uses Encompassed by Principal Use regulations to add clarification that it shall be unlawful to establish or maintain any accessory use and/or structure on any lot where there is no lawfully established principal use on the same lot.

Section 6156: would amend the Accessory Residential and Agricultural Use Regulations as follows:

a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses (non business or non agricultural purposes): would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

q. Roadside Sales of Agricultural Products: would amend the regulations to add a reference to California Code which allows sales of certain commodities.

u. Farm Employee Housing: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

x. Second Dwelling Units. Would amend the regulations to allow conversion of an existing accessory unit (established by a discretionary permit) to a Second Dwelling Unit and allow the discretionary permit to be rescinded if a Second Dwelling Unit is allowed by right on the property and would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

y. Family Day Care Home For Children, Large (9 to 14 children): would correct a typographical error and would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

z. Wind Turbine Systems, Small. Height: would amend the regulations to provide clarification for measurement of height of a system when it is mounted on the roof of a structure.

bb. Host Home: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

kk. Agricultural Tourism: would amend the Accessory Use regulations to add Agricultural Tourism on lots where there is a Commercial Agricultural Operation in the RR, A70, A72, S90 and S92 Use Regulations. Allowed activities would include U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises.

Section 6158.a.2: would amend the regulations relating to Outdoor Café Seating and Sidewalk Cafés, Sidewalk Cafés Within the Public Right-of-Way to amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

Section 6207: would amend the “Special Purpose Off-Premise Sign” regulations as follows:

a. General Standards Applicable to Special Purpose Off-Premise Signs.
   2. Setbacks: would amend the setback provisions which states that no portion of any sign shall extend beyond private property lines into the street right-of-way, to add an exception for certain Community Identification Signs.

b. Special Purpose Off-Premise Sign Types.

2. Community Identification Signs: would amend the regulations to add provisions to allow Community Identification Signs to be placed over a public road, subject to limitations and would remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

5. Commercial or Industrial Center Identification Signs: would remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

Section 6261: would amend the “On-Premise Signs Regulated” regulations as follows:

e. would remove the term “waiver” from the Site Plan provisions for “Lighting” and replace with “Site Plan Permit Exemption”.

6268: would remove the term “waiver” from the Site Plan provisions for Banners, Pennants and Similar Devices and replace with “Site Plan Permit Exemption”.

Section 6324: would amend the Lighting Permitted in Required Yards to correct the reference to the County Light Pollution Code.

Section 6708: would amend the Permitted Fences, Walls, Gates and Entry Structures as follows:

c. Tennis Court Fencing and Lighting: would clarify that lighting standards for tennis courts shall not exceed a height of 20 feet.

h. Exceptions.

1. Fences, Walls and Gate Entry Structures on Individual Lots: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

2. Gate Entry Structures and Gate Houses on Private Easements: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

Section 6799: would amend the Parking of Commercial Vehicles in Residential, Agricultural and Certain Special Purpose Zones to remove a reference to the California Vehicle Code.

Section 6816: would amend the Enclosure Matrix to remove the reference to the S-87 zone.

Section 6904: would amend the regulations related to Explosives Storage to remove the limitation of the approval of a Major Use Permit for a maximum of 5 years and add that a compliance report shall be submitted to the Director once every 5 years and as a

result of review of the report the Director may determine that the use is in compliance with the Major Use Permit or may determine that the use be reviewed by the Approving Authority.

Section 6910.c: would amend the regulations relating to Small Wineries to correct a reference to the Safety Element of the General Plan and to amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

Section 6911: would amend the Emergency Shelter provisions to correct the reference to the County Light Pollution Code.

Section 6912: would add regulations to allow Community Gardens in all zones where Row and Field Crops are permitted, subject to certain limitations.

Section 6985: would amend the Wireless Telecommunications Facilities regulations to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

Section 7060: would amend the Administrative Permit Procedure, Decision and Notice regulations to amend the Notice to Property Owners to provide identical noticing requirements for all AD Permits.

Section 7150: would amend the Site Plan Review Procedure, as follows:

7156: would amend the “Waiver of a Site Plan” regulations to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption” and other minor revisions

7168: would amend the “Expiration and Extension” regulations to allow the Director to grant one or more extensions of a Site Plan for 24 months rather than a total of 12 months.

Section 7600: would amend the Supplementary Administrative Procedures as follows:

7600: would amend the Title and Purpose to clarify that the regulations are applicable to Administrative Permits.

7609: would amend the “Minor Deviation from Plan” regulations to clarify the changes to a plan that may be approved with a Minor Deviation.

Section 7703: would amend the Enforcement Procedures to add a subsection to the Violations and Penalties section to specify that the Director may issue a Cease and Desist Order whenever the Director finds any use regulated by this Ordinance being performed in a manner either contrary to the provisions of this Ordinance or not allowed by this Ordinance.

Section 8203: would remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

Section 8303: would remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

Administrative Code Changes

Article XXXIII, SEC. 650. Establishment of Position: would clarify that this article which establishes the County Hearing Officer does not apply to Hearing Officers hired to hear appeals of recording of notices of violation, pursuant to San Diego County Code section 18.301 et seq.

County Code Changes

Section 18.207. Payment of Civil Penalties: would amend this section to require that civil penalties assessed shall be paid in full within 15 days from the date the Notice and Order is served rather than 45 days.

Section 18.214. Procedures to Record Orders as Liens: would amend this section to state that a lien against property may be recorded unless the amount due is paid within 30 days, rather than 45 days, from the date of a notice and to add that a lien shall continue until the violations listed in the Administrative Enforcement Order are corrected.

Sections 18.301 through 18.309 are added to Division 8, Administrative Remedies to establish a procedure for Recordation of Notices of Violation.

Section 36.404. General Sound Level Limits, Table 36.404-Sound Level Limits in Decibels (dBA): would amend the table which refers to noise limitations based on zoning ordinance density to reference the density of the Land Use Element of the recently adopted General Plan.

Section 78.102. Definitions, Abandoned Vehicle Abatement Division: would amend the definition of "Designated Employee" to make a correction that enforcement of this division is the duty of the Department of Planning and Land Use rather than the Department of Environmental Health.

Section 78.109. Enforcement, Administration by Director of the Department of Environmental Health, Abandoned Vehicle Abatement Division: would amend this section to make a correction that enforcement and administration is the responsibility of the Director of Planning and Land Use rather than the Director of Environmental Health.

Section 78.201. Authority to Remove Abandoned Vehicles on Public or Private Property, Abandoned Vehicle Abatement Division: would make a minor correction to a reference to a section of state code.

Section 81.701. Design of Minor Subdivision: would make a minor correction to the reference to a Regional Category of the County General Plan.

Section 81.805. Center Lines, Right-of-Way Lines, Proposed Road Widening Lines and Building Lines: would make a minor correction to the reference to an element of the General Plan.

Section 87.112. Grading or Clearing within Open Space Easements: would make minor amendments to the language of this section.

Section 91.1.001 Adoption of Administration Provisions, Section 91.1.114.6. Approval Required After Violation: would amend the regulations pertaining to a person who commences work without a permit in violation of this chapter to state that it shall be unlawful for a person to fail to obtain a certificate of occupancy within 180 days of the date of issuance of a building permit, it shall be unlawful for a person to occupy, use or maintain a building or structure until all inspections and approvals required by this chapter have been completed and it shall be unlawful for a person to fail to obtain an inspection once every ninety days after the issuance of a building permit until the Certificate of Occupancy is issued.

Attachment B

Form of Ordinance -
Zoning Ordinance Amendment

Clean Copy

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, USE REGULATIONS, PROCEDURES AND OTHER MISCELLANEOUS TOPICS

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

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending or adding various sections regarding Definitions, Use Classifications, Animal Regulations, Development Regulations, Special Area Regulations, Temporary Use Regulations, Accessory Use Regulations, Sign Regulations, Performance Standards, Fencing and Screening Regulations, Parking Regulations, Enclosure Regulations, Miscellaneous General Regulations, Procedures and Fallbrook Village Zones. In addition, the Board finds that miscellaneous sections should be amended to clarify or correct language. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. The TABLE OF CONTENTS in the Zoning Ordinance is amended to read as follows:

PART ONE - PART FOUR [no changes]

PART FIVE: SPECIAL AREA REGULATIONS

5000	General Provisions
5100	Agricultural Preserve Area Regulations
5200	Scenic Area Regulations
5250	Airport Land Use Compatibility Plan Area Regulations
5300	Sensitive Resource Area Regulations
5400	Fault Displacement Area Regulations
5450	Flood Channel Area Regulations
5500	Flood Plain Area Regulations
5700	Historic/Archaeological Landmark & District Area Regulations
5750	Community Design Review Area Regulations
5800	Planned Development Area Regulations
5850	Vernal Pool Area Regulations
5900	Design Review Area Regulations
5950	Coastal Resource Protection Regulations
5960	Unsewered Area Regulations

PART SIX: GENERAL REGULATIONS

6000	General Provisions

6100 Temporary Use Regulations
6150 Accessory Use Regulations
6200 Off-Premise Sign Regulations
6250 On-Premise Sign Regulations
6300 Performance Standards
6350 Density Bonus Program
6400 Resort Services Regulations
6450 Recreational Vehicle Park Regulations
6500 Mobilehome (Manufactured Home) Regulations
6550 Extractive Use Regulations
6600 Planned Development Standards
6700 Fencing & Screening Regulations
6750 Parking Regulations
6800 Enclosure Regulations
6850 Nonconformity Regulations
6900 Miscellaneous General Regulations
6900 Ambulance Service
6901 Cemeteries
6902 Animal Waste Processing
6903 Lot Line Locations
6904 Explosive Storage
6905 Fire Protection and Law Enforcement Services
6906 Requirements for Farm Labor Camps
6907 Crematoriums
6908 Columbaria
6909 Mini-Warehouses
6910 Wholesale Limited, Boutique and Small Wineries
6911 Emergency Shelters
6912 Community Gardens
6920 Cottage Industries
6930 Adult Entertainment Establishments
6935 Medical Marijuana Collective Facilities
6940 Trailer Coaches Outside Mobilehome Parks
6950 Wind Turbine System
6952 Solar Energy System
6960 Nudist Facilities
6970 Recycling Collection Facility
6976 Marijuana Dispensaries -Non-Medical (Not Authorized Under State Law)
6975 Recycling Processing Facility
6980 Wireless Facilities

PART SEVEN - PART EIGHT [no changes]

Section 3. Section 1110 DEFINITIONS (A) of the Zoning Ordinance is amended to amend the term “Accessory Use” and to add the term “Agricultural Tourism” in its appropriate alphabetical location to read as follows:

Accessory Use: A use customarily incidental and accessory to the principal use of the land or lot, or to a building or other structure located on the same lot as the accessory use.

Agricultural Tourism (also Agri-tourism or Ag-tourism): The act of visiting a commercial agricultural enterprise for the purpose of enjoyment, education or active involvement in the activities of the farm, ranch or agricultural operation.

Section 4. Section 1110 DEFINITIONS (C) of the Zoning Ordinance is amended to add the terms “Community Garden” and “Construction and/or Use of the Property In Reliance on a Permit” in the appropriate alphabetical locations to read as follows:

Community Garden: An area of land used to grow and harvest food crops by individuals or collectively by members of a group, and may be arranged into multiple plots.

Construction and/or Use of the Property In Reliance on a Permit: The establishment of a use or structure pursuant to an approved discretionary permit as used in Section 7000, et seq. A use or structure shall be considered established when any of the following apply:

a. All required construction permits have been obtained, grading work and structural foundations are completed and substantial progress has been made on the above-grade construction without ceasing for a period greater than 12 months;

b. Partially Completed Projects. When an approved multiple building project has been partially completed, its discretionary permit shall remain valid unless work ceases for a period greater than twelve months, and no schedule for phased construction was authorized by the discretionary permit;

c. Significant investment has been made toward off-site improvements, infrastructure or on-site improvements in preparation for project construction;

d. A certificate of occupancy has been issued and bonds guaranteeing site improvements have been released; or

e. A use not requiring any building permits is operating in compliance with all conditions of approval.

Section 5. Section 1110 DEFINITIONS (F) of the Zoning Ordinance is amended to amend the terms “Flood, 10-Year” and “Flood, 100-year” to read as follows:

Flood, 10-Year: A flood estimated to occur at an average of once in 10 years (the flood having a 10 percent chance of being equaled or exceeded in any given year).

Flood, 100-year: A flood estimated to occur at an average of once in 100 years (the flood having a one percent chance of being equaled or exceeded in any given year).

Section 6. Section 1110 DEFINITIONS (G) of the Zoning Ordinance is amended to amend the term “Groundwater Extraction Operation” to read as follows:

Groundwater Extraction Operation: Any property containing a well, spring box or other device through which groundwater is collected or extracted for sale. Groundwater Extraction Operations includes all appurtenant structures and facilities associated with the collection, extraction, storage, transfer and transportation of the groundwater, whether or not such appurtenant structures and facilities are located on the same legal lot as that from which the groundwater is collected or extracted. Groundwater Extraction Operation does not include the following:

1. Incidental and occasional sale or transport of water in amounts up to 5,000 gallons per any consecutive seven day period, except when in the residential zones and the S80 Open Space and S81 Ecological Resource Area zones.

2. Water vending by machine, as allowed by Section 6156 ee.

3. Wells serving public water supply systems, as permitted by the County Department of Environmental Health or the State Department of Health Services, which distribute water through pipelines for domestic purposes.

4. Wells providing water only to public agencies to protect the public welfare for emergency uses such as for fire suppression and during temporary drought conditions, and/or for otherwise exempt uses.

5. Wells and springs providing water only to irrigate any agricultural use that would not require transport on any public street or highway, and/or for otherwise exempt purposes.

6. Wells providing water exclusively to four or fewer contiguous residential parcels.

Section 7. Section 1110 DEFINITIONS (L) of the Zoning Ordinance is amended to amend the term “Living Area” to read as follows:

Living Area: The floor area under the roof of a dwelling unit that is contained within the interior surface of its perimeter walls, except as follows: Living area does not include garages or attics and basements not designed, intended, and constructed for human habitation.

Section 8. Section 1110 DEFINITIONS (M) of the Zoning Ordinance is amended to add the term “Minor Deviation” in its appropriate alphabetical location to read as follows:

Minor Deviation. A slight increase or decrease in size, height or scope of a proposed project from the original approved permit decision and associated plans of an Administrative Permit, Variance, Site Plan or Use Permit which is considered in substantial conformance with the original approved project or latest approved modification.

Section 9. Section 1110 DEFINITIONS (P) of the Zoning Ordinance is amended to add the term “Plot Plan” in its appropriate alphabetical locations to read as follows:

Plot Plan: A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting and use of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements. The purpose of a plot plan is to establish a clear record of the development and use of the property.

Section 10. Section 1110 DEFINITIONS (S) of the Zoning Ordinance is amended to amend the terms "Site Plan" and "Street, Centerline of" to read as follows:

Site Plan Permit: A permit which may be granted by the appropriate County officer or body to provide a review procedure for development proposals which is concerned with physical design, siting, interior vehicular and pedestrian access, and the interrelationship of these elements.

Street, Centerline of: The centerline of a street as established in accordance with the provisions of Chapter 3 of Division 1 of Title 5 of the San Diego County Code.

Section 11. Section 1110 DEFINITIONS (U) of the Zoning Ordinance is amended to add the terms "U-Pick or Pick-Your-Own Operations" and "Use of the Property In Reliance on a Permit" in their appropriate alphabetical locations to read as follows:

U-Pick or Pick-Your-Own Operations: A Commercial Agriculture operation such as a farm, orchard or grove where the customers themselves harvest the products grown on-site.

Use of the Property In Reliance on a Permit: (See "Construction and/or Use of the Property In Reliance on a Permit)

Section 12. Section 1350 of the Zoning Ordinance is amended to read as follows:

1350 MAJOR IMPACT SERVICES AND UTILITIES.
The Major Impact Services and Utilities use type refers to public or private services and utilities which have substantial impact. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are schools, sanitary landfills, public and private airports, public park/ playground/recreational areas (other than public passive park/recreational areas), hospitals, psychiatric facilities, cemeteries, nursing homes, detention and correction institutions, trade schools (with outdoor training facilities) or security, law enforcement, military, paramilitary type training facilities, or field medical training uses.

Section 13. Section 1425 of the Zoning Ordinance is amended to read as follows:

1425 ANIMAL SALES AND SERVICES.
Animal Sales and Services refers to establishments or places of business primarily engaged in animal related sales and services. The following are animals sales and services use types:

a. Animal Sales and Services: Auctioning. Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding 48-hour periods. The auctioning of miscellaneous related items may be conducted in conjunction with animal auctioning, if the auctioning of miscellaneous related items is conducted by the same operator as the animal auction, the number of days and hours of operation do not exceed those in which animal auctions are held, and the impacts resulting from the miscellaneous items auction activity do not exceed those of the animal auction. Typical uses include animal auctions or livestock auction yards.

b. Animal Sales and Services: Grooming. Grooming of dogs, cats and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.

c. Animal Sales and Services: Horse Stables. Boarding, breeding or raising of horses for commercial purposes. This does not include the non-commercial use of horses owned by the occupants of the premises. Typical uses include boarding stables or public stables.

d. Animal Sales and Services: Kennels. Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, dog daycare or dog training centers.

e. Animal Sales and Services: Stockyards. Stockyard services involving the temporary keeping of transient livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales yards.

f. Animal Sales and Services: Veterinary (Large Animals). Veterinary services for large animals. Typical uses include animal hospitals (large animals) or veterinary hospitals (large animals). Boarding of animals or grooming of animals may be allowed as accessory to the veterinary use.

g. Animal Sales and Services: Veterinary (Small Animals). Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals or animal hospitals (small animals). Boarding of animals or grooming of animals may be allowed as accessory to the veterinary use.

Section 14. Section 1490 of the Zoning Ordinance is amended to read as follows:

1490 GASOLINE SALES.

The Gasoline Sales use type refers to establishments or places of business primarily engaged in the retail sales, from the premises, of petroleum products, alternative vehicle fuels (including but not limited to natural gas (CNG) or biodiesel) and includes the sale of tires, batteries, and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations or truck stops.

Section 15. Section 2990 (pages 1 through 6) of the Zoning Ordinance is amended to read as follows:

USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of The Zoning Ordinance, the provisions of The Zoning Ordinance shall apply.

USE TYPES	RESIDENTIAL					CIVIC																						
	Family Residential			Mobilehome Residential		Enclosed		Open	Drive-in	Administrative Services	Ambulance Services (see Sec. 6900)	Clinic Services	Community Recreation	Cultural Exhibits and Library Services	Child Care Center	Emergency Shelters (see Sec. 6911)	Essential Services	Fire Protection Services (see Sec. 6905)	Group Care	Law Enforcement Services	Civic, Fraternal or Religious Assembly	Major Impact Services and Utilities	Minor Impact Utilities	Parking Services	Postal Services	Small Schools	Wind Turbine System, Med. (see Sec 6950)	
	1250	1260	1265	1280	1300	See Section 6816			1310	1315	1320	1325	1330	1332	1334	1335	1340	1345	1346	1348	1350	1355	1360	1365	1375	1380	Use Regulations	
																											RESIDENTIAL	
RS		●		18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RS	Single-Family Residential
RD		●		18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RD	Duplex/Two-Family Residential
RM		●		18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RM	Multi-Family Residential
RV		●		18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RV	Variable Family Residential
RU		●	●	18		●	●		M	M	M	M	m	M		●	S	M		M	M	m	M	M	m	A	RU	Urban Residential
RMH				18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RMH	Mobilehome Residential
RR		●	M	18		●	●	m	M	M	M	M	M	M		●	S	M	M	M	M	m	M	M	m	A	RR	Rural Residential
RRO[1]		●	M	18		●	●	m	M	M	M	M	M	M		●	S			M	M	m	M	M	m	A	RRO*	Recreation-Oriented Residential
RC		●	●	18		●	●		M	M	●	M	●	●		●	S	●		●	M	m	M	M	●	A	RC	Residential-Commercial
																											COMMERCIAL	
C30						●	●		●	●	●	M	●	●		●	S		●	M	M	m	●	M	●	A	C30	Office-Professional
C31		●	●			●	●		●	●	●	M	●	●		●	S	●	M	M	M	m	●	M	●	A	C31	Residential/Office Professional
C32		1				●	●		M	M	M	M	M	●		●	S		●	M	M	m	M	M	●	A	C32	Convenience Commercial
C34*		●	●			●	●		●	●	●	●	●	●		●	S	●	●	●	M	m	●	●	●	A	C34*	Gen. Commercial/Residential
C35		M				●	●		●	●	●	●	●	●		●	S	●	●	●	M	m	●	●	●	A	C35	Gen. Comm.//Ltd. Residential
C36		1	M			●	●		●	●	●	●	●	●		●	S		●	●	M	●	●	●	●	A	C36	General Commercial
C37		1	M			●	●	●	●	●	●	●	●	●		●	S	●	●	●	M	●	●	●	●	A	C37	Heavy Commercial
C38		1				●	●	●	●	●	M	●	●	●		●	S		●	M	M	●	●	●	●	A	C38	Service Commercial
C40		1				●	●	●	●	●	●	●	●	●		●	S		●	●	M	m	●	●	●	A	C40	Rural Commercial
C42*		20				●	●									●						m	●			A	C42*	Visitor Serving Commercial
C44						●	●	●	M	M	M	M	M	●		●	S		●	M	M	m	M	M	●	A	C44	Freeway Commercial
C46*						●	●		M	M	●	M	M	●		●	S	●	●	M	M	m	●	M	●	A	C46*	Medical Center
																											INDUSTRIAL	
M50						●	●		M	●	M	●	M	M	●	●	S		●	M	M	m	●	●	m	A	M50	Basic Industrial
M52						●	●		M	●	M	●	M	M	●	●	S		●	M	M	m	●	●	m	A	M52	Limited Impact Industrial
M54						●	●		M	●	M	●	M	M	●	●	S		●	M	M	●	●	●	m	A	M54	General Impact Industrial
M56+									M	●	M		M	M		●	S		●	M	M	●	●	●	m	A	M56+	Mixed Industrial
M58						●	●		M	●	M	●	M	M	●	●	S		●	M	M	●	●	●	m	A	M58	High Impact Industrial
																											AGRICULTURAL	
A70		●	M	18		●	●	m	M	M	M	M	M	M		●	S	M	m	M	M	m	M	M	m	A	A70	Limited Agriculture
A72		●	M	18		●	●	m	M	M	M	M	M	M		●	S	M	S	M	M	m	M	M	m	A	A72	General Agriculture
																											SPECIAL PURPOSE	
S80*		●				●	●		M	M	M	M	M	M		●	S			M	M	m	M	M	m	A	S80*	Open Space
S81													O			O											S81	Ecological Resource Area
S82						●	●		M	M	M	M	M			●	S		m	M	M	m	M	M		A	S82	Extractive
S86						●	●									●	S		m			m	●			A	S86	Parking
S88+		●				●	●	●								●	S		m			m				A	S88+	Specific Plan Area
S90+		●	M			●	●	m	M	M	M	M	M	M		●	S	M	m	M	M	m	M	M	m	A	S90+	Holding Area
S92		●	M			●	●	m	M	M	M	M	M	M		●	S	M	S	M	M	m	M	M	m	A	S92	General Rural
S94+						●	●	m	M	M		M	M			●	S		m		M	m	m	M		A	S94+	Transportation & Utility Corridor
SWF																					●						SWF	Solid Waste Facility

MATRIX LEGEND

- ● Permitted
- A Permitted by Administrative Permit
- S Permitted by Site Plan
- m Permitted by Minor Use Permit
- M Permitted by Major Use Permit
- P Permitted Only Within Planned Developments of 20 Acres or Larger
- 1-22 Subject to Limitations (See Section 2980)
- * May Be Subject to Site Plan Approval
- + Other Uses Not Shown on Matrix May Be Permitted (See Text of Use Regulations)
- O Subject to Limitations (See Sections 2812 and 2818)
- [E] Exceptions to Enclosure Matrix (See Section 6814)

USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of The Zoning Ordinance, the provisions of The Zoning Ordinance shall apply.

USE TYPES / COMMERCIAL	Enclosed	Semi-Enclosed	Open	Drive-In	Administrative and Professional Services	Adult Entertainment Establishments	Agricultural & Horticultural Sales	a) Agricultural Sales	b) Horticultural Sales [E]	Agricultural Services	Animal Sales and Services:	a) Auctioning	b) Grooming	c) Horse Stables	d) Kennels	e) Stockyards	f) Veterinary [Large Animal]	g) Veterinary [Small Animal]	Automotive and Equipment:	a) Cleaning	b) Fleet Storage	c) Parking [E]	d) Repairs [Heavy Equipment]	e) Repairs [Light Equipment]	f) Sales/Rentals [Heavy Equipment]	g) Sales/Rentals [Farm Equipment]	h) Sales/Rentals [Light Equipment] [E]	i) Storage [Nonoperating Vehicles]	j) Storage [Recreation Vehicles & Boats]	Use Regulations
	1400	See Section 6816			1410	6930	1415			1420	1425								1430												
RESIDENTIAL																															
RS					P			P	P					16	16							P								RS	Single-Family Residential
RD					P			P	P					16	16							P								RD	Duplex/Two-Family Residential
RM					P			P	P					16	16							P								RM	Multi-Family Residential
RV					P			P	P					16	16							P								RV	Variable Family Residential
RU					P			P	P					16	16							P								RU	Urban Residential
RMH					P			P	P													P								RMH	Mobilehome Residential
RR	●	●	●											16	16															RR	Rural Residential
RRO*	●	●	●		P			P	P					16	16			P				P								RRO*	Recreation-Oriented Residential
RC	●	m	m		4			m	m				m	16	16			P				P								RC	Residential-Commercial
COMMERCIAL																															
C30	●			m	●									16	16							m								C30	Office-Professional
C31	●			m	●									16	16							m								C31	Residential/Office Professional
C32	●			m										16	16							m								C32	Convenience Commercial
C34*	●	m	M	m	●			●	●				●	16	16			M				●				m	●		M	C34*	Gen. Commercial/Residential
C35	●	m	M	m	●			●	●				●	16	16			M				●				m	●		M	C35	Gen. Comm.//Ltd. Residential
C36	●	m	M	●	●			●	●	9			●	16	16			●		M		●	8	●		●	●		M	C36	General Commercial
C37	●	●	●	●	●			●	●	●			●	16	16			●		●	●	●	●	●	●	●	●	M	●	C37	Heavy Commercial
C38	●	●	●	●	●			●	●	●				16	16		●	●		●	●	●		●	●	●	●	M	●	C38	Service Commercial
C40	●	●	●	●	●			●	●	●		M	●	16	16	M	●	●		●	●	●	●	●	●	●	●	M	●	C40	Rural Commercial
C42*	●	●	●	●	20																									C42*	Visitor Serving Commercial
C44	●	●	●	●										16	16														M	C44	Freeway Commercial
C46*	●													16	16															C46*	Medical Center
INDUSTRIAL																															
M50	●	m	M	m	5	19								16	16							●								M50	Basic Industrial
M52	●	m	M	m	●	19		8	8					16	16					8		●	8	8	9	9	9			M52	Limited Impact Industrial
M54	●	●	●	●	●	19		●	●	14				16	16		●			●	●	●	●	●	●	●	●	M	●	M54	General Impact Industrial
M56+																					●	●	●	●	●	●	●			M56+	Mixed Industrial
M58	●	●	●	●	●	19		●	●	14				16	16	M	●			●	●	●	●	●	●	●	●	9	●	M58	High Impact Industrial
AGRICULTURAL																															
A70	●	●	●					M	M					16	16		6	6												A70	Limited Agriculture
A72	●	●	●					M	M			M		16	16		6	6												A72	General Agriculture
SPECIAL PURPOSE																															
S80*	●	S	M											16	16							M								S80*	Open Space
S81																														S81	Ecological Resource Area
S82	●	●	●											16	16													M		S82	Extractive
S86	●	●	●	●										16	16							●								S86	Parking
S88+	●	●	●	●										16	16															S88+	Specific Plan Area
S90+	●	●	●	●				M	M	M																				S90+	Holding Area
S92	●	●	●					M	M					16	16		6	6												S92	General Rural
S94+	●	●	●	●				M	M	M												m								S94+	Transportation & Utility Corridor
SWF																														SWF	Solid Waste Facility

Commercial continued on next page

MATRIX LEGEND

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- S Permitted by Site Plan
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- [E] Exceptions to Enclosure Matrix (See Section 6814)

USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of The Zoning Ordinance, the provisions of The Zoning Ordinance shall apply.

USE TYPES COMMERCIAL (cont.)	Enclosed	Semi-Enclosed	Open	Drive-In	Building Maintenance Services	Business Equipment Sales and Services	Business Support Services	Communications Services	Construction Sales and Services (See Sec. 6300)	Convenience Sales and Personal Services	Cottage Industries (See Sec. 6920)	Eating and Drinking Establishments	Explosive Storage (See Sec. 6904)	Financial, Insurance and Real Estate	Food and Beverage Retail Sales E	Funeral and Interment Services: a) Cremating	b) Interring	c) Undertaking	Gasoline Sales E	Laundry Services	Medical Services	Use Regulations
1400	See Section 6816				1435	1440	1445	1450	1455	1460	1463	1465	1470	1475	1480	1485				1490	1495	1500	
																							RESIDENTIAL
RS							P			P		P		P	P							P	RS Single-Family Residential
RD							P			P		P		P	P							P	RD Duplex/Two-Family Residential
RM							P			P		P		P	P							P	RM Multi-Family Residential
RV							P			P		P		P	P							P	RV Variable Family Residential
RU							P			P		P		P	P							P	RU Urban Residential
RMH							P			P		P		P	P							P	RMH Mobilehome Residential
RR	●	●	●								17												RR Rural Residential
RRO*	●	●	●				P			M		M		P	M							P	RRO* Recreation-Oriented Residential
RC	●	m	m				P	P		m		m		11	m				P			4	RC Residential-Commercial
																							COMMERCIAL
C30	●			m			●	m		10		10		●	10				M			●	C30 Office-Professional
C31	●			m			●	m		10		10		●	10				M			●	C31 Residential/Office Professional
C32	●			m						●		●			●					M			C32 Convenience Commercial
C34*	●	m	M	m		7	●	●	8	●		●		●	●		M	M	M	12	13	●	C34* Gen. Commercial/Residential
C35	●	m	M	m		7	●	●	8	●		●		●	●		M	M	M	12	13	●	C35 Gen. Comm.//Ltd. Residential
C36	●	m	M	●		7	●	●	8	●		●		●	●		M	M	●	12	13	●	C36 General Commercial
C37	●	●	●	●	●	●	●	●	●	●		●		●	●		M	M	●	●	●	●	C37 Heavy Commercial
C38	●	●	●	●	●	●	●	●	●	m		m			10		M			●	●		C38 Service Commercial
C40	●	●	●	●	●	●	●	●	9	●		●		●	●		M	M	●	●	●	●	C40 Rural Commercial
C42*	●	●	●	●			20			●		●		20						M			C42* Visitor Serving Commercial
C44	●	●	●	●								●								12			C44 Freeway Commercial
C46*	●									10		10			10							●	C46* Medical Center
																							INDUSTRIAL
M50	●	m	M	m						m		m			m								M50 Basic Industrial
M52	●	m	M	m	8	●	●	●	8	m		m			10		M			12	●		M52 Limited Impact Industrial
M54	●	●	●	●	●	●	●	●	●	m		m	M		10		M			●	●		M54 General Impact Industrial
M56+					●				●			10			10								M56+ Mixed Industrial
M58	●	●	●	●	●	●	●	●	●	m		m	M		10		M			●	●		M58 High Impact Industrial
																							AGRICULTURAL
A70	●	●	●								17		M										A70 Limited Agriculture
A72	●	●	●								17		M							M			A72 General Agriculture
																							SPECIAL PURPOSE
S80*	●	S	M										M										S80* Open Space
S81																							S81 Ecological Resource Area
S82	●	●	●										M										S82 Extractive
S86	●	●	●	●																			S86 Parking
S88+	●	●	●	●																			S88+ Specific Plan Area
S90+	●	●	●	●							17		M										S90+ Holding Area
S92	●	●	●								17		M										S92 General Rural
S94+	●	●	●	●																			S94+ Transportation & Utility Corridor
SWF																							SWF Solid Waste Facility

Commercial continued on next page

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USE & ENCLOSURE MATRIX

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USE TYPES / COMMERCIAL (cont.)	Enclosed	Semi-Enclosed	Open	Drive-In	Participant Sports and Recreation	a) Indoor	b) Outdoor	Personal Services [General]	Recycling Collection Facility (See Sec. 6970)	a) Small [E]	b) Large [E]	Recycling Processing Facility (See Sec. 6975)	a) Light	b) Heavy	c) Wood and Green Materials	Repair Services [Consumer]	Research Services	Retail Sales	a) General	b) Specialty	Scrap Operations (See Section 6300)	Spectator Sports and Entertainment:	a) Limited	b) General	Swap Meets	Use Regulations
1400	See Section 6816				1505			1510	1512			1513				1515	1520	1525			1530	1535			1540	
																										RESIDENTIAL
RS						P	P	P		2									P	P			P			RS Single-Family Residential
RD						P	P	P		2									P	P			P			RD Duplex/Two-Family Residential
RM						P	P	P		2									P	P			P			RM Multi-Family Residential
RV						P	P	P		2									P	P			P			RV Variable Family Residential
RU						P	P	P		2									P	P			P			RU Urban Residential
RMH						P	P	P		2									P	P			P			RMH Mobilehome Residential
RR	●	●	●				M			2																RR Rural Residential
RRO*	●	●	●			P	M	P		2									P	P			P			RRO* Recreation-Oriented Residential
RC	●	m	m			P	P	P		2									m	m			P			RC Residential-Commercial
																										COMMERCIAL
C30	●			m				●		2	2		3	M			M									C30 Office-Professional
C31	●			m				●		2	2		3	M			M									C31 Residential/Office Professional
C32	●			m		m				2	2		3	M												C32 Convenience Commercial
C34*	●	m	M	m		m		●		2	2		3	M		●	M		●	●			M	M		C34* Gen. Commercial/Residential
C35	●	m	M	m		m		●		2	2		3	M		●	M		●	●			M	M		C35 Gen. Comm.//Ltd. Residential
C36	●	m	M	●		●		●		2	2		3	M		●	M		●	●			●	M		C36 General Commercial
C37	●	●	●	●		●		●		2	2		3	3	15	●	●		●	●			●	●	M	C37 Heavy Commercial
C38	●	●	●	●		M				2	2		3	3	15	●	●				M			M	M	C38 Service Commercial
C40	●	●	●	●		●		●		2	2		3	3	15	●	●		●	●	M		●	M	M	C40 Rural Commercial
C42*	●	●	●	●		●	●													●			M	M		C42* Visitor Serving Commercial
C44	●	●	●	●						2			3	M												C44 Freeway Commercial
C46*	●									2			3	M												C46* Medical Center
																										INDUSTRIAL
M50	●	m	M	m						2	2		3	M	●		●									M50 Basic Industrial
M52	●	m	M	m		●	M			2	2		3	M	●		●									M52 Limited Impact Industrial
M54	●	●	●	●		●	M			2	2		3	3	●		●				M				M	M54 General Impact Industrial
M56+										2	2		3	M	●		●									M56+ Mixed Industrial
M58	●	●	●	●		●	M			2	2		3	3	●		●				M				M	M58 High Impact Industrial
																										AGRICULTURAL
A70	●	●	●				M			A					m											A70 Limited Agriculture
A72	●	●	●				M			A					m											A72 General Agriculture
																										SPECIAL PURPOSE
S80*	●	S	M				M			2	m				m											S80* Open Space
S81																										S81 Ecological Resource Area
S82	●	●	●				M			2	m				m						M					S82 Extractive
S86	●	●	●	●						2	m				m											S86 Parking
S88+	●	●	●	●						2	m				m											S88+ Specific Plan Area
S90+	●	●	●	●			M			2	m				m											S90+ Holding Area
S92	●	●	●				M			2	m				m											S92 General Rural
S94+	●	●	●	●			M			2	m				m											S94+ Transportation & Utility Corridor
SWF																										SWF Solid Waste Facility

Commercial continued on next page

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USE TYPES	COMMERCIAL (cont.)												INDUSTRIAL						Use Regulations
	1400	See Section 6816			1545				1550				1600	See Section 6816			1610	1620	1630	
	Enclosed	Semi-Enclosed	Open	Drive-In	Transient Habitation:	a) Campground (See Section 6450)	b) Lodging	c) Resort (See Section 6400)	Wholesaling, Storage and Distribution	a) Mini Warehouse (See Section 6909)	b) Light	c) Heavy		Enclosed	Semi-Enclosed	Open	Custom Manufacturing	General Industrial	Heavy Industrial	
																				RESIDENTIAL
RS																				RS Single-Family Residential
RD																				RD Duplex/Two-Family Residential
RM										M										RM Multi-Family Residential
RV										M										RV Variable Family Residential
RU																				RU Urban Residential
RMH																				RMH Mobilehome Residential
RR	●	●	●			M		M		M										RR Rural Residential
RRO*	●	●	●			M		M												RRO* Recreation-Oriented Residential
RC	●	m	m				m			M				●			m			RC Residential-Commercial
																				COMMERCIAL
C30	●			m																C30 Office-Professional
C31	●			m																C31 Residential/Office Professional
C32	●			m										●			m			C32 Convenience Commercial
C34*	●	m	M	m		M	●							●			●			C34* Gen. Commercial/Residential
C35	●	m	M	m		M	●							●			●			C35 Gen. Comm.//Ltd. Residential
C36	●	m	M	●		M	●			M	M			●			●			C36 General Commercial
C37	●	●	●	●		M	●			●	8	M		●	●	●	●	15		C37 Heavy Commercial
C38	●	●	●	●						●	8	M		●	●	●	●	15		C38 Service Commercial
C40	●	●	●	●		M	●			●	8	M		●	●	●	●	15		C40 Rural Commercial
C42*	●	●	●	●		●	●	●												C42* Visitor Serving Commercial
C44	●	●	●	●		M	●													C44 Freeway Commercial
C46*	●																			C46* Medical Center
																				INDUSTRIAL
M50	●	m	M	m							8	M		●	m	M	●	14		M50 Basic Industrial
M52	●	m	M	m		M				●	8	M		●	m	M	●	14		M52 Limited Impact Industrial
M54	●	●	●	●		M				●	8	14		●	●	●	●	14		M54 General Impact Industrial
M56+										●	●	●					●	●		M56+ Mixed Industrial
M58	●	●	●	●						●	8	14		●	●	●	●	14	M	M58 High Impact Industrial
																				AGRICULTURAL
A70	●	●	●			M		M						●	●	m				A70 Limited Agriculture
A72	●	●	●			M		M						●	●	m				A72 General Agriculture
																				SPECIAL PURPOSE
S80*	●	S	M																	S80* Open Space
S81																				S81 Ecological Resource Area
S82	●	●	●																	S82 Extractive
S86	●	●	●	●																S86 Parking
S88+	●	●	●	●										●	●	●				S88+ Specific Plan Area
S90+	●	●	●	●		M		M						●	●	●				S90+ Holding Area
S92	●	●	●			M		M						●	●	m				S92 General Rural
S94+	●	●	●	●		M								●	●	●				S94+ Transportation & Utility Corridor
SWF																				SWF Solid Waste Facility

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USE TYPES	AGRICULTURAL																																				
	Enclosed	Semi-Enclosed	Open		Horticulture	(a) Cultivation	(b) Storage	Tree Crops	Row & Field Crops	Animal Raising	Animal Waste Processing (see Section 6902)	Packing and Processing	a) Limited	b) General	c) Support	d) Winery	e) Small Winery (see Section 6910)	f) Boutique Winery (see Section 6910)	g) Wholesale Limited Winery (See 6910)	Agricultural Equipment Storage	Farm Labor Camp	EXTRACTIVE		Mining and Processing (See Section 6550)	Site Preparation												
1700	See Section 6816			1710			1715	1720	1725	1730	1735									1740	1750	1800		1810	1820	**Use Regulations**											
																										RESIDENTIAL											
RS	m	m	●		●		●	●	16																M	RS	Single-Family Residential										
RD	m	m	●		●		●	●	16																M	RD	Duplex/Two-Family Residential										
RM	m	m	●		●		●	●	16																M	RM	Multi-Family Residential										
RV	m	m	●		●		●	●	16																M	RV	Variable Family Residential										
RU	m	m	●		●		●	●	16																M	RU	Urban Residential										
RMH	m	m	●		●		●	●	16																M	RMH	Mobilehome Residential										
RR	●	●	●		●	●	●	●	16			M			M						m			M		RR	Rural Residential										
RRO*	m	m	●		●		●	●	16			M			M										M	RRO*	Recreation-Oriented Residential										
RC	m	m	●		●		●	●	16						M										M	RC	Residential-Commercial										
																										COMMERCIAL											
C30									16																M	C30	Office-Professional										
C31									16																M	C31	Residential/Office Professional										
C32	A	A	●		●	m	●	●	16																M	C32	Convenience Commercial										
C34*	A	A	●		●	●	●	●	16																M	C34*	Gen. Commercial/Residential										
C35	A	A	●		●	●	●	●	16																M	C35	Gen. Comm.//Ltd. Residential										
C36	A	A	●		●	●	●	●	16																M	C36	General Commercial										
C37	A	A	●		●	●	●	●	16															M		C37	Heavy Commercial										
C38	A	A	●		●	●	●	●	16																M	C38	Service Commercial										
C40	A	A	●		●	●	●	●	16																M	C40	Rural Commercial										
C42*	A	A	●		●	●	●	●																	M	C42*	Visitor Serving Commercial										
C44	A	A	●		●	●	●	●	16																M	C44	Freeway Commercial										
C46*	A	A	●		●		●	●	16																M	C46*	Medical Center										
																										INDUSTRIAL											
M50	A	A	●		●	●	●	●	16			●	●		●										M	M50	Basic Industrial										
M52	A	A	●		●	●	●	●	16			●	●		●										M	M52	Limited Impact Industrial										
M54	A	A	●		●	●	●	●	16			●	●		●										M	M54	General Impact Industrial										
M56+												●	●	●	●											M56+	Mixed Industrial										
M58	A	A	●		●	●	●	●	16	M		●	●		●									M	M	M58	High Impact Industrial										
																										AGRICULTURAL											
A70	●	●	●		●	●	●	●	16			●	M	M	M	22	22	22	M	m				M		A70	Limited Agriculture										
A72	●	●	●		●	●	●	●	16	M		●	M	M	M	22	22	22	M	m				M		A72	General Agriculture										
																										SPECIAL PURPOSE											
S80*	A	A	●		●	●	●	●	16			●									m			M		S80*	Open Space										
S81									M																M	S81	Ecological Resource Area										
S82	●	●	●		●	●	●	●	16															M		S82	Extractive										
S86																									M	S86	Parking										
S88+	●	●	●		●	●	●	●	16			●	M	M	M					m					M	S88+	Specific Plan Area										
S90+	●	●	●		●	●	●	●	16			●								m				M		S90+	Holding Area										
S92	●	●	●		●	●	●	●	16	M		●	M	M	M					m				M		S92	General Rural										
S94+	●	●	●		●	●	●	●	16															M		S94+	Transportation & Utility Corridor										
SWF																										SWF	Solid Waste Facility										

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Section 16. Section 3110 of the Zoning Ordinance is amended to read as follows:

Animal Schedule

(Part of Section 3100)

ANIMAL USE TYPE (*See Note 4*)	**Restrictions and Density Range**	**DESIGNATOR**																							
		A	**B**	**C**	**D**	**E**	**F**	**G**	**H**	**I**	**J**	**K**	**L**	**M**	**N**	**O**	**P**	**Q**	**R**	**S**	**T**	**U**	**V**	**W**	**X**
ANIMAL SALES AND SERVICES: HORSE STABLES																									
(a) Boarding or Breeding	Permitted							X	X	X						X								X	X
	MUP required										X		X	X	X							X	X		
	ZAP required				X	X	X																		
(b) Public Stable	Permitted															X								X	
	MUP required				X	X	X				X		X	X	X							X	X		X
	ZAP required							X	X	X															
ANIMAL SALES AND SERVICES: KENNELS (*see Note 1*)	Permitted															X			X		X				
	Permitted provided fully enclosed							X	X	X															
	MUP required												X	X	X								X	X	
	ZAP required				X	X	X	X	X	X															
	One acre + by MUP	X	X	X																					
ANIMAL RAISING (*see Note 6*)																									
(a) Animal Raising Projects (*see Section 3115*)	Permitted							X	X	X															X
	½ acre+ by ZAP				X	X	X				X		X	X	X	X	X						X	X	
	1 acre+ by MUP	X	X	X																					
(b) Small Animal Raising (includes Poultry) (*see Note 8*)	Permitted													X	X	X	X							X	
	½ acre+ permitted							X	X	X															
	100 maximum											X													
	25 maximum				X	X	X				X		X					X	X				X		X
	½ acre+: 10 max	X	X	X																					
	Less than ½ acre: 100 Maximum							X	X	X															
	½ acre+ 25 max by ZAP	X	X	X																					
	100 max by ZAP				X	X	X																		X
Chinchillas (*See Note 5*)	MUP required												X												
(c) Large Animal Raising (Other than horsekeeping)	4 acres + permitted															X								X	
	8 acres + permitted							X	X	X															
	2 animals plus 1 per ½ acre over 1 acre				X	X	X																		X

ANIMAL USE TYPE (*See Note 4*)	Restrictions and Density Range	DESIGNATOR																							
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
(*See Note 2*)	4 animals plus 4 for each ½ acre over ½ acre							X	X	X															
	1 ½ acres or less: 2 animals											X	X	X	X	X								X	
	1 ½ to 4 acres: 1 per ½ acre											X	X	X	X	X								X	
	4 acres+, 8 animals + 1 animal per 1 acre over 4 acres											X	X	X	X										
	2 animals										X						X	X	X				X		X
	4 acres plus by MUP											X			X										
	½ acre plus 2 animals per ½ acre by ZAP	X	X	X																					X
	Grazing Only																			X	X				
(d) Horse keeping (other than Animal Sales and Services: Horse Stables)	Permitted							X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X
	2 horses + 1 per ½ acre over 1 acre				X	X	X																		
	ZAP required				X	X	X																		
	½ acre plus by ZAP	X	X	X																					
(e) Specialty Animal Raising: Bees (*See Title 6, Division 2, Chapter 9, County Code*)	Permitted				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(See Note 7)	ZAP Required	X	X	X																					
(f) Specialty Animal Raising: Wild or Undomesticated (*See Note 3*)	ZAP Required				X	X	X	X	X	X			X	X	X	X	X			X	X	X		X	
(g) Specialty Animal Raising: Other (Excluding Birds)	25 maximum				X	X	X				X	X	X				X	X	X	X	X		X		X
	25 maximum by ZAP	X	X	X																					
	25 plus by ZAP				X	X	X				X	X	X	X			X			X	X	X	X		X
	Permitted							X	X	X					X	X								X	
(h) Specialty Animal Raising: Birds	25 maximum				X	X	X						X					X	X	X	X	X			
	100 maximum							X	X	X	X	X					X						X		
	Additional by ZAP	X	X	X				X	X	X	X	X	X				X					X	X		
	Permitted													X	X	X								X	X
(i) Racing Pigeons	100 Maximum										X	X											X		
	100 Max 1/acre plus																	X							
	Permitted												X	X	X	X	X							X	X
ANIMAL ENCLOSURE SETBACKS (*See Section 3112*)																									
Most Restrictive		X			X			X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Moderate			X			X			X																
Least Restrictive				X			X			X															X

MUP = Major Use Permit + = plus ZAP = Minor Use Permit

Notes:

1. Dogs and cats not constituting a kennel and up to two pot-belly pigs are accessory uses subject to the Accessory Use Regulations commencing at Section 6150 and are not subject to the animal enclosure setbacks.
2. On land subject to the "S" and "T" Animal Designators, grazing of horses, bovine animals and sheep permitted provided no buildings, structure, pen or corral shall be designated or used for housing or concentrated feeding of animals, and the number of such animals shall not exceed 1 animal per ½ acre of land.
3. One wild or undomesticated animal, kept or maintained in conformance with State and local requirements, is an accessory use subject to the Accessory Use Regulations commencing at Section 6150, and is not subject to the Animal Schedule. (Amended by Ordinance Number 7432 (N.S.) adopted January 6, 1988.)
4. The Animal Schedule does not apply to small animals, specialty animals, dogs or cats which are kept for sale in zones where the Retail Sales, General Use type is permitted provided that all activities are conducted entirely within an enclosed building, the building is completely soundproof, there are no outside runs or cages, no boarding of animals, no outside trash containers and no offensive odors.
5. Chinchillas are considered small animals except that a MUP may be approved for more than 25 chinchillas on property with the "L" Designator.
6. The number of animals allowed is per legal lot. This number shall not apply to the keeping of earthworms.
7. Beekeeping must be located at least 600 feet from any habitable dwelling unit, other than such dwelling unit owned by the person owning the apiary.
8. Additional regulations are applicable to the keeping of roosters, see County Code Section 62.690 et seq.

Section 17. Section 3112 of the Zoning Ordinance is amended to read as follows:

3112 ANIMAL ENCLOSURE SETBACK TABLE.
Notwithstanding the provisions of an applicable setback designator, enclosures containing the animal-related use types listed in Section 3110 shall have the minimum setbacks specified in the Animal Enclosure Setback Table. The Animal Enclosure Setback Table is incorporated into this section, and all references to this section shall include references to it. Animals subject to the Animal Setback Table must be confined within the appropriate enclosure.

ANIMAL ENCLOSURE LOCATION	ANIMAL ENCLOSURE SETBACKS (a)		
	MOST RESTRICTIVE (b)	MODERATE (b)	LEAST RESTRICTIVE (b)
Distance from Street Center Line	Same as for main building(c)	Same as for main building	Zero (0) feet (from street line)
Distance from Interior Side Lot Line	15 feet	Five (5) feet	Zero (0) feet for open enclosure. Five (5) feet for roofed enclosure.
Distance from Rear Lot Line	10 feet	Zero (0) feet for open enclosure. Five (5) feet for roofed enclosure.	Zero (0) feet

NOTES:

a. Animal enclosure includes pens, coops, aviaries, hutches, stables, barns, corrals, and similar structures used for the keeping of poultry or animals. See County Code Section 62.692 (b) for additional enclosure setback requirements for the keeping of roosters.

b. A fenced pasture containing a minimum of 2 acres, with no building used for human habitation and having no interior cross-fencing, is exempt from the animal enclosure setback requirements.

c. Refer to applicable setback designator and setback schedule at Section 4810.

Section 18. Section 3114 of the Zoning Ordinance is amended to read as follows:

3114 KENNELS.
In addition to the regulations contained in the Animal Enclosure Setback Table, Section 3112, all kennels shall be subject to the following regulations:

1. Restrictions On Use:

   a. The premises shall be kept in a clean and sanitary manner by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease or offensive odor.

   b. Kennels shall conform to all the regulations contained in the County Code related to kennels, including but not limited to Noise Abatement and Control, Animal Control and Permit Fees and Procedures.

   c. Animal odors shall not be detectable beyond the lot lines of the property wherein the kennel is located.

   d. Dust and drainage from the kennel enclosure shall not create a nuisance or a hazard to adjoining property or uses.

   e. The kennel enclosure shall be screened by a nontransparent fence of a minimum six feet in height.

   f. Grooming services for the animals being boarded may be allowed as an incidental use provided the grooming services are conducted indoors and the grooming area is limited to 500 square feet in area.

2. Additional Setback Requirements:

   a. Notwithstanding the provisions of Section 3112 of this Ordinance, no kennel located on property with Animal Schedule Designators (see Section 3100) "L", "M", "N", "V", "W" shall be erected and maintained:

      1. Within 50 feet of any interior side lot line.

      2. Within 25 feet of any rear lot line; provided, however, where the rear lot line is parallel with and contiguous to an alley, such structures may be erected, placed or maintained up to such rear lot line.

   b. A kennel located on property with the Animal Schedule Designators (see Section 3100) "O", "R", and "T" shall comply with the provisions of Section 3112; provided,

however, that where a kennel in said designator abuts a residential use regulation, setbacks shall be maintained in accordance with subsection 2a.1 and 2a.2 above.

Section 19. Section 4505 of the Zoning Ordinance is amended to read as follows:

4505 FLOOR-AREA RATIO DESIGNATOR NOTATION.
Floor-area ratio shall be indicated by an Arabic numeral indicating the actual maximum permitted floor-area ratio. A dash ("-") shall indicate that floor-area ratio is not regulated by this ordinance except as may otherwise be limited by required setbacks and height restrictions. However, a floor-area ratio pursuant to the Land Use Element of the General Plan may be applicable to a property.

Section 20. Section 4615 of the Zoning Ordinance is amended to read as follows:

4615 ADDITIONAL STORY PERMITTED.

a. Where the average slope of a lot is greater than one foot rise or fall in 7 feet in the area of the lot bounded by a line drawn 5 feet outside the building perimeter or, where closer, along property lines, an additional story may be permitted in a residential building which is located on the downhill side of a street, provided that in no case shall such a building have a height measured in feet greater than that permitted by the applicable height designator. Basements or cellars within such buildings will only be permitted if the grade elevation at all points adjacent to the basement perimeter is not more than 2 feet below the finished floor elevation directly above. This subsection (a) shall not apply to through lots or corner lots.

b. An additional story may be permitted in a main dwelling with a primary residential use upon issuance of an Administrative Permit, provided that in no case shall the main dwelling have a height measured in feet greater than that permitted by the applicable height designator. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice of the administrative permit application shall be provided pursuant to Section 7060.c. The Director may approve said administrative permit provided the following findings are made:

1. The additional story will be in harmony with scale and bulk of dwellings on adjacent properties in the same zone, and will be compatible with the existing neighborhood character in the vicinity of the property; and

2. The additional story will not create a safety hazard, obstruct, interrupt or detract from existing views or be detrimental to surrounding properties in the same zone.

This subsection (b) shall not apply to basements proposed or existing within the main dwelling as basements are not considered a story.

Section 21. Section 4630 of the Zoning Ordinance is amended to read as follows:

4630 HEIGHT OF FENCES.

The height of fences shall be regulated by the Fencing and Screening Regulations commencing at Section 6700.

Section 22. Section 5205 of the Zoning Ordinance is amended to read as follows:

5205 SITE PLAN REQUIRED.
No permit of any type shall be issued for any development, nor shall any outdoor commercial or industrial use be established, in areas subject to the Scenic Area Regulations until a Site Plan has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150 unless a Site Plan permit exemption is granted pursuant to section 5214. The following projects are exempt from the Site Plan requirements of the Scenic Area Regulations:

a. A one or two family dwelling on a single lot.

b. Attached accessory structures associated with a. above.

c. Detached accessory structures associated with a. above which are both 1,000 square feet or less in area and 12 feet or less in height.

d. Alterations to the interior of a structure which are not visible from the outside provided that there is no change in use.

e. Electrical, gas or other utility improvements where no associated discretionary permits are required, provided that any visible portion of such improvement does not exceed 24 inches in any dimension. The Director may require the applicant to submit an affidavit stating that the proposed utility improvement will not serve a use other than those uses presently occurring legally on the site.

f. Temporary improvements associated with construction activities authorized by building permit. Said improvements shall include, but not be limited to, trailers, fences, and signs which do not require discretionary approval by other applicable sections of The Zoning Ordinance.

g. Temporary special purpose off-premise signs pursuant to Section 6207.

h. Exterior alteration or new construction not otherwise exempt under this section, which is not visible from any street, excluding alleys, within the designated scenic area. Eliminating said visibility through screening techniques such as landscape, walls, fences or grading shall not qualify such exterior alterations or new construction for this exemption. The Director shall determine if a project meets this exemption standard and may require any necessary information including drawings, photographs and/or other graphic exhibits.

i. Small antennas (i.e., satellite earth station receiving antennas or similar antennas for video programming and television signals) exempted by Federal Communications Commission rules from local design review regulations. This exemption applies to antennas that are one meter (39 inches) or less in diameter or diagonal measurement. Such antennas mounted on masts exceeding 12 feet in height are not included in this exemption.

Any decision by the Director to exempt a project pursuant to this section shall be final.

Section 23. Section 5214 of the Zoning Ordinance is amended to read as follows:

5214 SITE PLAN PERMIT EXEMPTION
An exemption from the requirement to process a Site Plan permit pursuant to this section may be granted by the Director under either of the following circumstances:

a. If it is determined, based upon substantial evidence, that the proposed project is not visible from any scenic highway corridors designated by the San Diego County General Plan, critical viewshed and prime viewshed areas as designated on the Local Coastal Program Land Use Plan, and from any areas adjacent to significant recreational, historic or scenic resources, including but not limited to Federal and State parks and if it is determined that the Site Plan review process would not materially contribute to the attainment of the stated purpose or objectives of the Scenic Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a Site Plan permit exemption, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. Site Plan permit exemption requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation.

b. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

No building permit or grading permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the Scenic Area Regulations to the subject property shall be permitted without prior recommendation of the appropriate Community Planning or Sponsor Group.

Section 24. Section 5250 of the Zoning Ordinance is amended to read as follows:

<u>AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS</u>

5250 TITLE AND PURPOSE.
The provisions of Section 5250 through Section 5270, inclusive, shall be known as the Airport Land Use Compatibility Plan Area Regulations. The purpose of these provisions is to regulate land uses within portions of the unincorporated territory of the County of San Diego located in Airport Influence Areas (AIAs) surrounding airports for which the San Diego County Regional Airport Authority (Authority) has adopted Airport Land Use Compatibility Plans (ALUCP or ALUCPs).

Section 25. Section 5257 is added to the Zoning Ordinance to read as follows:

5257 AIRPORT OVERFLIGHT NOTIFICATION REQUIREMENTS
All owners of properties within an Airport Overflight Notification Area, as shown on an adopted ALUCP, shall record an Overflight Agreement prior to issuance of a building permit for any new residential development, including new single-family dwellings, duplexes, multi-family dwellings and second dwelling units. Note: not all properties within an Airport Influence Area (AIA) are within an Airport Overflight Notification Area.

Section 26. Section 5304 of the Zoning Ordinance is amended to read as follows:

5304 CONTENT OF SITE PLAN
The Site Plan shall include such maps, plans, drawings and sketches as are necessary to show:

a. The placement and size of all existing and proposed buildings and structures located on the development site;

b. The dimensions of the following: exterior boundary, structures, setbacks of structures to property lines and between structures, parking areas and driveways;

c. The existing vegetation to be removed or retained and all proposed landscaping. Any existing non-agricultural trees with trunk dimensions of six inches (6") or greater shall be shown, and those that are proposed to be removed shall be labeled;

d. The location and dimensions of existing and proposed ingress and egress points, interior road and pedestrian walkways, parking and storage areas, contiguous streets and all easements;

e. The location of the 100 year floodplain as shown on both Department of Public Works 100 year Floodplain Maps and FEMA Flood Insurance Rate Maps;

f. The location of any natural drainage (including intermittent streams) and any proposed drainage systems;

g. All preliminary grading, including incidental grading related to site preparation; and

h. The slope categories for the entire property in acres, based on a slope analysis prepared pursuant to Section 5305.

Section 27. Section 5307 of the Zoning Ordinance is amended to read as follows:

5307 USE REGULATIONS AND DEVELOPMENT STANDARDS
In addition to any applicable use regulations, development standards and review criteria contained in The Zoning Ordinance or other County ordinances, the following regulations shall apply to development subject to the Sensitive Resource Area Regulations:

[a. no changes]

b. Floodway. The development of permanent structures for human habitation or as a place of work shall not be permitted in a floodway.

1. In the floodway, permitted uses shall be limited to:

i. 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; and

ii. Mineral extraction subject to an approved major use permit and reclamation plan, provided that mitigation measures were required which produce any net gain in functional wetlands and riparian habitat, and that the reclamation plan restores the site to its natural state, which would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction.

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

i. 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 enactment of this ordinance shall not be the basis for permitting such channels.

ii. 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.

iii. In high velocity streams where it is necessary to protect existing houses or other structures, minimize stream scour, or avoid 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.

c. Floodplain Fringe. All uses permitted by zoning and those that are allowable in the floodway are allowed in the floodplain fringe. Prior to granting a site plan required by this section for development, including permanent structures, grading, fill, deposit of soil or other material, or removal of natural vegetation within a 100-year floodplain fringe, all of the following criteria shall be met:

1. Fill shall be limited to that necessary to elevate the structure above the elevation of the floodway and to permit minimal functional use of the structure (e.g., fill for access ramps and drainage). If fill is placed in the floodplain fringe, the new bank of the creek shall be landscaped to blend with the natural vegetation of the stream and enhance the natural edge of the stream.

2. Any development below the elevation of the 100-year flood shall be capable of withstanding periodic flooding.

3. The design of the development incorporates the findings and recommendations of a site-specific hydrologic study to assure that the development (a) will not cause significant adverse water quality impacts related to quality or quantity of flow or increase in peak flow to downstream wetlands, lagoons and other sensitive habitat lands; and (b) neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands, lagoons, or other sensitive habitat lands.

4. The proposed development shall be set back from the floodway boundary a distance equal to 15 percent of the floodway width (but not to exceed 100 feet) in order to leave an appropriate buffer area adjacent to the floodway. The setback may be greater if required by Paragraph 5.

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

   i. Practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Ordinance would result from application of the setback; and

   ii. The reduction in setback will not increase flood-flows, siltation and/or erosion, or reduce long term protection of the floodway, to a greater extent than if the required setback were maintained; and

   iii. The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity; and

   iv. The reduction in setback will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity in which the property is located; and

   v. The reduction in setback will not be incompatible with the San Diego County General Plan.

5. In areas where the Director of Public Works has determined that the potential for erosion or sedimentation in the floodplain is significant, all proposed development shall be set back from the floodway so that it is outside the Erosion/Sedimentation Hazard Area shown on County Floodplain Maps. Development will be allowed in the Erosion/Sedimentation Hazard Area only when the Director of Public Works approves a special study demonstrating that adequate protection can be achieved in a manner that is compatible with the natural characteristics of the river.

6. Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain.

7. If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, sensitive habitat lands or significant prehistoric or historic site lands, the use restrictions herein applicable to such areas shall also apply.

[d. through f. no changes]

Section 28. Section 5710 of the Zoning Ordinance is amended to read as follows:

5710 SITE PLAN PERMIT EXEMPTION- HISTORIC/ARCHAEOLOGICAL LANDMARKS AND DISTRICTS.

An exemption from the requirement to process a Site Plan permit pursuant to Sections 5709, 5721 or 5724 may be granted by the Director under either of the following circumstances:

a. If it is determined that the nature of the proposed project is such that subjecting it to the Site Plan review process would not materially contribute to district or landmark preservation objectives. In making a decision on such a Site Plan permit exemption due consideration shall be given to the recommendation of the applicable Historic District Review Board or the San Diego County Historic Site Board or both, as is specified in Section 5745. Such recommendation shall be in writing, signed by the Chairperson of said Advisory Board, and shall be accompanied by a copy of the project plans upon which the recommendation was based. Site Plan permit exemption requests shall be transmitted by the applicant to the Advisory Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Advisory Board within 45 days following the Advisory Board's receipt of the request, the Director may make a decision without the Advisory Board's recommendation.

b. If all of the purposes and requirements of the Site Plan have been or will be fulfilled by another required discretionary permit which has been or will be reviewed by the Historic Site Board or other applicable Historic District Board.

No building, grading or clearing permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to historic and/or archaeological preservation, such as materials, colors, architectural details, grading, excavation, paving, landscaping, and site design, shall be permitted without prior recommendation of the appropriate Board and approval of the Director.

Section 29. Section 5757 of the Zoning Ordinance is amended to read as follows:

5757 SITE PLAN PERMIT EXEMPTION - COMMUNITY DESIGN REVIEW.
An exemption from the Site Plan Permit requirement of Section 5756 may be granted by the Director under either of the following circumstances:

a. If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the community design objectives and guidelines as set forth in the applicable Design Guidelines Manual or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on

such a Site Plan permit exemption due consideration shall be given to the recommendation of the applicable Community Design Review Board. Such recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign Site Plan permit exemption requests, and shall be accompanied by a copy of the project plans upon which the recommendation was based. Site Plan permit exemption requests shall be transmitted by the Director to the Review Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation. Notwithstanding the above, the Review Board may recommend a Site Plan permit exemption of entire classes of projects, in which case the Director may exempt projects within these classes without obtaining recommendations from the Review Board on each individual case.

b. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to the Design Guidelines, such as materials, colors, architectural details, landscaping, and site design, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

Section 30. Section 5799 of the Zoning Ordinance is amended to read as follows:

5799 COMMUNITY DESIGN REVIEW AREAS.

a. Applicability. The requirements of Section 5750 through 5799, inclusive, apply to the areas that are designated Design Review Areas (Special Area Designator "B"), and to that property within the community of Fallbrook to which the Village 1 (V1), Village 2 (V2), Village 3 (V3), Village 4 (V4), or Village 5 (V5) Zone has been applied. (see Section 8000)

b. Design Criteria. Site Plan permits and concurrent applications shall conform to criteria set forth in the applicable Design Guidelines Manual approved by the Board of Supervisors.

c. Design Review Boards. Site Plan permits concerning property within designated Design Review Areas shall be referred to the Community's Design Review Board for recommendation, if such a board exists for the area. The Design Review Board shall advise the Director as to the Site Plan permit's conformance with the Community's Design Guidelines Manual. The Review Board's evaluation shall be limited to the design guidelines set forth in the manual, and the Review Board shall cite the specific guideline(s) in instances where a project may be inconsistent with the adopted design manual. The Director may consider the input of the applicable planning or sponsor group in areas where no design review board exists.

Section 31. Section 5905 of the Zoning Ordinance is amended to read as follows:

5905 SITE PLAN PERMIT REQUIRED.

a. No permit of any type shall be issued for any development in areas subject to the Design Review Area Regulations until a Site Plan permit has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150. A Site Plan permit is not required if the Director determines that the proposed project is of such type or character that the stated objectives or review criteria contained in the ordinance applying the design review designator would not be applicable to the proposed project. A Site Plan permit is also not required if said ordinance applying the design review designator specifically exempts the Site Plan permit requirement for the proposed project, and such an ordinance exemption shall be final.

b. The Site Plan permit shall not be required to contain more information than required to satisfy the stated concerns of the Board of Supervisors at the time the design review area designator was applied.

c. An exemption from the requirement to process a Site Plan permit pursuant to this section may be granted by the Director under either of the following circumstances:

1. If it is determined that the nature of the proposed project is such that subjecting it to the Site Plan permit review process would not materially contribute to the attainment of the stated purpose or objectives of the ordinance which applied the Design Review Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan permit have been fulfilled by an existing approved discretionary permit. In making a decision on such a Site Plan permit exemption, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. Site Plan permit exemption requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation. Notwithstanding the above, the Community Planning or Sponsor Group may recommend a Site Plan permit exemption of entire classes of projects, in which case the Director may grant an exemption for projects within these classes without obtaining recommendations from the Planning or Sponsor Group on each individual case.

2. If all of the purposes and requirements of the Site Plan permit will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

No building permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the ordinance which applied the Design Review Area Regulations to the subject property shall be permitted without prior recommendation of the appropriate Community Planning or Sponsor Group.

Section 32. Section 6106 of the Zoning Ordinance is amended to read as follows:

6106 CIRCUS, CARNIVAL, OR OTHER OUTDOOR ENTERTAINMENT EVENT.
The temporary gathering of people for a circus, carnival, or other outdoor entertainment event may be permitted by the Sheriff pursuant to Title 2, Division 1, Chapter 8 and Chapter 24 of the County Code through the issuance of a license pursuant to the Uniform Licensing Procedure of the County Code and in compliance with the following provisions:

a. Location. A circus, carnival or other outdoor entertainment event may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations. Notwithstanding this subsection, a circus, carnival or other public outdoor assembly event may be permitted in any zone, including the RS, RD, RM and RV Use Regulations on properties with a valid Major Use Permit subject to the requirements of this section.

b. Duration. The period of operation of the circus, carnival or other outdoor entertainment event shall not exceed five consecutive days, no more than six events per year on the same property. There shall be a minimum of 14 consecutive days between events. Events exceeding these limitations shall be considered Participant Sport and Recreation Use type.

c. Noticed Hearing Not Required. The Sheriff may issue a license pursuant to this section without notice or public hearing.

d. Community Events pursuant to Title 2, Division 1, Chapter 2 of the County Code shall be under the authority of the Department of Environmental Health. Community Events may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations and are permitted on properties with a valid Major Use Permit subject to the Department of Environmental Health requirements.

Section 33. Section 6108 of the Zoning Ordinance is amended to read as follows:

6108 CIVIC, FRATERNAL OR RELIGIOUS ASSEMBLY.
The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization may be permitted in compliance with the following provisions:

a. Location. An assembly may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.

b. Duration. The period of operation of the assembly shall not exceed 8 consecutive days. There shall be a minimum of 14 consecutive days between events.

c. Recurrence. Events recurring more than four times in a calendar year are not considered temporary.

Section 34. Section 6116 of the Zoning Ordinance is amended to read as follows:

6116 USES IN NEW SUBDIVISIONS.
Certain temporary uses as specified herein may be established within a subdivision for which a final map has been recorded, or in a proposed subdivision for which a tentative map has been

approved and a final map thereof filed for approval by the Director of Public Works; or in conjunction with an individual multiple dwelling or multiple dwelling complex; solely for the marketing of dwellings, and/or lots, in the same residential development.

a. Permitted Uses. The following temporary uses may be permitted in conformance with the following standards:

1. Model homes in a number not to exceed that necessary to provide one example of each dwelling type being offered in the residential development. Reversed floor plans and exterior facade variations will not be considered as separate dwelling types. Each model home shall be erected on an individual site which conforms to a lot shown on the recorded final map or on the final map filed for approval with the Director of Public Works; meet all setback requirements of the applicable zone or, in the case of provisional reclassification, of the zone to which the property has been provisionally reclassified; and qualify in all respects for sale and residential occupancy upon termination of its use as a model home.

2. Real estate sales office facilities for the purpose of promoting the sale or rental of dwellings and/or lots, which are located only within the same residential development or proposed subdivision. The foregoing provisions of this section notwithstanding, a temporary real estate sales office facility may be located adjacent to the residential development to which it is incidental in compliance with all other provisions of this section.

3. Off-street parking facilities.

4. Children's play areas, landscaping and landscape features such as walkways, pools, benches, walls, fencing, and similar appurtenant features of a noncommercial nature.

NOTE: See Section 6268 (c.2. & e.) for related temporary on-site signage allowances and requirements, and County Code Section 86.701 et seq. for Water Conservation in Landscaping.

b. No use authorized by this section will be located, installed or operated in a manner that will have an unnecessarily adverse effect on the use and enjoyment of any property on which an occupied dwelling is located, or may be located during the duration of such authorized use.

c. Building Permits. Prior to the issuance of building permits for the temporary uses in "a" above, the following conditions shall be met:

1. When the residential development for which such temporary uses are to be constructed would constitute a subdivision, a tentative subdivision map must be approved and the final map thereof recorded; or if a final map has not been recorded, a final map must be filed with the Director of Public Works for approval and approved by said Director as to conformance to the tentative subdivision map and mathematical accuracy.

2. Appropriate zoning must be in effect for the property encompassed by the subdivision or proposed subdivision or other residential development, to

accommodate the lot sizes shown on the final map and the proposed uses thereof; provided, however, that where subject property has been provisionally reclassified, lot sizes and proposed uses may conform to the zone to which such property has been provisionally reclassified.

3. Necessary sanitary facilities must be provided as required by the Director of Environmental Health.

4. The property owners shall execute and file with the County and acknowledged agreement (notarized) assuming all risks inherent in construction prior to recordation of a final map and agreeing to abide by all conditions set forth in this Section prior to the sale of any model home; further agreeing that all temporary uses permitted by this section shall be terminated not later than 30 months after issuance of building permits therefore, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said 30 months, and within 30 days of the expiration of said 30 months or extension thereof, all temporary uses and related improvements other than model homes, shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including reconversion of any garage to a condition suitable for the storage of private vehicles or the provision by other means of required off-street parking spaces. In the case where the final subdivision map has not been recorded, the property owner shall further agree that in the event of a final map which includes the property whereon uses authorized by this section are located is not recorded prior to expiration of the Tentative Map, all uses and related improvements, including model homes, shall be completely removed from the premises and the site restored to a clean and safe condition within 90 days from the date of expiration of the Tentative Map. Each agreement shall also contain a statement signed by the property owner agreeing that if all uses and related improvements are not removed as herein required, they may be removed or demolished, and the site restored by the County without further notice. Prior to the erection of any model home, the property owner shall post with the Director a bond in an amount satisfactory to the Director sufficient to defray any expense incurred by the County in either the restoration or conversion of the model homes to a condition suitable for sale for residential occupancy, or in the complete removal or demolition of said uses and improvements and site restoration. The bond shall be released to the property owner or person legally entitled thereto upon satisfactory removal or conversion of the concerned facilities.

Section 35. Section 6118 of the Zoning Ordinance is amended to read as follows:

6118 USE OF A TRAILER COACH.

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

a. Business Uses.

1. Business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the State or a public

agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.

2. Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.

3. Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently pursued.

4. Construction office on or adjacent to any site on which a building or construction project is being diligently pursued; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.

5. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.

6. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.

7. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.

8. Government service uses in accordance with the provisions of Section 6120.

b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.

2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling-provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.

3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require physical care.

   The following are requirements for health care trailer approval:

   a) The health care unit shall be a trailer or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls

   b) The trailer shall meet main building setbacks.

   c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible.

   d) Prior to issuance of a building permit for a health care trailer a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually.

   e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a $1,000 fine per day or six months jail sentence or both.

   f) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of any previously furnished deposit shall be refunded or security released.

4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently pursued and for which security personnel are employed.

5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which security personnel are employed pending construction of permanent dwelling facilities for such security personnel.

6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock rushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.

7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of an officially declared disaster or emergency relating to fire, wind, flood, earthquake or other similar circumstance. An emergency temporary occupancy permit (ETOP) for such a temporary dwelling shall expire at such time as a building permit for the repair or replacement of the principal dwelling has been issued (at which time the

ETOP shall be converted to a temporary occupancy permit (TOP) pursuant to subsection b.2), or one year after the declaration date of the event causing the damage or destruction of the principal dwelling, whichever is earlier.

Prior to the expiration of the ETOP, the Director may grant one or more extensions of up to one year each upon making all of the following findings:

a) That the granting of the extension will not be detrimental to the public health, safety and welfare;

b) That there is a special circumstance or a hardship to the displaced residents;

c) That the special circumstance or hardship is not the result of the residents own actions.

c. Termination of Use.

1. When use of a trailer coach is related to a use authorized by a use permit or Administrative Permit, occupancy or use of the trailer coach shall terminate with the expiration, abandonment or revocation of the related use permit and thereafter said trailer coach shall be removed from subject property.

2. When use of a trailer coach is related to the construction of a related permanent facility, occupancy or use of the trailer coach shall terminate upon completion of construction of the permanent facility and thereafter said trailer coach shall be removed from subject property.

d. Compliance with County Code. The use and occupancy of any trailer coach shall comply with the provisions of Chapter 2, of Division 5, Title 5, of the County Code or Regulatory Ordinances relating to trailer coaches.

Section 36. Section 6123 of the Zoning Ordinance is amended to read as follows:

6123 METEOROLOGICAL TESTING FACILITY

The temporary use of a Meteorological Testing (MET) Facility is permitted if the following requirements are met:

a. An Administrative Permit must be obtained in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:

1. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

i. Harmony in scale, bulk, coverage and density;

ii. The availability of public facilities, services and utilities;

iii. The harmful effect, if any, upon desirable neighborhood character;

iv. The generation of traffic and the capacity and physical character of surrounding streets;

v. The suitability of the site for the type and intensity of use or development which is proposed; and to

vi. Any other relevant impact of the proposed use; and

2. That the impacts, as described in paragraph "a.1." of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and

3. That the requirements of the California Environmental Quality Act have been complied with; and

4. That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the MET Facility is authorized to use the property for a MET Facility, unless the operator owns the land upon which the MET Facility will be located.

b. Location. A MET Facility is prohibited on property subject to the S81 Use Regulations.

c. Notification. Notice shall be provided pursuant to Section 7060c.

d. Setback. The MET Facility shall be set back from property lines and roads the height of the tower or other tallest piece of equipment extended above the ground. The MET Facility shall meet the applicable setback requirements of the zone. The setback requirements of the zone shall apply to all components of the MET Facility including, but not limited to, a tower, guy wires, guy wire anchors and any other necessary equipment.

e. Minimum Spacing. The MET Facility shall be spaced at least 500 feet apart from any other MET Facility.

f. Area of Disturbance. The MET Facility shall not disturb an area more than is necessary for the base of a tower, the guy wire anchors, other authorized equipment for the Facility and/or an access road. The equipment may include sonar equipment. It is preferred that the Facility be located as close as possible to an existing access road. The area of disturbance shall be clearly shown on the plans.

g. Size. The MET Facility is allowed one temporary structure other than a tower or a sonar equipment trailer. The temporary structure is limited to a size of 120 square feet and may be used for storage of equipment for the MET Facility.

h. Illumination. There shall be no outdoor light emissions associated with a MET Facility except as required by the Director, the Federal Aviation Administration or other government agency.

i. Height. The MET Facility shall be less than 200 feet in height.

j. Duration. The period of operation of the MET Facility shall not exceed three years from the date of approval of the Administrative Permit unless the Director grants an extension. The MET Facility shall be removed within 30 days of the expiration date of the permit. The Director may grant an extension of time upon the applicant submitting written justification for the continued use of the facility and filing for a modification pursuant to Section 7072. A time extension is no longer needed if the MET Facility is approved by a Use Permit. Once the MET Facility is a part of an approved Use Permit it is no longer considered a Temporary Use.

k. Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the MET Facility. The security shall be provided to DPLU prior to building permit issuance. Once the MET Facility has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the MET Facility.

Section 37. Section 6124 of the Zoning Ordinance is amended to read as follows:

6124 TEMPORARY OUTDOOR SALES.
Temporary outdoor sales, incidental to the existing commercial uses on the site, may be allowed in compliance with all of the following provisions:

a. Seasonal sales of pumpkins or Christmas trees. The establishment of a temporary sales lot for the seasonal sale of pumpkins or Christmas trees associated with a recognized holiday is allowed subject to all of the following:

1. Location. The sales lot area shall be located on a paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, C42, M52, M54, M58 Use Regulations, or in designated commercial developments in planned developments or specific plans, unless otherwise prohibited. Sales lots are not allowed on vacant properties.

2. Duration. The period of operation shall be between October 1 and October 31 for the sale of pumpkins and between Thanksgiving and December 26 for Christmas trees. The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the sales event within 10 days after the required end of the sale.

3. Size. The sales lot area shall not exceed 10 percent of the parking area or 10,000 square feet, whichever is less and shall be located most distant from the existing commercial buildings on the property when feasible, to maintain customer parking closest to the buildings. No handicap accessible parking spaces shall be obstructed.

4. Fencing. Temporary fencing up to six feet in height around the sales lot area is allowed, providing the fencing location complies with the Section 6708.

5. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.

6. Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.

7. Site Plan Modification, Minor Deviation or Site Plan Permit Exemption Not Required. For properties that are subject to Sections 5200, 5750, 5800 or 5900, a Site Plan Modification, Minor Deviation or a Site Plan permit exemption will not be required for temporary outdoor sales that comply with all provisions of this subsection.

8. Additional Limitations.

   a) The seller shall obtain any required licenses or permits from the Sheriff pursuant to the Uniform Licensing Procedure of the County Code.

   b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.

   c) Temporary sanitation facilities shall be provided.

   d) The temporary sales lot area shall not be used for the sale of any merchandise not directly associated with pumpkins or with Christmas trees and holiday decorations.

   e) The sale of food and beverages is prohibited.

This subsection shall not authorize activities otherwise regulated pursuant to Section 6106.

b. Vehicles, Trailers or Boats. The establishment of a temporary sales lot for the sale of motorized vehicles (including new or used automobiles and recreational vehicles), trailers or boats is allowed, subject to all of the following:

1. Location. The sales lot may be located on any paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, M54, M56 and M58 Use Regulations, or in designated commercial developments in planned developments or specific plans where Automotive and Equipment: Sales and Rentals, Light Equipment are a permitted use. Sales lots are not allowed on vacant properties.

2. Duration. The period of operation of the temporary outdoor sales shall not exceed three consecutive days every 3 months, not to exceed 12 days in a

calendar year. Facilities for the temporary sale may be set up one day prior to, and taken down one day following, the three day sales period.

3. Size. The sales lot area shall occupy only the parking spaces that are in excess of the minimum number required for the existing uses on the property and shall be located most distant from the existing commercial buildings on the property, when feasible. No handicap accessible parking spaces shall be obstructed.

4. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.

5. Temporary Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.

6. Site Plan Modification or Minor Deviation Required. For properties that are subject to the provisions of Section 7150, a Modification or Minor Deviation to an existing Site Plan will be required for temporary outdoor sales pursuant to this subsection, unless a Site Plan permit exemption is granted pursuant to Section 7156.

7. Additional Limitations.

   a) The temporary outdoor sales event shall conform to all applicable provisions of state law, including all requirements of the Department of Motor Vehicles.

   b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.

   c) Temporary sanitation facilities shall be provided.

   d) Sales of vehicle parts or accessories, food and beverages, or any other items are prohibited.

Section 38. Section 6152 of the Zoning Ordinance is amended to read as follows:

6152 ACCESSORY USES ENCOMPASSED BY PRINCIPAL USE.

In addition to the principal uses expressly included in the Use Regulations, each zone subject to such Use Regulations shall be deemed to include such accessory uses which are specifically identified by these Accessory Use Regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Such determinations which are made by the Director shall

be subject to the Administrative Appeal Procedure commencing at Section 7200. It shall be unlawful to establish or maintain any accessory use and/or accessory structure on any lot where there is no lawfully established principal use on the same lot.

Section 39. Section 6156 of the Zoning Ordinance is amended to read as follows:

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.
Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses.

1. On lots of less than one acre gross, the total area shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of one acre gross or larger but less than 2 acres, the area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 2 acres or larger but less than 4 acres, the area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 4 acres or larger, the area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

2. If the portion of the structure in which the attached garage or carport is located is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as an integral part of the principal residence or approved habitable use such as guest living quarters.

3. Additional area may be permitted by issuance of an Administrative Permit with notice provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6.

4. For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including a Second Dwelling Unit pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.

[b. through f. no changes]

g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses (non business or non agricultural purposes). Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The combined area of all such structures, together with the structures authorized by paragraph b above, shall be limited as follows:

1. On lots of less than one acre gross, the combined area of all such structures shall not exceed 1,000 sq. ft. or 25% of the living area of the principal residence, whichever is greater. (Note that detached accessory structures which exceed 120 sq. ft. are subject to setbacks specified in Section 4842.)

2. Provided a setback pursuant to Section 4842 is maintained:

   i. On lots of one acre gross or larger but less than 2 acres, the combined area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater.

   ii. On lots of 2 acres or larger but less than 4 acres, the combined area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater.

   iii. On lots of 4 acres or larger, the combined area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

   Buildings not meeting the setback requirement of Section 4842 are limited to a combined area of 1000 square feet.

3. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters.

4. Additional area, height and story may be permitted by issuance of an Administrative Permit with notice provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator. The Administrative Permit shall not authorize reductions to required setbacks. Reductions to setbacks shall be subject to Section 7100, Variances.

h. Barns and Agricultural Storage Buildings shall be limited as follows:

1. In zones subject to a Residential Use Regulation (except RR Use Regulations requiring a 1 acre or larger lot area), and in the S88 Use Regulations where residential uses occur, a maximum floor area of 450 square feet and one story not to exceed 12 feet in height. Such buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

   Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. When on same lot as a detached private garage, workshop and/or storage building, the combined area of all such structures shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater.

2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building

setbacks, provided the height does not exceed 24 feet. A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.

3. Additional area, height and story may be permitted by issuance of an Administrative Permit, with notice provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator.

[i. through p. no changes]

q. Roadside Sales of Agricultural Products. Operation of an agricultural stand for the display and sale of agricultural products produced on the premises shall be permitted only as follows:

1. Agricultural stands are permitted only in the RR Use Regulations on lots one acre or larger, and in the A70, A72, S90 and S92 Use Regulations.

2. Said stand shall be located no nearer than 15 feet from the edge of any street or highway right-of-way.

3. Said stand shall be operated by the owner or tenant of the property upon which the stand is located,

4. Agricultural products produced on other premises within the County of San Diego, owned or leased by the same property owner or tenant, may be displayed and sold from said stand.

5. The total roofed area of said stand, including all areas used for display or storage for all products, shall not exceed 300 square feet.

6. No agricultural produce shall be sold from a motorized vehicle.

7. Cold storage shall be allowed only when accessory to the on-site farming operation and used only for storage of crops grown by the person(s) farming the parcel.

8. Incidental sale of items related to the sale or use of agricultural products (not to exceed 10% of the stand area), including horticultural products, may also take place provided any applicable health regulations are complied with.

9. No commodities other than those listed above may be sold from a produce stand except as allowed by Food and Agricultural Code section 47050.

10. A produce stand may sell only those ornamental plants that are grown on the same lot as such stand is located.

[r. through t. no changes]

u. Farm Employee Housing. In the RR, A70, A72, S80, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:

1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.

2. Consideration shall be given to surrounding land uses when determining the location, size and design of Farm Employee Housing.

3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor and shall not be otherwise occupied or rented.

4. If Commercial Agriculture is not in progress at the time of application for an Administrative Permit, the Permit shall be conditioned to require review to ensure that bona-fide commercial agriculture commences within a reasonable time.

5. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months-following the date of occupancy on the building permit issued for the farm employee housing.

6. Contract. For any application for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval issuance of the Administrative Permit, the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.

7. On an annual basis, the property owner must file a certificate with the Director of the Department of Planning and Land Use stating that the commercial agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the certificate will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.

8. Contract. Prior to the issuance of a Building Permit, the property owner shall enter into a contract with the County agreeing to specific terms and conditions limiting farm employee housing to bona-fide farm employees and their families in conjunction with on-going agricultural operations. The form of the contract shall have been approved by the Board of Supervisors.

9. Evidence of Commercial Agriculture. Prior to submittal of the Building Permit application for Farm Employee Housing the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.

10. In the RS, RD, RM, RV, RU, RMH, RRO, RC, C32, C34, C35, C36, C37, C38, C40, C42, C44, C46, M50, M52, M54, M58, S82, S86, and S94 Use Regulations, farm employee housing is allowed upon issuance of an Administrative Permit, provided that it complies with the provisions of 6156 u. 1 through 8, and before an Administrative Permit may be granted or modified, it shall be found:

    a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

        1) Harmony in scale, bulk and coverage;

        2) The availability of public facilities, services and utilities;

        3) The harmful effect, if any, upon desirable neighborhood character;

        4) The generation of traffic and the capacity and physical character of surrounding streets;

        5) The suitability of the site for the type and intensity of use or development which is proposed; and to

        6) Any other relevant impact of the proposed use.

    b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

    c. That the requirements of the California Environmental Quality Act have been complied with.

    d. That notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

[v. through w. no changes]

x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is allowed on a legal lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:

    1. The second dwelling unit shall be either attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for

those accessory units or other accessory buildings specified in paragraph 4, 5 or 6 below.

2. Applicable requirements of the building and other codes and of The Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.

3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below. If a legal lot is at least 1 net acre in size and does not contain at least the minimum net area as required by the applicable zoning, a second dwelling unit may be permitted pursuant to paragraph 12 below.

   However, if the lot proposed for a second dwelling is groundwater dependent the minimum size must be twice that required by the residential density controls of Section 67.722 A of the County Groundwater Ordinance unless an exception is granted pursuant to Section 67.750 (c) of that Ordinance.

4. Second dwelling units shall not be allowed on a lot or parcel with a guest living quarter, accessory living quarter, or accessory apartment. Conversion of such quarters into a second dwelling unit is allowed provided all applicable zoning and other code requirements are met, and subject to the following procedures:

   i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit (if an Administrative Permit is required to establish the Second Dwelling Unit pursuant to paragraph 12 below) and application for any other applicable permits; or

   ii. If no Administrative Permit is required to establish a second dwelling unit, and an Administrative or Minor Use Permit was approved to authorize the accessory unit proposed for conversion to a second dwelling unit, a request to rescind the existing Administrative or Minor Use Permit may be submitted in addition to an application for building permit and any other applicable permits; or

   iii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits; or

   iv. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection "4" as if a new second dwelling unit was being proposed.

5. Second dwelling units with a living area exceeding 640 square feet shall comply with the parking requirements for Family Residential under Section 6758. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces

shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. A garage or carport attached to the second dwelling unit shall not exceed 480 square feet of gross floor area. Additional garage area attached to the second dwelling unit may be permitted pursuant to paragraph 12 below. No other structures defined by Section 6156.b shall be attached to a second dwelling unit. No other structures defined by Section 6156.h shall be attached to a second dwelling unit unless approved pursuant to paragraph 12 below.

6. The living area of a second dwelling unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12 below. However, a second dwelling unit of up to 400 square feet is permitted (even if that figure exceeds 30 percent of the size of the primary dwelling). No other habitable space shall be attached to a detached second dwelling unit.

7. Applicants are required to provide evidence satisfactory to the Director of the following:

   i. Adequate sewer service or approval by the Department of Environmental Health for use of a septic system;

   ii. Adequate potable water supply; and

   iii. That applicable school district fees have been paid.

8. The architectural design, building materials, colors and, if provided, covered parking shall be substantially the same as those of the primary dwelling. Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application.

9. No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not to be apparent when viewed from the abutting street. Plant materials shall not qualify for shielding purposes.

10. Separate sale or ownership of a second dwelling unit from the primary dwelling located on a single lot is prohibited, unless a subdivision is created pursuant to the County Subdivision Ordinance.

11. Application for and issuance of a discretionary permit for a second dwelling shall be limited to the owner-occupant of the primary dwelling or his/her authorized agent. Owner-occupancy of either the primary dwelling or the second dwelling is required for the duration of the use of the second unit for residential purposes, except both units may be rented or leased for a period of up to one year upon written request to, and approval of, the Director. Said request shall state the change in life circumstances of the owner which necessitates interruption of continuous owner occupancy. Rental or leasing of both units may be extended by the Director for one additional period not exceeding six months upon further request of the owner.

12. a. A second dwelling unit may be authorized upon the issuance of an Administrative Permit with all findings per 12.b. and with notice to property owners per 12.c, below, to allow the following:

i. Location on a legal lot of less than 20,000 square feet in net area, but not less than the minimum net area required by the applicable zoning; or on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.

ii. A living area greater than 30 percent of the living area of the primary dwelling, not to exceed 50 percent thereof or 1,200 square feet, whichever is less.

iii. Conversion to a second dwelling unit of an existing legal accessory living unit, or legalization as a second dwelling unit of an illegal accessory living unit which existed on July 1, 1994, when such existing living unit does not conform to one or more of the following requirements of this subsection x:

- minimum lot size: however, no conversion shall be permitted on a lot of less than the minimum net lot area required by the applicable zoning; except on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.

- maximum living area: however, a maximum living area of greater than 1200 square feet shall not be authorized;

- off-street parking;

- architectural design;

- location of entrance;

- height and/or setback: to the extent that a variance for height or setback was granted in connection with the establishment of a legal accessory living unit that existed on July 1, 1994, said variance shall be valid and applicable to the conversion of such accessory living unit to a second dwelling unit.

No other exceptions to this subsection or other provisions of this Ordinance shall be authorized by the Administrative Permit.

b. Before any Administrative Permit may be granted or modified, it shall be found:

i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

(a). Harmony in scale, bulk, and coverage;

(b). The availability of public facilities, services and utilities;

(c). The harmful effect, if any, upon desirable neighborhood character;

(d). The generation of traffic and the capacity and physical character of surrounding streets;

(e). The suitability of the site for the type and intensity of use or development which is proposed; and to

(f). Any other relevant impact of the proposed use; and

ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

iii. That the requirements of the California Environmental Quality Act have been complied with.

c. Notice shall be provided pursuant to Section 7060 c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060 d.

13. Prior to issuance of a building permit for a second dwelling unit, the owner of the property upon which the second dwelling unit is to be located shall submit a notarized and recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the Department. Said agreement shall state that the owner understands and will abide by the requirements of this subsection, other applicable provisions of this Ordinance, and that said agreement is binding on all successors in interest to the subject property as long as the second dwelling unit is used or maintained for use as a separate dwelling unit.

See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:

1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.

2. The plot plan for a family day care home for children shall show sufficient information to determine the following:

i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.

ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.

iii. There exists an adequate area on-site for temporary parking of a least two automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain free and clear of parked cars during hours of operation of the large family day care home.

iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.

3. Notice shall be provided pursuant to Section 7060 c. Notwithstanding the Administrative Permit Procedures at Section 7060.d, no hearing is required unless requested by the applicant or other affected person.

The applicant or other affected person may appeal the decision as provided by the Administrative Appeal Procedure commencing at Section 7200. The appellant shall pay the cost, if any, of the appeal.

4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.

5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.

6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.

z. Wind Turbine Systems, Small. A small wind turbine system, shall be permitted on a parcel of at least one acre and in compliance with the following conditions:

1. Setback. The system shall be set back from property lines and roads at least two times the height of the wind system (to the top of the blade in vertical position) and shall meet the applicable setback requirements of the zone. No part of the system, including guy wire anchors, shall extend closer than 30 feet to the property boundary. The system must also meet fire setback requirements.

2. Fencing. Public access to the wind turbines shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.

3. Signs. Suitable warning signs containing a telephone number for emergency calls shall face all approaches to the system. Individual signs shall be between 5 and 16 square feet.

4. Noise. The wind turbine shall be operated in such manner that it does not exceed the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).

5. Height. For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. Height of a small wind turbine system shall not exceed 60 feet. For a wind turbine mounted on the roof of a structure, the height calculation shall be the sum of the height of the structure (at the location of the mounting of the turbine) plus the distance from the roof surface where the turbine is mounted to the top of the blade in vertical position.

6. Any non-operational wind turbines shall be removed within 12 months after becoming non-operational.

Any waiver or modification of the above requirements shall be allowed only in accordance with the Variance Procedure commencing at Section 7100.

[aa. no changes]

bb. Host Home. A host home is a permitted accessory use upon issuance of an Administrative Permit.

1. Criteria. An application for a host home permit shall meet all of the following criteria:

a) A maximum of two bedrooms may be made available for rent.

b) The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.

c) One off-street parking space for each room rented shall be provided in addition to the parking required for single-family occupancy.

d) Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.

e) Signs shall be limited to one on-premise sign not to exceed two square feet.

f) An adequate water well and sewage disposal system satisfactory to the County Department of Environmental Health shall be available, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.

g) The primary access to the host home shall be via a publicly maintained road.

2. Affidavit Required. On a form provided by the Director, the owner shall file an affidavit agreeing to the conditions a. through g. above. The affidavit shall include provisions stating that 1) the owner consents to inspection of the premises by the Code Enforcement Officer in order to verify compliance with said conditions, and 2) that the owner shall furnish a new affidavit to said Enforcement Officer upon request.

3. Notice Required. Notice shall be provided pursuant to Section 7060 c.

4. Findings Required. The Director may grant the Administrative Permit if the above criteria are complied with, and a finding is made that establishment of the host home will not adversely affect or be materially detrimental to existing neighborhood character, with consideration given to the generation of traffic and the suitability of the site for the type and intensity of the proposed use.

[cc through jj no changes]

kk. Agricultural Tourism. Agricultural Tourism may be allowed as an accessory use to a Commercial Agriculture operation in the RR, A70, A72, S90 and S92 Use Regulations provided the following criteria are met:

1. Allowed activities. U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises.

2. Parking. Adequate off street parking shall be provided to accommodate all employee and customer parking needs on the premises, entirely outside of public rights-of-way other than designated parking spaces. No parking on private roads is allowed.

3. No amplified sound is permitted.

4. Agricultural tourism does not include uses that are otherwise regulated by this Ordinance or for which a temporary special event permit is required by the Department of Environmental Health or Sheriff Department.

[zz. no changes]

Section 40. Section 6158 of the Zoning Ordinance is amended to read as follows:

6158 CIVIC, COMMERCIAL, INDUSTRIAL, OR EXTRACTIVE USE TYPES. Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where the principal civic, commercial, industrial or extractive uses are permitted. As provided for in Section 6152, the Director shall determine whether proposed accessory uses and structures conform to the Accessory Use Regulations, and said determinations are subject to appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

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

a. Outdoor Café Seating and Sidewalk Cafés.

1. Outdoor Café Seating. Outdoor café seating accessory to the Eating and Drinking Establishments use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36, M50 and M52 use regulations, and outdoor café seating accessory to the Food and Beverage Retail Sales use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36 and M50 use regulations, subject to the following conditions:

i. The outdoor seating area shall be limited in size as follows:

(a) In Eating and Drinking Establishments to no more than 200 square feet or 25 percent of the establishment's indoor floor area, whichever is greater.

(b) In Food and Beverage Retail Sales uses (e.g., bakeries, markets, etc.) to no more than 25 percent of the establishment’s indoor floor area or 1000 square feet, whichever is less. However, any such Food and Beverage Retail Sales use that otherwise qualifies under Section 6158 a.1. may have an outdoor seating area of 200 square feet.

ii. The outdoor seating area shall be located at least 50 feet from areas zoned with the RS, RR, RMH, or A70 use regulations.

iii. Required zone setbacks shall be observed. Required parking and parking lot landscaping shall be provided for the outdoor seating area.

iv. The outdoor seating area shall not be used as an entertainment area. Sound amplification devices shall be limited to devices that are necessary to provide low-level background music. Noise levels shall comply with the County Noise Ordinance. Any outdoor lighting shall comply with Section 6324 of The Zoning Ordinance.

v. If the seating area is proposed within the public right-of-way, then the requirements of Section 6158a.2. below shall also be met.

vi. When located in an area subject to the Community Design Review Area Regulations, or other applicable special area regulations, the Site Plan review and all other requirements of those regulations shall apply to outdoor café seating.

vii Required Minor Use Permits, where applicable, shall be obtained and shall provide for accessory outdoor seating.

viii Outdoor café seating areas located adjacent to pedestrian thoroughfares shall leave a minimum width of eight feet completely open at all times between the outdoor seating area and the edge of the pedestrian thoroughfare to accommodate pedestrian traffic.

Proposed outdoor seating for an Eating and Drinking Establishment or Food and Beverage Retail Sales use type in the Fallbrook Village Regulations, C32, C34, C35, C36 or M50 use regulations or an Eating and Drinking Establishment use type in the M52 use regulations not qualifying under these provisions may apply for a Major Use Permit for an open enclosure pursuant to the Enclosure Regulations found in Section 6816.

2. Sidewalk Cafés Within the Public Right-of-Way. Sidewalk cafés within public right-of-way shall be a permitted accessory use upon issuance of an Administrative Permit provided the conditions listed below in this subsection are complied with. If the sidewalk café is proposed within the commercial and industrial zones listed in Section 6158a.1. above, then the conditions of that section shall also apply.

i. The sidewalk café shall be conducted accessory to a legally established Food and Beverage Retail Sales or Eating and Drinking Establishment use type.

ii. An encroachment permit for a sidewalk café shall be obtained from the Department of Public Works.

iii. The operation of a sidewalk café shall meet applicable requirements of the Department of Environmental Health.

iv. Notice shall be provided pursuant to Section 7060 c.

v. The hours of operation shall be limited to the hours of operation of the associated Eating or Drinking Establishment or Food and Beverage Retail Sales use.

vi. Notwithstanding Section 6158 a.1., no sound amplification device, musical instrument or sound reproduction device shall be operated or

used with a sidewalk cafe within the public right-of-way and any outdoor lighting shall comply with Section 6324.

vii. A finding shall be made that the sidewalk cafe will not adversely affect the neighborhood nor be detrimental to persons residing, visiting or working in the area.

[b. through e. no changes]

Section 41. Section 6207 of the Zoning Ordinance is amended to read as follows:

6207 SPECIAL PURPOSE OFF-PREMISE SIGNS.
Special purpose off-premise signs may be constructed, placed and maintained in any location in accordance with the following regulations:

a. General Standards Applicable to Special Purpose Off-Premise Signs.

1. Spacing. Signs shall be located no closer than 300 feet from any other off-premise sign; said distance to be measured on a direct line between signs on the same street and measured along right-of-way lines for signs on intersecting streets.

2. Setbacks. No portion of any sign shall extend beyond private property lines into the street right-of-way, except as permitted pursuant to subsection b.2.

3. Prohibitions. Signs are prohibited in any zone subject to Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations, except scenic or historic site directional signs or community identification signs subject to Site Plan review.

4. Building Permits. Building permits shall be obtained for sign construction pursuant to the County Building Code.

b. Special Purpose Off-Premise Sign Types.

1. Temporary Real Estate Directional Signs.

Off-premise signs providing direction to new residential, commercial or industrial development are allowed if the following requirements are met:

i. Size. Signs located within the California Coastal Zone and all Residential Zones shall be limited to 16 square feet. The maximum size in all other areas/zones shall be 32 square feet.

ii. Height. Signs shall not exceed the following heights:

0 to 16 square feet = 8 feet
17 to 32 square feet = 12 feet

iii. Location. Signs shall not be permitted upon, projected over, or supported in whole or in part, by or painted onto, any portion of a building; or situated on or attached in any manner to a wall or fence.

iv. Grouping. Not more than two temporary real estate directional signs may be permitted on a lot or parcel, each relating to a different development. Each sign shall have an area of 32 square feet or less, and shall be grouped so as to present a unified appearance (i.e., uniform height and configuration). No signs shall be less than five feet apart. No sign in such group shall be located within 300 feet of any other off-premise sign that is not part of the group, said distance to be measured in the manner specified in Section 6207(b)5.

v. Number of Signs. The maximum number of signs shall be limited to 4 for each development.

vi. Distance from Development. Signs shall not be located more than three air miles from the advertised development within the Coastal Zone and 5 miles in all other unincorporated areas. Signs located within the Coastal Zone may only advertise developments within the Coastal Zone.

vii. Construction. Double-faced signs shall be so constructed that the area and perimeter of both faces coincide and are back to back in parallel planes at a distance not to exceed 24 inches apart.

viii. Sign Copy. Copy shall be limited to name of the development and the developer; size, type, address, telephone number and price range of properties being offered and directional information.

ix. Lighting. Signs shall not be illuminated.

x. Appearance and Maintenance. Signs shall be maintained as required to assure a well-kept appearance free from graffiti and cracking or peeling paint. The back of single faced signs visible from adjacent property or a public road shall be solid painted or stained in subdued colors or shall be screened from view.

xi. Movement. No sign shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

xii. Time Limit. Temporary Real Estate Directional Signs are allowed for a period not to exceed 2 years.

2. Community Identification Signs. Community Identification Signs are permitted to identify a community, its civic, fraternal, and religious organizations, and its community slogan or motto, if the following requirements are met:

i. Number and Location. Not more than one sign may be located along any principal approach route to a community. A sign may be allowed within a

County road right-of-way subject to all required permits and approvals by the Department of Public Works.

ii. Area and Height. Each sign may be single-faced or double-faced with no face to exceed an area of 100 square feet except as allowed pursuant to subsection (a) below. No sign shall exceed a height of 20 feet except as allowed pursuant to subsection (b) below.

(a) A sign located over a public road may be single-faced or double-faced with no face to exceed an area of 225 square feet.

(b) A sign located over a public road may be allowed up to a height of 25 feet in order to provide a 16 foot minimum clearance between the lowest extremity of the sign and the highest ground elevation directly below, as required by the Department of Public Works.

iii. Movement. With the sole exception of a clock, no part of any sign shall move or rotate, nor display any moving and/or rotating parts. The sign shall not include changeable copy or lights used to convey any messages or convey the effect of movement, or flashing, intermittent or variable intensity lighting.

iv. The applicable community or sponsor group shall review the location to ensure that it is placed at the entrance of the community.

v. Site Plan. Obtain any required Site Plan permit or Site Plan permit exemption.

No advertising messages, including business or corporate names, shall be allowed on Community Identification Signs.

3. Directional Signs. Upon issuance of an Encroachment Permit, signs may be authorized in public rights of way for traffic safety purposes to identify and provide directional information to facilities generating large numbers of vehicles or destinations for emergency vehicles in accordance with Board of Supervisors Policy J-5 and Section 4-04.13 of the CalTrans Traffic Manual.

4. Temporary Open House Directional Signs. Temporary Open House Directional Signs are off-premise signs providing directions to an existing individual dwelling that is offered for resale. Such signs are permitted if the following conditions are met:

i. Display shall be limited to daylight hours, after which time the signs shall be removed.

ii. Placement shall be only on private property, not in public road rights-of-way, and shall be subject to the property owner's permission.

iii. Signs shall be limited to no larger than four square feet in area.

iv. No more than one such sign shall be placed on any parcel, except for corner lots which may have one such sign on each street frontage.

v. Sign copy shall state "Open House" and, in addition shall be limited to the name and phone number of the person and/or agency offering the property for sale, the address of or direction to the property, and a directional arrow.

vi. Signs must be related to an individual dwelling that is offered for resale only.

5. Commercial or Industrial Center Identification Signs. Upon issuance of an Administrative Permit, freestanding or monument signs may be authorized to identify a multi-tenant commercial or industrial center, and/or its tenants which are on more than one contiguous lot or parcel. If the sign is proposed in an area having zoning that requires Site Plan review of such signs, then no Administrative Permit is required. The following requirements shall be met:

i. Location. Commercial or Industrial Center Identification Signs may be located within the boundaries of a commercial or industrial center that can visually and functionally be identified as a unified development.

ii. Number, Area, Height and other standards. Commercial or Industrial Center Identification Signs may be substituted for on-premise signs normally permitted by Section 6263, provided they comply with the sign standards that would apply to such on-premise signs.

iii. Site Plan. Obtain any required Site Plan permit, or Site Plan permit exemption.

Section 42. Section 6261 of the Zoning Ordinance is amended to read as follows:

6261 ON-PREMISE SIGNS REGULATED.
Except for the signs specified in Sections 6252, 6259, 6268 and 6269, on- premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated or maintained provided that a building permit has been issued subject to the following provisions:

a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:

1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.

2. On premises in any zone where a nonconforming commercial or industrial use type exists.

3. Fallbrook Village Zones.

b. Restricted Locations. Locations subject to Special Area Regulations and to use permits shall be additionally subject to the following limitations:

1. On-premise signs are permitted in zones subject to the Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations in accordance with an approved Site Plan. The aggregate area of all signs for any premises shall not exceed one square foot for each linear foot of street frontage. The aggregate sign area for each establishment shall not exceed one square foot for each linear foot of building. No establishment shall have an aggregate sign area greater than 100 square feet.

2. On premise signs are permitted on sites subject to use permits in accordance with the terms and conditions of the use permit or modification. Signs may be altered, relocated or added upon the issuance of a minor use permit provided that such change is not specifically prohibited by the use permit condition.

c. Setbacks. Freestanding and projecting signs may be located in or project into any portion of the premises in a commercial or industrial zone.

d. Permitted Combinations of Sign Types.

1. Roof signs shall be permitted in combination only with wall signs, except no roof signs shall be permitted within the California Coastal Zone or in conjunction with an adult entertainment establishment.

2. Projecting signs are permitted in combination only with wall signs and one freestanding sign, except no projecting signs shall be permitted in conjunction with an adult entertainment establishment.

3. Two freestanding signs, where permitted, shall be permitted in combination with wall signs. A projecting sign may be substituted for one freestanding sign, except no projecting sign shall be permitted in conjunction with an adult entertainment establishment.

e. Lighting. Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Neon signs are permitted provided they do not flash. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted, except as allowed herein. Electronic or electrically controlled signs that contain a moving message, or a message that appears to move, shall be allowed only upon issuance of an Administrative Permit, and shall be additionally subject to the following limitations:

1. The characters incorporated into the message shall not change in intensity, hue or size as they move across the sign.

2. Such signs shall be limited to the C36, C37, M52, M54, and M58 zones within the Village Regional Category of the Land Use Element of the General Plan, and to properties abutting streets that are categorized in the Mobility Element of the General Plan as Community, Light or Minor Collector Roads, Boulevard, Major Roads, Prime Arterial or Expressway.

3. Such signs shall not be allowed in areas subject to the S Scenic Special Area Regulations Designator.

4. The Site Plan permit exemption provisions of Section 7156(b). shall not be applied to any Site Plan proposing such signs.

5. The Administrative Permit application shall be provided to the Director of Public Works for review and recommendation, including appropriate limits on the intensity of lights allowed and that the location and design of the sign shall not create a traffic hazard, prior to final action.

f. Movement. No signs shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

Section 43. Section 6268 of the Zoning Ordinance is amended to read as follows:

6268 OTHER SIGN TYPES.
In addition to the foregoing types of signs, the following signs shall be permitted in any location. The area of these signs shall be in addition to the aforesaid maximum sign areas.

a. Directional Signs. Signs to direct or control on-premise traffic or parking provided such signs do not exceed an area per face of 8 square feet nor a height of 8 feet.

b. Accessory Signs-Drive-In and Drive-Through Businesses. Such signs shall not be designed to be viewed from beyond the premises and each shall not exceed 25 square feet per frontage.

c. Banners, Pennants and Similar Devices. Strings or individual banners, streamers, inflatables, pennants and similar devices; provided that one of the following holds:

1. Such signs are for the purpose of calling attention to a grand opening of a new business. Any required Site Plan permit, or Site Plan permit exemption, shall be obtained from the Department. Such temporary signs may be displayed for a maximum of 60 days and then must be removed from display.

2. Such signs are for the purpose of calling attention to a temporary use accessory to residential construction pursuant to the Temporary Use Regulations at Section 6116. Such signs are permitted along both sides of the interior street affording principal access to the model homes and within that portion of the subdivision or other residential development devoted to display of model homes, provided:

i. Except as hereinafter specified, each flag, banner, or pennant must be affixed to a separate standard implanted in the ground.

ii. Said standards are to be spaced at least 10 feet apart and, except as hereinafter specified, are not to exceed 12 feet in height.

iii. One flagpole not exceeding the height limit of the applicable zone may be provided within the area devoted to display of model homes and may be used only to display flags.

d. Service Station Signs. One sign relating to grades and prices of gasoline and diesel fuel shall be permitted per station frontage.

e. Temporary Real Estate Signs. The following temporary signs for the purpose of promoting initial residential sales are permitted pursuant to the Temporary Use Regulations at Section 6116 and 7156 and are in addition to the banners, pennants and similar devices permitted at Section 6268 (c):

1. Unlighted freestanding signs identifying the residential development provided that the aggregate area of all signs shall not exceed 800 square feet. One such sign may have a maximum area of 200 square feet provided no other sign exceeds an area of 100 square feet. One sign may be adjacent to each street which provides access to the residential development.

2. One unlighted sign not exceeding 16 square feet in area for each model home and sales office.

f. Mobilehome and Recreation Vehicle Park Signs. Signs located within mobilehome or recreational vehicle parks may be permitted subject to the following

1. One wall sign or freestanding sign identifying the mobilehome or recreational vehicle park is permitted adjacent to each street which provides primary access to the park. No freestanding sign shall exceed a height of 8 feet. No sign shall exceed 32 square feet in area.

2. One directional sign without any advertising at each driveway. Each sign shall not exceed 8 square feet or 8 feet in height. Directional signs may be lighted.

Section 44. Section 6268 of the Zoning Ordinance is amended to read as follows:

6324 LIGHTING PERMITTED IN REQUIRED YARDS.
Lighting permitted in required yards by the provisions of Section 4835, shall be subject to the following regulations:

a. Illumination Only. Lights shall be used for the purpose of illumination only, and not designed for or used as an advertising display.

b. Horizontal Cutoff. Luminaires shall be so designed and shielded by horizontal cutoff to eliminate all light directed above the horizontal. The lower edge of the luminaire's housing shall extend below the entire light source and all glassware so that any light emitted above the horizontal is eliminated. Light-directing refractors shall be considered to be light sources.

c. Light Trespass. The illumination of adjacent premises by spill light shall not exceed a value of 0.2 foot candles measured in the horizontal or vertical plane at a point three feet above grade level and five feet inside the adjacent property. This measurement shall be taken15 minutes after the initial start up of the fixture.

d. Minimum Height. Lights illuminating vehicular areas shall be mounted at least 12 feet above the ground.

e. Minimum Spacing. Lighting poles shall be spaced at least 50 feet apart; provided, however, that at least 2 poles may be located on each building site.

f. Removal. Poles and lights shall be removed at the owner's expense when property on which they are located is taken for street widening.

g. Dark Skies Ordinance. All outdoor lighting shall comply with the requirements specified in the County Light Pollution Code, which commences at Section 51.201 of the County Code of Regulatory Ordinances.

Section 45. Section 6708 of the Zoning Ordinance is amended to read as follows:

6708 PERMITTED FENCES, WALLS, GATES AND ENTRY STRUCTURES.
No fence, wall, gate or entry structure shall be permitted unless it conforms to the criteria set forth below, except that the Board of Supervisors, the Planning Commission, or the Director, as a condition of approval of a matter under their jurisdiction, may require that a fence, wall or entry structure be constructed to a height greater than otherwise permitted by this section in order to mitigate against potential adverse effects.

[a. through b. no changes]

c. Tennis Court Fencing and Lighting. Tennis court fencing exceeding the height otherwise allowed by this Section, but not greater than twenty (20) feet in height, and lighting standards not greater than twenty (20) feet in height may be permitted on lots of one (1) gross acre or larger in size upon granting an exception in accordance with Section 6708h.

[d. through g. no changes]

h. Exceptions.

1. Fences, Walls and Gate Entry Structures on Individual Lots. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for fences (including tennis court fences and light standards), walls and gate entry structures on individual lots. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice shall be provided pursuant to Section 7060 c. The Director may approve said administrative permit provided the following findings are made:

i. The structure will be compatible with the community character and will not be detrimental to the health, safety or general welfare of the surrounding properties or the neighborhood; and

ii. The structure will not interfere with traffic circulation, create a safety hazard or obstruct future road widening.

2. Gate Entry Structures and Gate Houses on Private Easements. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for gate entry structures and gate houses on a private easement. The applicant shall provide notice materials in accordance with Section 7060c. and shall provide a list of all property owners having legal access to the easement upon which the gate entry structure or gate house will be located. The Director shall notify all property owners in accordance with Section 7060c. and all property owners on said legal access list. The Director may approve said administrative permit provided the following findings are made:

   i. The structure will be compatible with the community character and will not have a harmful effect upon the neighborhood; and

   ii. The structure will not be detrimental to the health, safety or general welfare of the surrounding properties or improvements.

3. Lighting. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for lighting provided a finding is made that said lighting will be compatible with the community character and will not have a harmful effect upon the neighborhood.

[i. through j. no changes]

Section 46. Section 6799 of the Zoning Ordinance is amended to read as follows:

6799 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL, AGRICULTURAL AND CERTAIN SPECIAL PURPOSE ZONES.
No person shall park any commercial vehicle in excess of one ton capacity on private property in Residential, Agricultural and the S90 and S92 Special Purpose Zones except as follows:

a. When loading or unloading property, or

b. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on property in the block in which such vehicle is parked.

Notwithstanding the above provisions, no vehicle shall remain parked in excess of five consecutive hours. Section 6799 does not apply to recreational vehicles or farm vehicles or equipment, including maintenance equipment, necessary for agricultural production on the property where the vehicles and equipment are parked. In Agricultural Zones and the S90 and S92 Special Purpose Zones, a maximum of two vehicles of up to two tons capacity may be parked by a person owning said vehicles and the property where they are parked and who is conducting an agriculturally-related service or activity located elsewhere.

Section 47. Section 6816 of the Zoning Ordinance is amended to read as follows:

ENCLOSURE MATRIX (Part of Section 6816)

Use	TYPE OF ENCLOSURE

	Civic Use Types			Commercial Use Types				Industrial Use Types			Agricultural Use Types		
	Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Enclosed	Semi-Enclosed	Open
R-S	●	●									m	m	●
R-D	●	●									m	m	●
R-M	●	●									m	m	●
R-V	●	●									m	m	●
R-U	●	●									m	m	●
RMH	●	●									m	m	●
R-R	●	●	m	●	●	●					●	●	●
R-RO	●	●	m	●	●	●					m	m	●
R-C	●	●		●	m	m		●			m	m	●
C-30	●	●		●			m						
C-31	●	●		●			m						
C-32	●	●		●			m	●			A	A	●
C-34	●	●		●	m	M	m	●			A	A	●
C-35	●	●		●	m	M	m	●			A	A	●
C-36	●	●		●	m	M	●	●			A	A	●
C-37	●	●	●	●	●	●	●	●	●	●	A	A	●
C-38	●	●	●	●	●	●	●	●	●	●	A	A	●
C-40	●	●	●	●	●	●	●	●	●	●	A	A	●
C-42	●	●		●	●	●	●				A	A	●
C-44	●	●	●	●	●	●	●				A	A	●
C-46	●	●		●							A	A	●
M-50	●	●		●	m	M	m	●	m	M	A	A	●
M-52	●	●		●	m	M	m	●	m	M	A	A	●
M-54	●	●		●	●	●	●	●	●	●	A	A	●
M-58	●	●		●	●	●	●	●	●	●	A	A	●
A-70	●	●	m	●	●	●		●	●	m	●	●	●
A-72	●	●	m	●	●	●		●	●	m	●	●	●
S-80	●	●		●	S	M					A	A	●
S-82	●	●		●	●	●					●	●	●
S-86	●	●		●	●	●	●						
S-88	●	●	●	●	●	●	●	●	●	●	●	●	●
S-90	●	●	m	●	●	●	●	●	●	●	●	●	●
S-92	●	●	m	●	●	●		●	●	m	●	●	●
S-94	●	●	m	●	●	●	●	●	●	●	●	●	●
Scenic Area	●	m	m	●	S	m	m	●	S	M	S	S	●

LEGEND:

- ● **Permitted**
- **A Permitted by Administrative Permit**
- **m Permitted by Minor Use Permit**
- **M Permitted by Major Use Permit**

S Permitted by Site Plan

Section 48. Section 6904 of the Zoning Ordinance is amended to read as follows:

6904 EXPLOSIVE STORAGE.
All explosive storage shall comply with the following provisions.

a. Conformance to Federal and State Law. Explosive storage shall conform to all applicable provisions of federal and state law, including the tables of quantity and distance criteria, except where requirements of this section or conditions of the Major Use Permit are more stringent, in which case such requirements and conditions shall apply.

b. Location. The area in which explosive storage is proposed shall be open in character and essentially free of development.

c. Setbacks. Explosive storage shall not be located closer than 1,000 feet from any building or structure not on the same site as the explosive storage facility and which is used continuously or intermittently for human occupancy; except that storage in Class II magazines, as authorized in state law, shall not be located closer than 400 feet from any such building or structure.

d. Buffering. Explosives storage shall be effectively screened by a natural land form or artificial barricade either surrounding the entire site or surrounding each magazine located thereon, which land form or barricade shall be of such height that:

   1. A straight line drawn from the top of any side wall of all magazines to any part of the nearest building or structure will pass through said land form or barricade; and

   2. A straight line drawn from the top of any side wall of all magazines to any point 12 feet above the centerline of a railroad or a street traversable by the public will pass through said land form or barricade.

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

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

Section 49. Section 6910 of the Zoning Ordinance is amended to read as follows:

6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

[a. through b. no changes]

c. Small Winery. A Small Winery shall comply with the following provisions:

1. A Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.

2. Wine production shall be less than 120,000 gallons annually.

3. Of the total fruit used in winemaking a minimum of 50% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 50% may be grown outside of San Diego County.

4. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be approved by the County of San Diego Department of Environmental Health. Catered food service is allowed, but no food preparation is allowed at a Small Winery. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.

5. Events, including but not limited to weddings and parties, may be allowed upon the making of the findings in Section 6910.c.6.

6. An Administrative Permit is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:

   i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

      a) Harmony in scale, bulk, coverage and density.

      b) The availability of public facilities, services and utilities.

      c) The harmful effect, if any, upon desirable neighborhood character.

      d) The generation of traffic and the capacity and physical character of surrounding streets.

      e) The suitability of the site for the type and intensity of use or development which is proposed.

      f) Any other relevant impact of the proposed use.

ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

iii. That the requirements of the California Environmental Quality Act have been complied with.

7. A Small Winery shall demonstrate compliance with the emergency travel times specified in Safety Element, Table S-1.

8. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

Section 50. Section 6911 of the Zoning Ordinance is amended to read as follows:

6911 EMERGENCY SHELTERS.
Emergency Shelters (See Section 1334) shall comply with the following provisions, in addition to all other applicable County codes and any requirements imposed by the State Department of Housing and Community Development:

[a. through g. no changes]

h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section 51.201 and following of the San Diego County Code.

[i. through j. no changes].

Section 51. Section 6912 of the Zoning Ordinance is added to read as follows:

6912 COMMUNITY GARDENS

Community Gardens are allowed in all zones where Row and Field Crops are permitted, subject to the following regulations:

a. Hours of Operation. Hours of operation shall be limited to the hours between sunrise and sunset.

b. Permitted structures. Accessory structures, such as storage sheds for tools and other supplies, greenhouses and/or an Agricultural Stand, may be allowed in a community garden pursuant to Section 6156.

c. Parking. A minimum of 2 parking spaces shall be provided on the lot when there is no on-street parking allowed adjacent to the community garden property.

d. Water Use. Wasting water is prohibited pursuant to County Code Section 86.725. Water efficient irrigation techniques such as drip irrigation and timers to control watering times are encouraged. All hoses shall be equipped with a trigger nozzle. Mulching of planted areas is encouraged to retain plant moisture.

e. Composting. Composting may be performed onsite within a composting container subject to all of the following:

1. Composted materials shall be only those materials generated onsite or contributed by active members of the community garden.

2. Composting containers shall be located a minimum of three feet from property lines.

3. Odors and/or fly-breeding shall not be greater than customarily found at a well-maintained residence.

f. Organic Gardening. Organic gardening is strongly encouraged.

g. Trash/Recycling Receptacles. Trash and recycling receptacles shall be provided onsite for the proper disposal of refuse. The receptacles shall be screened from adjacent properties by six-foot high solid fencing. Refuse shall be removed from the site regularly so that the receptacle area and the lot are kept free from litter.

h. Sale of Produce and Plants. Sale of produce or plants raised on the site is allowed only from a permitted Agricultural Stand, subject to all provisions of 6156.q. Otherwise, on-site sales of produce, plants or any other items are prohibited.

i. Prohibited plants. Planting illegal or invasive plants, as defined in County Code Section 86.701 et seq., shall be prohibited.

All other applicable codes and ordinances shall apply to Community Gardens, including but not limited to Groundwater Ordinance, Grading Ordinance and Noise Ordinance. Applicable permits from other departments or agencies may be required.

Section 52. Section 6985 of the Zoning Ordinance is amended to read as follows:

6985 APPLICATION PROCESSING
Although a tier may be assigned at project intake, a re-evaluation of the project tier may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Hearing Officer.

[A. - B. no changes]

C. General Regulations

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones.

2. All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.

3. No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director if a finding is made that co-location of more facilities is consistent with community character.

4. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).

5. No tower or equipment shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.

6. Noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.

7. The Director may grant an exemption from the requirement to process a Site Plan permit pursuant to Section 7156 of this Ordinance if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit, or where the Director finds the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan permit would normally be required will not be harmed by granting a Site Plan permit exemption. The Director's decision may be appealed pursuant to Section 7200 of this Ordinance.

8. All facilities located on a utility pole shall be promptly removed at the operator's expense at the time a utility is scheduled to be undergrounded.

9. Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.

10. Equipment cabinets and antenna structures shall be secured to disallow unauthorized access.

11. Use Permits for high visibility facilities shall have a maximum term of 6 years for facilities valued at less than $10,000; 10 years for facilities valued from over $10,000 to $500,000; and 15 years for facilities valued at $500,000 or more. This may be extended for an additional period of time by modifying the permit if it

is found that no smaller or less visible technology is available or feasible to replace the facility.

12. As a condition of approval, prior to use of the facility, submit evidence, such as photos, to the satisfaction of the Director of Planning and Land Use to show proof that the facility is in conformance with photo simulations provided pursuit to Section 6984 (B) of this Ordinance.

Section 53. Section 7060 of the Zoning Ordinance is amended to read as follows:

7060 DECISION AND NOTICE.

a. Action. Upon completion of his review and evaluation of an application for an Administrative Permit, the administering agency shall either:

1. Make such findings or other determination as is required by the pertinent sections of The Zoning Ordinance and approve the application, or

2. Notify the applicant of the changes and modifications required for approval of the application, or

3. Deny the Administrative Permit. The administrative agency shall deny the permit if:

i. The permit cannot be conditioned by adequate requirements to insure compliance with applicable regulations, or

ii. The application for the permit cannot reasonably be modified to conform to the applicable requirements.

b. Time Period. Within 60 days of receipt of a complete application for an administrative permit, the administering agency shall take such action as is specified in subsection a. of this section. The 60 day time period may be extended with the written consent of the applicant. Such application shall be deemed complete pursuant to Section 65943 of the Government Code, 30 days after submittal to the Department unless, prior to that date, either:

1. The applicant is notified in writing that the application is complete, in which case the 60 day processing period specified in this subsection shall begin to run from the date of such written notice, or

2. The applicant is notified in writing that the application is incomplete, which notice shall state with particularity the defects or omissions in the application, in which case the 60 day processing period specified in this subsection shall not begin to run until the date all requested information has been submitted to the Department.

c. Notice to Property Owners. The applicant shall provide notice materials (as specified by the Director) with the permit application which shall be used by the Department to notify property owners within 300 feet of the exterior boundaries of the subject lot, with a minimum of 20 different owners, of the receipt of said application. Additional notification is required by subsections e., g. and h. below.

d. Public Hearing. A public hearing shall not be held unless the administering agency determines that such hearing would be in the best interest of the County, or, if required by applicable sections of the Zoning Ordinance, where a hearing is requested by the applicant or other affected person.

e. Referral to Immigration and Naturalization Service. Applications filed pursuant to Section 4830 requesting to reduce the 150 foot setback along the International Border shall be referred to the local office of the Immigration and Naturalization Service. In the event the INS expresses an intent to acquire all or part of the subject property the administering agency shall defer final action on the application for six months or until such time as the INS completes acquisition or abandons acquisition proceedings, whichever time period is less.

f. Defense of Lawsuits. As a condition of approval of an Administrative Permit, for which an application was filed (as defined in Zoning Ordinance Section 1019b. before January 3, 2003), the applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers or employees to attack, set aside, void or annul the Administrative Permit or any of the proceedings, acts or determinations taken, done or made prior to such decision granting such permit; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. Each applicant seeking approval of any Administrative Permit, for which an application was filed (as defined in Zoning Ordinance Section 1019 b.) on or after January 4, 2003, shall be subject to the defense and indemnification provisions found at Chapter 2 (commencing at section 86.201) of Division 6 of Title 8 of the San Diego County Code.

g. Notwithstanding the above, Administrative Permits for Adult Entertainment Establishments shall be governed by the requirements specified in Section 6930.

h.. Notwithstanding the above, Administrative Permits for Gate Entry Structures and Gate Houses on Private Easements shall be governed by the requirements specified in Section 6708.h.2.

Section 54. Section 7156 of the Zoning Ordinance is amended to read as follows:

7156 SITE PLAN PERMIT EXEMPTION.

a. The Director may grant an exemption from the requirement to process a Site Plan permit if he or she finds that all of the purposes and requirements of the Site Plan permit have been or will be fulfilled by another discretionary permit; or

b. Where the Director finds the proposed development or improvement is minor in nature and the public purpose for which the Site Plan permit would normally be required will not be harmed by granting an exemption from said requirement. For purposes of this subsection, “minor in nature” may mean the proposed improvement is not visible from any street; there is no active code enforcement action on the property; no additional parking spaces will be required by the proposed improvements; an addition not exceeding 500 square feet in area; the replacement of an existing permitted sign(s) (like for like, and no increase in sign area); replacement of windows/doors; re-stucco, re-roof or minor improvements to the façade of an existing permitted building(s); or other similar improvements. This shall be determined on a case-by-case basis.

The Director may forward a request for a Site Plan permit exemption to the applicable Community Planning or Sponsor Group for a recommendation prior to granting a Site Plan permit exemption request.

This subsection "b" shall not apply to land falling with the coastal zone, as defined by the California Coastal Act of 1976.

c. An exemption from the requirement to process a Site Plan permit does not constitute a waiver or exemption from any other requirement of this Zoning Ordinance or any other law, ordinance or other regulation applicable to the project.

No building permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to the purposes for which a Site Plan review would otherwise have been required shall be permitted without prior approval of the Director.

This Section shall not apply to those Site Plans required by a special area regulations designator where there are specific exemption criteria established under the special area regulations designator sections.

Section 55. Section 7168 of the Zoning Ordinance is amended to read as follows:

7168 EXPIRATION AND EXTENSION.

a. Any approval of a Site Plan shall expire within two years of such approval except where construction or use of the property in reliance on such Site Plan approval has commenced prior to its expiration. Any Minor Deviation pursuant to Section 7609, or any modification pursuant to Section 7169, shall not extend the expiration and extension dates otherwise specified in this section.

b. If prior to the expiration of such Site Plan the applicant files a written application with the Department of Planning and Land Use for an extension of time, the period within which construction or use of the property in reliance on the Site Plan must be commenced, may be extended by the Director at any time within 90 days of the date of expiration.

The Director may grant one or more such extensions not to exceed a total of 24 months each, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.

c. Notwithstanding the above, if the Site Plan is issued to satisfy a condition of approval of a subdivision map pursuant to the County Subdivision Ordinance, the Site Plan shall remain in full force and effect for the duration of the tentative approval for that subdivision map, and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the Site Plan shall expire one year after recordation of the Final or Parcel Map unless construction and/or use of the property in reliance of the Site Plan has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7168.

Section 56. Section 7600 of the Zoning Ordinance is amended to read as follows:

SUPPLEMENTARY ADMINISTRATIVE PROCEDURES

7600 TITLE AND PURPOSE.
The provisions of Section 7600 through 7649, inclusive, shall be known as the Supplementary Administrative Procedures. The purpose of these provisions is to provide additional procedures for the administration of amendments of the Zoning Ordinance, Variances, Use Permits, Site Plan~~s~~ Permits, Planned Development Permits, Administrative Permits and Administrative Appeals.

Section 57. Section 7609 of the Zoning Ordinance is amended to read as follows:

7609 MINOR DEVIATION FROM PLAN.
A Minor Deviation to an Administrative Permit, Variance, Site Plan Permit or Use Permit may be authorized in accordance with the following provisions:

a. Intent. This section provides for situations where it is necessary to deviate from an approved permit decision and associated approved plans in a minor way which is in substantial conformance with the purpose and intent of the related Administrative Permit, Variance, Site Plan Permit or Use Permit and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This section provides for flexibility in the implementation of an Administrative Permit, Variance, Site Plan Permit or Use Permit by permitting a Minor Deviation to be administratively granted by the Director. It is not the intent of this section to allow a deviation from the plan which would violate the intent and purpose of the related Administrative Permit, Variance, Site Plan Permit or Use Permit or any of its conditions, or to allow any action or use for which an Administrative Permit, Variance, Site Plan Permit or Use Permit would otherwise be required by The Zoning Ordinance and which is not specifically allowed by the approved decision.

b. Jurisdiction. The Director may authorize a Minor Deviation from a plan referred to in an Administrative Permit, Variance, Site Plan Permit or Use Permit granted by the Board of Supervisors, the Planning Commission, or the Director.

c. Required Findings. A Minor Deviation from an approved permit shall be authorized only after findings that:

1. The requested deviation does not constitute a substantial change in the Administrative Permit, Variance, Site Plan Permit, or Use Permit, as allowed pursuant to the permit decision;

2. The requested deviation will not adversely affect adjacent property or property owners; and

3. A summary table and complete description of all proposed changes has been added to the project file, prepared and signed by the property owner(s), indicating the total cumulative percent change of area, size, height or other deviation from the original permit approval. Any subsequent deviation shall include a revised summary and calculation pursuant to this subsection.

d. Limitations. A deviation from an approved permit, or deviations having a cumulative effect, may be allowed in accordance with the following limitations:

1. A cumulative increase or decrease from the original approved plan of up to 10 percent of the following:

i. the gross area of any yard, open space, working area, parking area or other area regulated by the permit, provided that no decrease may be permitted in any required yard for which an exception pursuant to Section 4813 or a Variance is required;

ii. the size of any building or structure or of the total land area covered by any building or structure;

iii. the height of any building or structure or of any part thereof, or of the depth or area of an excavation, slope or working area;

iv. In the cases of Use Permits and Site Plan permits, the number of buildings or structures shown on the original approved plan provided the total land area covered by all buildings and structures does not increase or decrease more than 10 percent; or

v. A sign or sign program subject to a Community Design Review, Historic Landmark, Historic District or Design Review special area regulations designator may be approved upon due consideration of the recommendation of the applicable Design Review Board, Historic Site Board, Historic District Review Board, or Community or Subregional Planning Group. However, a change of copy, colors or print type, without a change to the overall size of the sign is not subject Design Review Board or Community or Subregional Planning Group review.

2. A change to the size and the type of windows, openings or doors, the colors or materials on the elevations or roof of a structure, or other similar changes may be allowed provided the approved architectural style is maintained. However, architectural or design elements specified in the permit conditions of approval will

require a modification of the permit to authorize a change, pursuant to Section 7072, 7126, 7169 or 7378, as applicable.

e. Application Form, Filing and Fee. An application requesting a minor deviation from a plan shall be made on the form prescribed by the Director, shall be signed by the property owner(s) or their agent(s) as required by Section 7017, shall be filed with the authority having jurisdiction as provided by paragraph "b" of this section, and shall be accompanied by the fee referenced in Section 7602.

f. Hearing Not Required. Any action of the Director pursuant to this section may be taken without notice or public hearing.

g. Decision is Final. Any decision by the Director pursuant to this section shall be final; provided, however, that the denial by the Director of a request for a minor deviation from a plan shall not prevent the applicant from applying for a new Administrative Permit, Variance, Site Plan Permit, or Use Permit or modification thereof pursuant to the Zoning Ordinance.

Section 58. Section 7703 of the Zoning Ordinance is amended to read as follows:

7703 VIOLATIONS AND PENALTIES

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

[a. through h. no changes]

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

Section 59. Section 8203 of the Zoning Ordinance is amended to read as follows:

8203 PERMITTED USES SUBJECT TO LIMITATIONS

The following use types are permitted by the V2 Zone subject to the limitation stated after the use type.

a. Residential Use Types.

Family Residential

Limited to dwellings that are located in conjunction with a second principal use that is primarily used for business purposes within or on the same structure, lot or parcel. All residential uses in the V2 Zone shall require Site Plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

1. Site Plan Review Required. Prior to the issuance of any building permit, grading permit or construction of any structure or conversion of any existing structure for use as a Family Residential Use Type in the V2 Zone, a Site Plan of the proposed structure shall be submitted to the Director for review, evaluation and approval.

2. Content of the Site Plan. Application for Site Plan review shall be submitted to the Director and shall be accompanied by such data and information as he may require including maps, plans, drawings, sketches and documented material as is necessary to show:

   a) Boundaries and existing topography of the property, and adjoining or nearby streets;

   b) Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;

   c) Location, height, building elevations, and proposed use of all proposed or existing structures, including lighting, walls, fences and freestanding signs, and location and extent of the building site;

   d) Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;

   e) Location and treatment of important drainage ways, including underground drainage systems;

   f) Proposed grading and removal of natural materials, including finished topography of the site;

   g) Proposed landscaping plan including the location of exterior lighting fixtures and underground fuel storage facilities and aboveground pumps, if proposed.

3. Site Plan Review Criteria. The Site Plan shall be reviewed and evaluated by the Director for conformance with the following criteria.

a) Residential uses shall be located and designed so they are buffered from potentially adverse impacts created by adjacent, commercial and industrial uses.

b) Impacts to be addressed shall include noise, odors, lighting, air quality, visual quality and vibration.

c) Building and structures shall use construction methods such as windows and building materials that will reduce noise generated by the business and will reduce noise that may impact the residential use.

d) Landscape buffers shall be utilized where appropriate to screen views from the residential use to visually undesirable portions of adjacent businesses. Landscaping shall be capable of reaching a height that will provide screening of views within one year of installation. To reduce fire hazards, plant material used shall not be on the North County Fire Protection District's Undesirable Plant List.

e) Lighting of the business use shall not excessively spill over into the residential use.

4. Site Plan Permit Exemption. An exemption from the Site Plan permit requirement of Section 8203.a.1 may be granted by the Director under either of the following circumstances:

a) If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the intent of the criteria listed in Section 8203.a.3 or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a Site Plan permit exemption due consideration shall be given to the recommendation of the appropriate Design Review Board. Such recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign Site Plan permit exemption recommendations, and shall be accompanied by a copy of the project plans upon which the recommendation was based. Site Plan permit exemption requests shall be transmitted by the applicant to the Review Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation.

b) If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the appropriate Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's

stamp granting such exemption. No deviation from aspects of such plans pertinent to the criteria listed in Section 8203.a.3, such as materials, landscaping, site design and lighting, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

Group Residential – Allowed in conjunction with a school where housing facilities are used by registered students of the school. The associated school facility does not have to be located on the same lot.

b. Civic Use Types.

Child Care Center – 24 children or less

c. Commercial Use Types.

Business Equipment Sales and Services – The area devoted to storage shall not be greater than the area devoted to sales and administrative offices

Convenience Sales and Personal Services – Not to exceed 1,500 square feet

Eating and Drinking Establishments – No drive-through

Food and Beverage Retail Sales – Not to exceed 2,000 square feet

Laundry Services – Limited to drycleaning plants and laundries that provide retail services only, use only non-flammable solvents and employ not more than 10 people.

Participant Sports and Recreation: Indoor – Not to exceed 2,000 square feet

Transient Habitation: Lodging – Not to exceed 20 bedrooms. Uses exceeding 20 bedrooms allowed pursuant to Section 8204.

d. Industrial Use Types.

Custom Manufacturing – The square footage, horsepower and kiln size restrictions imposed by Section 1610 do not apply. Kiln sizes shall be limited to 20 cubic feet and equipment to 25 horsepower at any one time.

Section 60. Section 8303 of the Zoning Ordinance is amended to read as follows:

8303 PERMITTED USES SUBJECT TO LIMITATIONS

The following use types are permitted by the V3 Zone subject to the limitation stated after the use type.

a. Residential Use Types

Family Residential

All residential uses in the V3 Zone shall require Site Plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

1. Site Plan Review Required. Prior to the issuance of any building permit, grading permit or construction of any structure or conversion of any existing structure for use as a Family Residential Use Type in the V3 Zone, a Site Plan of the proposed structure shall be submitted to the Director for review, evaluation and approval.

2. Content of the Site Plan. Application for Site Plan review shall be submitted to the Director and shall be accompanied by such data and information as he may require including maps, plans, drawings, sketches and documented material as is necessary to show:

   a) Boundaries and existing topography of the property, and adjoining or nearby streets;

   b) Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;

   c) Location, height, building elevations, and proposed use of all proposed or existing structures, including lighting, walls, fences and freestanding signs, and location and extent of the building site;

   d) Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;

   e) Location and treatment of important drainage ways, including underground drainage systems;

   f) Proposed grading and removal of natural materials, including finished topography of the site;

   g) Proposed landscaping plan including the location of exterior lighting fixtures and underground fuel storage facilities and aboveground pumps, if proposed.

3. Site Plan Review Criteria. The Site Plan shall be reviewed and evaluated by the Director for conformance with the following criteria.

   a) Residential uses shall be located and designed so they are buffered from potentially adverse impacts created by adjacent, commercial and industrial uses.

   b) Impacts to be addressed shall include noise, odors, air quality, lighting, visual quality and vibration.

c) Building and structures shall use construction methods such as windows and building materials that will reduce noise generated by the business and will reduce noise that may impact the residential use.

d) Landscape buffers shall be utilized where appropriate to screen views from the residential use to visually undesirable portions of adjacent businesses. Landscaping shall be capable of reaching a height that will provide screening of views within one year of installation. To reduce fire hazards, plant material used shall not be on the North County Fire Protection District's Undesirable Plant List.

e) Lighting of the business use shall not excessively spill over into the residential use.

4. Site Plan Permit Exemption. An exemption from the Site Plan permit process requirement of Section 8303.a.1 may be granted by the Director under either of the following circumstances:

a) If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the intent of the criteria listed in Section 8303.a.3 or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a Site Plan permit exemption due consideration shall be given to the recommendation of the appropriate Design Review Board. Such recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign Site Plan permit exemption recommendations, and shall be accompanied by a copy of the project plans upon which the recommendation was based. Site Plan permit exemption requests shall be transmitted by the applicant to the Review Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation.

b) If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the appropriate Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption has been granted except pursuant to plans bearing the Director's stamp granting such exemption. No deviation from aspects of such plans pertinent to the criteria listed in Section 8303.a.3, such as materials, landscaping, site design and lighting, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

Group Residential – Allowed in conjunction with a school where housing facilities are used by registered students of the school. The associated school facility does not have to be located on the same lot.

b. Civic Use Types.

Child Care Center – 24 children or less

c. Commercial Use Types.

Animal Sales and Services: Veterinary (Large Animals) – except that large animals are not allowed to be kept overnight unless required in preparation for or recovery from surgery

Automotive and Equipment: Cleaning – Not to exceed 4 self-serve stalls

Convenience Sales and Personal Services – Not to exceed 1,500 square feet

Eating and Drinking Establishments – No drive-through

Food and Beverage Retail Sales – Not to exceed 2,000 square feet

Laundry Services – Limited to drycleaning plants and laundries which provide retail services only, use only non-flammable solvents, and employ not more than 10 people.

Participant Sports and Recreation: Indoor – Not to exceed 2,000 square feet

Transient Habitation: Lodging – Not to exceed 20 bedrooms. Uses exceeding 20 bedrooms allowed pursuant to Section 8304.

Wholesaling, Storage and Distribution: Mini-Warehouses – The Mini-Warehouse Use may not occupy more than 50% of the building area. For the purposes of calculation, common areas including interior courtyards, restrooms and hallways would not be included. All storage units shall be accessed by an interior corridor and shall not be accessed externally. The Mini-Warehouse Use shall be located within a single building on the parcel.

d. Industrial Use Types.

Custom Manufacturing – The square footage, horsepower and kiln size restrictions imposed by Section 1610 do not apply. Kiln sizes shall be limited to 60 cubic feet and equipment to 40 horsepower at any one time.

Section 61. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the _____ a newspaper of general circulation published in the County of San Diego.

Attachment C

Form of Ordinance -
County Code and Administrative Code Amendments

Clean version

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING SECTION 650 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO HEARING OFFICERS AND AMENDING AND ADDING SECTIONS TO THE SAN DIEGO COUNTY CODE RELATING TO PROCEDURES TO RECORD ORDERS AS LIENS; RECORDATION OF NOTICES OF VIOLATION; SOUND LEVEL LIMITS; ABANDONED VEHICLE ABATEMENT; GRADING OR CLEARING WITHIN OPEN SPACE EASEMENTS AND ADOPTION OF CHAPTER 1, DIVISION II, OF THE CALIFORNIA BUILDING CODE

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

Section 1. The Board of Supervisors finds and determines that the San Diego County Code should be updated by adding Chapter 3 to Division 8 of Title 1 to provide provisions for Recordation of Notices of Violation against a property with a violation, by amending Section 91.1.114.6 regarding Approval Required After Violation, amending Section 18.214 regarding time limits for Procedures to Record Orders as Liens, and making other miscellaneous changes. The Board finds that these amendments, and those in the Administrative Code related to hearing officers, are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 650 of the Administrative Code is amended to read as follows:

SEC. 650. ESTABLISHMENT OF POSITION.

This article establishes the position of County Hearing Officer, pursuant to Government Code sections 27720 et seq. This article does not apply to Hearing Officers hired to hear appeals of administrative citations, pursuant to San Diego County Code section 18.101 et seq. or appeals of recording of notices of violation, pursuant to San Diego County Code sections 18.301 et seq.

Section 3 Section 18.207 of the San Diego County Code is amended to read as follows:

SEC.18.207. PAYMENT OF CIVIL PENALTIES.

(a) Civil penalties assessed shall be paid in full within 15 days from the date the Notice and Order is served unless the person served with the Notice and Order files a timely request for a hearing under section 18.208.

(b) In the case of a continuing violation, the person charged shall pay any amount assessed in the Notice and Order within 15 days from the date the Notice and Order was served. If a Director assesses continuing penalties as provided in section 18.204(b)(5) the person charged with a continuing violation shall be responsible to pay accrued penalties within 15 days from the date of notice from a Director that payment of an additional amount is due.

(c) Civil penalties paid to the County before a hearing under section 18.208 shall be refunded in full or in part if a hearing officer determines:

(1) A violation enforceable under this chapter did not occur or did not occur on some or all of dates charged, or

(2) The person charged was not responsible for a violation, or

(3) The amount of the civil penalties shall be reduced.

Section 4. Section 18.214 of the San Diego County Code is amended to read as follows:

SEC. 18.214. PROCEDURES TO RECORD ORDERS AS LIENS.

If the responsible person fails to pay civil penalties in an AEO the County may record the order as a lien against the real property upon which a violation is located in accordance with the following procedures:

(a) Before recording, the Director shall serve the responsible person with a Notice of Intent to Record an AEO which informs the responsible person that recording the order will result in a lien against real property unless the responsible person pays the amount due within 30 days from the date of the notice. The Director shall serve the Notice of Intent to Record as provided by Section 18.206. The Notice of Intent to Record may be served at the same time as the AEO.

(b) If the responsible person fails to pay the amount due in full by the due date the County may record the AEO as a lien. The lien shall attach upon recording the order in the Office of the County Recorder. The lien shall continue until the amount of the lien is paid in full and the violations listed in the AEO are corrected.

(c) Notice of recording the AEO as a lien may be provided to the responsible person as provided by Government Code section 27297.5.

Section 5. Chapter 3 is added to Division 8 of Title 1 of the San Diego County Code to read as follows:

Title 1: General Provisions

Division 8: Administrative Remedies
Chapter 3: Recordation of Notices of Violation

SEC.18.301 AUTHORIZATION AND PURPOSE

This chapter provides a procedure by which County enforcement officials may record a Notice of Violation as an alternative enforcement method for any violation of this code, the San Diego County Zoning Ordinance and any other County ordinance or State law that County officials enforce. The remedies in this chapter are in addition to all other remedies the County may pursue and only govern enforcement actions brought pursuant to this chapter.

SEC. 18.302 DEFINITIONS

The following definitions shall apply to this chapter:

(a) "Director" means the Director of any County department or a Director's designated representative, responsible to enforce County codes, County ordinances or State codes.

(b) "Hearing Officer" means a person who presides over an administrative hearing for the recordation of a Notice of Violation.

(c) "Responsible person" means a "person," as defined in Section 12.115 of this code, responsible for a violation prosecuted under this chapter.

SEC. 18.303 PROCEDURES FOR RECORDATION

(a) Once a Director has issued a Notice of Violation to a responsible person and the property remains in violation after the deadline established in the Notice of Violation expires, the Director may record a Notice of Violation with the Recorder's Office of San Diego County.

(b) Before recordation, the Director shall provide to the responsible person and all owners of record a Notice of Intent to Record stating that:

(1) A notice of violation will be recorded against your property if the violation(s) existing on your property is(are) not corrected by the deadline established in the Notice of Intent to Record.

(2) You may file an appeal within 14 days of the date of the Notice of Intent to Record was issued.

(3) The County may hold you responsible for all administrative costs, including reasonable attorney's fees.

(4) The County may withhold permits for any alteration, repair, or construction pertaining to any existing or new structures on your property, or any permits pertaining to the use and development of the real property if 1) an appeal has not been timely filed; or 2) if a Hearing Officer affirms the Director's decision to record a Notice of Violation.

(c) After recordation of a Notice of Violation, the County may withhold permits until a Notice of Compliance has been issued by the Director. The County may not withhold permits which are necessary to obtain a Notice of Compliance or which are necessary to correct serious health and safety violations.

(d) The letter shall be served pursuant to any of the methods of service set forth in section 11.112 of this code. If for any reason service cannot be completed as provided in section 11.112, service may be accomplished by posting a copy of the notice in a conspicuous place on or near the property on which the violation is located. At the discretion of the Director, the notice may be posted in addition to personal or mail service.

(e) If the Director does not receive a written request to appeal pursuant to the procedures set forth in this Division and the violation still remains on the property, the Director may record the Notice of Violation.

(f) The recorded Notice of Violation shall include the name of the property owner(s), assessor's parcel number, the parcel's legal description, and a copy of the latest Notice of Violation.

SEC. 18.304 PROCEDURES FOR RECORDING A NOTICE OF VIOLATION

(a) Any person receiving a Notice of Intent to Record a Notice of Violation may only appeal the following issues:

(1) Whether the conditions listed in the Notice of Violation violate the County Code or applicable State codes.

(2) Whether the Director afforded the responsible person with due process by adhering to the notification procedures specified in this Division.

(b) Failure of any person to file an appeal in accordance with these provisions shall constitute a waiver of the appeal and shall not affect the validity of the recorded Notice of Violation.

(c) A person may request a Request for Hearing form to contest a Notice of Intent to Record a Notice of Violation within 14 days after the Notice was served, either at the office of the department that issued the Notice or by returning a Request for Hearing form by mail.

(d) If a person requests a Request for Hearing form by mail, the request must be postmarked within 14 days of the Notice of Intent to Record a Notice of Violation.

(e) A hearing before the Hearing Officer shall be set for the earliest practicable date after a request for hearing has been properly filed in accordance with the provisions of this Division.

(f) The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.

SEC. 18.305 HEARING OFFICER

The Director shall appoint an independent Hearing Officer to preside over an Intent to Record a Notice of Violation hearing which has been properly requested under the provisions of this Chapter.

SEC. 18.306 HEARING PROCEDURES

The following procedures shall apply to hearings conducted under this chapter:

(a) Every witness shall take an oath or make an affirmation.

(b) The County bears the burden of proof at all Notice of Intent to Record Notice of Violation hearings. The standard of proof at a hearing is the preponderance of the evidence.

(c) The hearing officer may consolidate hearings involving the same responsible person and/or the same property.

(d) The Hearing Officer may continue a hearing for good cause.

(e) Each party shall have the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses, impeach any witness regardless of which party first called the witness to testify and rebut the evidence against the party. The County may call and examine the appellant or any agent of the appellant as a witness during the department's case in chief or during the department's rebuttal case. The hearing officer may examine the appellant or any of the appellant's employees or agents as if under cross-examination.

(f) Strict rules of evidence shall not apply. Evidence that might otherwise be excluded under the Evidence Code may be admissible if the hearing officer determines that it is relevant and the kind that reasonably prudent persons rely on in making decisions. All rules or privileges recognized by the Evidence Code, however, shall apply to the hearing. The hearing officer shall also exclude irrelevant and cumulative evidence.

(g) The hearing shall be conducted in English. If the appellant or any of appellant's witnesses require an interpreter, the appellant is responsible to provide a State certified interpreter at appellant's expense.

SEC. 18.307 RIGHT TO JUDICIAL REVIEW

Any person against whom a Notice of Violation has been recorded may obtain review of the order by filing a petition for writ of mandate with the San Diego County Superior Court in accordance with the timelines and procedures set forth in California Code of Civil Procedure Section 1094.5.

SEC. 18.308 NOTICE OF COMPLIANCE PROCEDURES

(a) When the violations listed on the Notice of Violation have been corrected, the responsible person may file with the Director a written request for a Notice of Compliance on a form provided by the County.

(b) Once the Director receives this request, the Director shall re-inspect the property within thirty (30) calendar days to determine whether the violations listed in the Notice of Violation have been corrected and whether all necessary permits have been issued and final inspections have been performed.

(c) The Director shall serve a Notice of Compliance to the responsible person if the Director determines that:

(1) All violations listed in the recorded Notice of Violation have been corrected.

(2) All necessary permits have been issued and finalized.

(3) All fines and penalties assessed against the property have been paid.

(4) The party requesting the Notice of Compliance has paid any requisite administrative costs to the County.

(d) The Notice of Compliance shall be served in the manner provided in Section 11.112 of this code. If for any reason service cannot be completed as provided in section11.112, service may be accomplished by posting a copy of the notice in a conspicuous place on or near the property on which the violation is located. At the discretion of the Director, the notice may be posted in addition to personal or mail service.

(e) If the Director denies a request to issue a Notice of Compliance, the Director shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by in the manner provided in Section 11.112 of this code. If for any reason service cannot be completed as provided in section 11.112, service may be accomplished by posting a copy of the letter in a conspicuous

place on or near the property on which the violation is located. At the discretion of the Director, the letter may be posted in addition to personal or mail service.

(f) The Directors decision denying a request to issue a Notice of Compliance constitutes the final decision in the matter and is not appealable.

SEC. 18.309 CANCELLATION OF A RECORDED NOTICE OF VIOLATION

The Notice of Compliance may be recorded with the County Recorder's Office. The recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.

Section 6. Section 36.404 of the San Diego County Code is amended to read as follows:

SEC. 36.404. GENERAL SOUND LEVEL LIMITS.

(a) Except as provided in section 36.409 of this chapter, it shall be unlawful for any person to cause or allow the creation of any noise, which exceeds the one-hour average sound level limits in Table 36.404, when the one-hour average sound level is measured at the property line of the property on which the noise is produced or at any location on a property that is receiving the noise.

TABLE 36.404
SOUND LEVEL LIMITS IN DECIBELS (dBA)

ZONE	TIME	ONE-HOUR AVERAGE SOUND LEVEL LIMITS (dBA)
(1) RS, RD, RR, RMH, A70, A72, S80, S81, S90, S92, RV, and RU with a General Plan Land Use Designation density of less than 10.9 dwelling units per acre.	7 a.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
(2) RRO, RC, RM, S86, V5, RV and RU with a General Plan Land Use Designation density of 10.9 or more dwelling units per acre.	7 a.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
(3) S94, V4, and all commercial zones.	7 a.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	55

(4) V1, V2	7 a.m. to 7 p.m.	60
V1, V2	7 p.m. to 10 p.m.	55
V1	10 p.m. to 7 a.m.	55
V2	10 p.m. to 7 a.m.	50
V3	7 a.m. to 10 p.m.	70
	10 p.m. to 7 a.m.	65
(5) M50, M52, and M54	Anytime	70
(6) S82, M56, and M58.	Anytime	75
(7) S88 (see subsection (c) below)		

(b) Where a noise study has been conducted and the noise mitigation measures recommended by that study have been made conditions of approval of a Major Use Permit, which authorizes the noise-generating use or activity and the decision making body approving the Major Use Permit determined that those mitigation measures reduce potential noise impacts to a level below significance, implementation and compliance with those noise mitigation measures shall constitute compliance with subsection (a) above.

(c) S88 zones are Specific Planning Areas which allow different uses. The sound level limits in Table 36.404 above that apply in an S88 zone depend on the use being made of the property. The limits in Table 36.404, subsection (1) apply to property with a residential, agricultural or civic use. The limits in subsection (3) apply to property with a commercial use. The limits in subsection (5) apply to property with an industrial use that would only be allowed in an M50, M52 or M54 zone. The limits in subsection (6) apply to all property with an extractive use or a use that would only be allowed in an M56 or M58 zone.

(d) If the measured ambient noise level exceeds the applicable limit in Table 36.404, the allowable one-hour average sound level shall be the one-hour average ambient noise level, plus three decibels. The ambient noise level shall be measured when the alleged noise violation source is not operating.

(e) The sound level limit at a location on a boundary between two zones is the arithmetic mean of the respective limits for the two zones. The one-hour average sound level limit applicable to extractive industries, however, including but not limited to borrow pits and mines, shall be 75 decibels at the property line regardless of the zone in which the extractive industry is located.

(f) A fixed-location public utility distribution or transmission facility located on or adjacent to a property line shall be subject to the sound level limits of this section

measured at or beyond six feet from the boundary of the easement upon which the facility is located.

Section 7. Section 78.102 of the San Diego County Code is amended to read as follows:

SEC. 78.102. DEFINITIONS.

(a) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. Vehicle includes the component parts of such device. Vehicle includes registered and unregistered vehicles.

(b) "Abandoned Vehicle" includes:

(1) Any vehicle or part that is parked, stored or left on public or private property in such inoperable or neglected condition that the owner's intention to relinquish all rights or interests in it may be reasonably concluded.

(2) Any vehicle or part that is wrecked, dismantled or inoperative, and that is parked, stored, or left on public or private property, except as provided in Section 78.104 of this division.

(3) Any vehicle left, parked, resting or otherwise immobilized on any highway or public right of way which lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway.

(c) "Public Nuisance Vehicle" means any abandoned vehicle, or any vehicle or part that is wrecked, dismantled or inoperative, that is left on public or private property, and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes health, safety and general welfare.

(d) "Wrecked Vehicle" means any vehicle that is damaged to such an extent that it cannot be operated safely upon the highway.

(e) "Dismantled Vehicle" means any vehicle that is partially or wholly disassembled.

(f) "Inoperative Vehicle" means any motor vehicle that cannot be moved under its own power.

(g) "Highway" means a way or place of whatever nature open to the use by the public for purposes of vehicular travel. Highway includes street. Highway includes County maintained as well as non-County maintained public highways.

(h) "Designated Employee" means those employees of the Department of Planning and Land Use whose duties include enforcement of this division. Designated employee includes the Director of the Department of Planning and Land Use.

(i) "Hearing Officer" means the County Abatement Board as defined in the Uniform Public Nuisance Abatement Procedure, Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code.

(j) "Officer" means a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any employee of the Sheriff's Department or California Highway Patrol designated to enforce the provisions of this division.

(k) "Cost of Abatement" means all costs incurred in the abatement and removal of a vehicle or part including, but not limited to, hearing costs, staff costs, legal costs, overhead, administration, appeal costs, assessment confirmation hearing costs, towing and removal costs, and costs of storage and sale.

(l) "Uniform Public Nuisance Abatement Procedure" means Chapter 2, Division 6, Title 1 (commencing with Sec. 16.201) of the San Diego County Code of Regulatory Ordinances.

(m) "Public Property" includes highways.

Section 8. Section 78.109 of the San Diego County Code is amended to read as follows:

SEC. 78.109. ENFORCEMENT, ADMINISTRATION BY DIRECTOR OF PLANNING AND LAND USE.

The Director of Planning and Land Use, designated employees, and any officer are responsible for enforcing the provisions of this division. Designated employees, pursuant to Penal Code Section 830.12, and any officer shall have the power to issue citations for any violations of the provisions of this division and of Vehicle Code Section 22523. No individual shall exercise the power to issue citations without first meeting the minimum training requirements of Penal Code Section 832(a). The Director of Planning and Land Use shall administer the provisions of the division.

Section 9. Section 78.201 of the San Diego County Code is amended to read as follows:

SEC. 78.201. AUTHORITY TO REMOVE ABANDONED VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

Pursuant to authority under Vehicle Code Section 22660, if a designated employee or officer has reasonable grounds to believe that a vehicle or part has been abandoned, or

that a wrecked, dismantled, or inoperative vehicle or part has been parked, stored or left on public or private property in violation of the provisions of this division, the designated employee or officer may abate and remove the vehicle or part as a public nuisance in accordance with the procedures prescribed in this chapter.

Section 10. Section 81.701 of the San Diego County Code is amended to read as follows:

SEC. 81.701. DESIGN OF MINOR SUBDIVISION.

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

Section 11. Section 81.805 of the San Diego County Code is amended to read as follows:

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

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

Section 12. Section 87.112 of the San Diego County Code is amended to read as follows:

SEC. 87.112. GRADING OR CLEARING WITHIN OPEN SPACE EASEMENTS.

It shall be unlawful for any person to maintain or allow, any structure, grading or clearing on a property contrary to the express terms of an open space easement, conservation easement or other development restrictive easement which has been granted to the County of San Diego, except where such clearing or grading is performed pursuant to and is limited to the extent authorized by the valid order or regulation of an authorized government official, for fire control or other public safety purposes.

Section 13. Section 91.1.114.6 of the San Diego County Code is amended to read as follows:

SEC. 91.1.114.6. APPROVAL REQUIRED AFTER VIOLATION.

(a) It shall be unlawful for a person to occupy, use or maintain a building or structure until all inspections and approvals required by this chapter have been completed. When a person who commences work without a permit in violation of this chapter is issued a permit to correct the violation, the violation is not considered corrected until the building official has inspected and approved the work commenced and issued a certificate of occupancy.

(b) It shall be unlawful for a person to fail to obtain a building permit within 180 days of the date their application for a building permit is submitted, or within an alternate timeframe issued at the discretion of the Building Official, if that person had previously commenced work without a permit in violation of this chapter. The building official may grant a one time permit extension under this section for up to one year for good cause.

(c) It shall be unlawful for a person to fail to obtain a certificate of occupancy within 180 days of the date of issuance of a building permit, or within an alternate timeframe issued at the discretion of the Building Official, if that person had previously commenced work without a permit in violation of this chapter.

(d) It shall be unlawful for a person to fail to obtain an inspection once every ninety days after the issuance of a building permit until the Certificate of Occupancy is issued, if that person had previously commenced work without a permit in violation of this chapter.

Section 14: This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the _____ a newspaper of general circulation published in the County of San Diego.

Attachment D

Draft Ordinance -
Zoning Ordinance Amendment
(Strikeout/underline version)

Information Copy

(Underline indicates addition)
(~~Strikeout~~ indicates deletion)

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, USE REGULATIONS, PROCEDURES AND OTHER MISCELLANEOUS TOPICS

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

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending or adding various sections regarding Definitions, Use Classifications, Animal Regulations, Development Regulations, Special Area Regulations, Temporary Use Regulations, Accessory Use Regulations, Sign Regulations, Performance Standards, Fencing and Screening Regulations, Parking Regulations, Enclosure Regulations, Miscellaneous General Regulations, Procedures and Fallbrook Village Zones. In addition, the Board finds that miscellaneous sections should be amended to clarify or correct language. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. The TABLE OF CONTENTS in the Zoning Ordinance is amended to read as follows:

PART ONE - PART FOUR [no changes]

PART FIVE: SPECIAL AREA REGULATIONS

5000 General Provisions
5100 Agricultural Preserve Area Regulations
5200 Scenic Area Regulations
5250 Airport Land Use Compatibility Plan Area Regulations
5300 Sensitive Resource Area Regulations
5400 Fault Displacement Area Regulations
5450 Flood Channel Area Regulations
5500 Flood Plain Area Regulations
5700 Historic/Archaeological Landmark & District Area Regulations
5750 Community Design Review Area Regulations
5800 Planned Development Area Regulations
5850 Vernal Pool Area Regulations
5900 Design Review Area Regulations
5950 Coastal Resource Protection Regulations
5960 Unsewered Area Regulations

PART SIX: GENERAL REGULATIONS

6000 General Provisions

6100 Temporary Use Regulations
6150 Accessory Use Regulations
6200 Off-Premise Sign Regulations
6250 On-Premise Sign Regulations
6300 Performance Standards
6350 Density Bonus Program
6400 Resort Services Regulations
6450 Recreational Vehicle Park Regulations
6500 Mobilehome (Manufactured Home) Regulations
6550 Extractive Use Regulations
6600 Planned Development Standards
6700 Fencing & Screening Regulations
6750 Parking Regulations
6800 Enclosure Regulations
6850 Nonconformity Regulations
6900 Miscellaneous General Regulations

- 6900 Ambulance Service
- 6901 Cemeteries
- 6902 Animal Waste Processing
- 6903 Lot Line Locations
- 6904 Explosive Storage
- 6905 Fire Protection and Law Enforcement Services
- 6906 Requirements for Farm Labor Camps
- 6907 Crematoriums
- 6908 Columbaria
- 6909 Mini-Warehouses
- 6910 Wholesale Limited, Boutique and Small Wineries
- 6911 Emergency Shelters
- <u>6912</u> <u>Community Gardens</u>
- 6920 Cottage Industries
- 6930 Adult Entertainment Establishments
- 6935 Medical Marijuana Collective Facilities
- 6940 Trailer Coaches Outside Mobilehome Parks
- 6950 Wind Turbine System
- 6952 Solar Energy System
- 6960 Nudist Facilities
- 6970 Recycling Collection Facility
- 6976 Marijuana Dispensaries -Non-Medical (Not Authorized Under State Law)
- 6975 Recycling Processing Facility
- 6980 Wireless Facilities

PART SEVEN - PART EIGHT [no changes]

Section 3. Section 1110 DEFINITIONS (A) of the Zoning Ordinance is amended to amend the term “Accessory Use” and to add the term “Agricultural Tourism” in its appropriate alphabetical location to read as follows:

Accessory Use: A use customarily incidental and accessory to the principal use of the land or ~~building site~~lot, or to a building or other structure located on the same ~~building site~~lot as the accessory use.

Agricultural Tourism (also Agri-tourism or Ag-tourism): The act of visiting a commercial agricultural enterprise for the purpose of enjoyment, education or active involvement in the activities of the farm, ranch or agricultural operation.

Section 4. Section 1110 DEFINITIONS (C) of the Zoning Ordinance is amended to add the terms "Community Garden" and "Construction and/or Use of the Property In Reliance on a Permit" in the appropriate alphabetical locations to read as follows:

Community Garden: An area of land used to grow and harvest food crops by individuals or collectively by members of a group, and may be arranged into multiple plots.

Construction and/or Use of the Property In Reliance on a Permit: The establishment of a use or structure pursuant to an approved discretionary permit as used in Section 7000, et seq. A use or structure shall be considered established when any of the following apply:

a. All required construction permits have been obtained, grading work and structural foundations are completed and substantial progress has been made on the above-grade construction without ceasing for a period greater than 12 months;

b. Partially Completed Projects. When an approved multiple building project has been partially completed, its discretionary permit shall remain valid unless work ceases for a period greater than twelve months, and no schedule for phased construction was authorized by the discretionary permit;

c. Significant investment has been made toward off-site improvements, infrastructure or on-site improvements in preparation for project construction;

d. A certificate of occupancy has been issued and bonds guaranteeing site improvements have been released; or

e. A use not requiring any building permits is operating in compliance with all conditions of approval.

Section 5. Section 1110 DEFINITIONS (F) of the Zoning Ordinance is amended to amend the terms "Flood, 10-Year" and "Flood, 100-year" to read as follows:

Flood, 10-Year: A flood estimated to occur at an average of once in 10 years (the flood having a 10 percent ~~frequency of occurrence~~ chance of being equaled or exceeded in any given year) ~~which is determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Standard approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of Supervisors as Document NO. 427201~~.

Flood, 100-year: A flood estimated to occur at an average of once in 100 years (the flood having a one percent ~~frequency of occurrence~~ chance of being equaled or exceeded in any given year)~~,~~

~~determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Standard approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of Supervisors as Document No. 427201~~.

Section 6. Section 1110 DEFINITIONS (G) of the Zoning Ordinance is amended to amend the term "Groundwater Extraction Operation" to read as follows:

Groundwater Extraction Operation: Any property containing a well, spring box or other device through which groundwater is collected or extracted for sale. Groundwater Extraction Operations includes all appurtenant structures and facilities associated with the collection, extraction, storage, transfer and transportation of the groundwater, whether or not such appurtenant structures and facilities are located on the same legal lot as that from which the groundwater is collected or extracted. Groundwater Extraction Operation does not include the following:

1. Incidental and occasional sale or transport of water in amounts up to 5,000 gallons per any consecutive seven day period, except when in the residential zones and the S80 Open Space and S81 Ecological Resource Area zones.

2. Water vending by machine, as allowed by Section 6156 ee.

3. Wells serving public water supply systems, as permitted by the County Department of Environmental Health or the State Department of Health Services, which distribute water through pipelines for domestic purposes.

4. Wells providing water only to public agencies to protect the public welfare for emergency uses such as for fire suppression and during temporary drought conditions, and/or for otherwise exempt uses.

5. Wells and springs providing water only to irrigate any agricultural ~~enterprise~~use, ~~as defined in Section 63.403(d) of the San Diego County Code of Regulatory Ordinances,~~ that would not require transport on any public street or highway, and/or for otherwise exempt purposes.

6. Wells providing water exclusively to four or fewer contiguous residential parcels.

Section 7. Section 1110 DEFINITIONS (L) of the Zoning Ordinance is amended to amend the term "Living Area" to read as follows:

Living Area: The floor area under the roof of a dwelling unit that is contained within the interior surface of its perimeter walls, except as follows: Living area does not include garages~~;~~ or ~~appurtenant structures accessible only from the outside;~~ attics~~,~~ and basements~~, and enclosed patios~~ not designed, intended, and constructed for human habitation~~; and any room or area primarily devoted to any accessory or secondary use~~.

Section 8. Section 1110 DEFINITIONS (M) of the Zoning Ordinance is amended to add the term "Minor Deviation" in its appropriate alphabetical location to read as follows:

Minor Deviation. A slight increase or decrease in size, height or scope of a proposed project from the original approved permit decision and associated plans of an Administrative Permit, Variance, Site Plan or Use Permit which is considered in substantial conformance with the original approved project or latest approved modification.

Section 9. Section 1110 DEFINITIONS (P) of the Zoning Ordinance is amended to add the term "Plot Plan" in its appropriate alphabetical locations to read as follows:

Plot Plan: A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting and use of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements. The purpose of a plot plan is to establish a clear record of the development and use of the property.

Section 10. Section 1110 DEFINITIONS (S) of the Zoning Ordinance is amended to amend the terms "Site Plan" and "Street, Centerline of" to read as follows:

Site Plan Permit: ~~A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.~~ A permit which may be granted by the appropriate County officer or body to provide a review procedure for development proposals which is concerned with physical design, siting, interior vehicular and pedestrian access, and the interrelationship of these elements.

Street, Centerline of: The centerline of a street as established in accordance with the provisions of Chapter ~~5~~ 3 of Division 1 of Title 5 of the San Diego County Code.

Section 11. Section 1110 DEFINITIONS (U) of the Zoning Ordinance is amended to add the terms "U-Pick or Pick-Your-Own Operations" and "Use of the Property In Reliance on a Permit" in their appropriate alphabetical locations to read as follows:

U-Pick or Pick-Your-Own Operations: A Commercial Agriculture operation such as a farm, orchard or grove where the customers themselves harvest the products grown on-site.

Use of the Property In Reliance on a Permit: (See "Construction and/or Use of the Property In Reliance on a Permit)

Section 12. Section 1350 of the Zoning Ordinance is amended to read as follows:

1350 MAJOR IMPACT SERVICES AND UTILITIES.
The Major Impact Services and Utilities use type refers to public or private services and utilities which have substantial impact. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical

places or uses are schools, sanitary landfills, public and private airports, public park/ playground/recreational areas (other than public passive park/recreational areas), hospitals, psychiatric facilities, cemeteries, nursing homes, detention and correction institutions, trade schools (with outdoor training facilities)~~,~~ or security, law enforcement, military, ~~or~~ paramilitary type training facilities, or field medical training uses.

Section 13. Section 1425 of the Zoning Ordinance is amended to read as follows:

1425 ANIMAL SALES AND SERVICES.
Animal Sales and Services refers to establishments or places of business primarily engaged in animal related sales and services. The following are animals sales and services use types:

a. Animal Sales and Services: Auctioning. Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding 48-hour periods. The auctioning of miscellaneous related items may be conducted in conjunction with animal auctioning, if the auctioning of miscellaneous related items is conducted by the same operator as the animal auction, the number of days and hours of operation do not exceed those in which animal auctions are held, and the impacts resulting from the miscellaneous items auction activity do not exceed those of the animal auction. Typical uses include animal auctions or livestock auction yards.

b. Animal Sales and Services: Grooming. Grooming of dogs, cats and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.

c. Animal Sales and Services: Horse Stables. Boarding, breeding or raising of horses for commercial purposes. This does not include the non-commercial use of horses owned by the occupants of the premises. Typical uses include boarding stables or public stables.

d. Animal Sales and Services: Kennels. Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, dog daycare or dog training centers.

e. Animal Sales and Services: Stockyards. Stockyard services involving the temporary keeping of transient livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales yards.

f. Animal Sales and Services: Veterinary (Large Animals). Veterinary services for large animals. Typical uses include animal hospitals (large animals) or veterinary hospitals (large animals). Boarding of animals or grooming of animals may be allowed as accessory to the veterinary use.

g. Animal Sales and Services: Veterinary (Small Animals). Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals or animal hospitals (small animals). Boarding of animals or grooming of animals may be allowed as accessory to the veterinary use.

Section 14. Section 1490 of the Zoning Ordinance is amended to read as follows:

1490 GASOLINE SALES.
The Gasoline Sales use type refers to establishments or places of business primarily engaged in the retail sales, from the premises, of petroleum products, alternative vehicle fuels (including but not limited to natural gas (CNG) or biodiesel) and includes the sale of tires, batteries, and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations or truck stops.

Section 15. Section 2990 (pages 1 through 6) of the Zoning Ordinance is amended to read as follows:

USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of The Zoning Ordinance, the provisions of The Zoning Ordinance shall apply.

USE TYPES	RESIDENTIAL				CIVIC																						Use Regulations	
	Family Residential		Group Residential	Mobilehome Residential		Enclosed	Open	Drive-in	Administrative Services	Ambulance Services (see Sec. 6900)	Clinic Services	Community Recreation	Cultural Exhibits and Library Services	Child Care Center	Emergency Shelters (see Sec. 6911)	Essential Services	Fire Protection Services (see Sec. 6905)	Group Care	Law Enforcement Services	Civic, Fraternal or Religious Assembly	Major Impact Services and Utilities	Minor Impact Utilities	Parking Services	Postal Services	Small Schools	Wind Turbine System. Med. (see Sec 6950)		
	1250	1260	1265	1280	1300	See Section 6816			1310	1315	1320	1325	1330	1332	1334	1335	1340	1345	1346	1348	1350	1355	1360	1365	1375	1380		
																											RESIDENTIAL	
RS	●			18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RS	Single-Family Residential
RD	●			18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RD	Duplex/Two-Family Residential
RM	●			18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RM	Multi-Family Residential
RV	●			18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RV	Variable Family Residential
RU	●	●		18		●	●		M	M	M	M	m	M		●	S	M		M	M	m	M	M	m	A	RU	Urban Residential
RMH				18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RMH	Mobilehome Residential
RR	●	M		18		●	●	m	M	M	M	M	M	M		●	S	M	M	M	M	m	M	M	m	A	RR	Rural Residential
RRO*	●	M		18		●	●	m	M	M	M	M	M	M		●	S			M	M	m	M	M	m	A	RRO*	Recreation-Oriented Residential
RC	●	●		18		●	●		M	M	●	M	●	●		●	S	●		●	M	m	M	M	●	A	RC	Residential-Commercial
																											COMMERCIAL	
C30						●	●		●	●	●	M	●	●		●	S		●	M	M	m	●	M	●	A	C30	Office-Professional
C31	●	●				●	●		●	●	●	M	●	●		●	S	●	M	M	M	m	●	M	●	A	C31	Residential/Office Professional
C32	1					●	●		M	M	M	M	M	●		●	S		●	M	M	m	M	M	●	A	C32	Convenience Commercial
C34*	●	●				●	●		●	●	●	●	●	●		●	S	●	●	●	M	m	●	●	●	A	C34*	Gen. Commercial/Residential
C35	M					●	●		●	●	●	●	●	●		●	S	●	●	●	M	m	●	●	●	A	C35	Gen. Comm.//Ltd. Residential
C36	1	M				●	●		●	●	●	●	●	●		●	S		●	●	M	●	●	●	●	A	C36	General Commercial
C37	1	M				●	●	●	●	●	●	●	●	●		●	S	●	●	●	M	●	●	●	●	A	C37	Heavy Commercial
C38	1					●	●	●	●	●	M	●	●	●		●	S		●	M	M	●	●	●	●	A	C38	Service Commercial
C40	1					●	●	●	●	●	●	●	●	●		●	S		●	●	M	m	●	●	●	A	C40	Rural Commercial
C42*	20					●	●									●						m	●			A	C42*	Visitor Serving Commercial
C44						●	●	●	M	M	M	M	M	●		●	S		●	M	M	m	M	M	●	A	C44	Freeway Commercial
C46*						●	●		M	M	●	M	M	●		●	S	●	●	M	M	m	●	M	●	A	C46*	Medical Center
																											INDUSTRIAL	
M50						●	●		M	●	M	●	M	M	●	●	S		●	M	M	m	●	●	m	A	M50	Basic Industrial
M52						●	●		M	●	M	●	M	M	●	●	S		●	M	M	m	●	●	m	A	M52	Limited Impact Industrial
M54						●	●		M	●	M	●	M	M	●	●	S		●	M	M	●	●	●	m	A	M54	General Impact Industrial
M56+									M	●	M		M	M		●	S		●	M	M	●	●	●	m	A	M56+	Mixed Industrial
M58						●	●		M	●	M	●	M	M	●	●	S		●	M	M	●	●	●	m	A	M58	High Impact Industrial
																											AGRICULTURAL	
A70	●	M		18		●	●	m	M	M	M	M	M	M		●	S	M	m	M	M	m	M	M	m	A	A70	Limited Agriculture
A72	●	M		18		●	●	m	M	M	M	M	M	M		●	S	M	S	M	M	m	M	M	m	A	A72	General Agriculture
																											SPECIAL PURPOSE	
S80*	●					●	●		M	M	M	M	M	M		●	S			M	M	m	M	M	m	A	S80*	Open Space
S81													O			O											S81	Ecological Resource Area
S82						●	●		M	M	M	M	M			●	S		m	M	M	m	M	M		A	S82	Extractive
S86						●	●									●	S		m			m	●			A	S86	Parking
~~S87+~~	~~●~~	~~M~~	~~M~~			~~●~~	~~●~~	~~m~~	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~		~~●~~	~~S~~	~~M~~	~~m~~	~~m~~	~~M~~	~~m~~	~~M~~	~~M~~	~~m~~	~~A~~	~~S87+~~	~~Limited Control~~
S88+	●					●	●	●								●	S		m			m				A	S88+	Specific Plan Area
S90+	●	M				●	●	m	M	M	M	M	M	M		●	S	M	m	M	M	m	M	M	m	A	S90+	Holding Area
S92	●	M				●	●	m	M	M	M	M	M	M		●	S	M	S	M	M	m	M	M	m	A	S92	General Rural
S94+						●	●	m	M	M		M	M			●	S		m		M	m	m	M		A	S94+	Transportation & Utility Corridor
SWF																					●						SWF	Solid Waste Facility

MATRIX LEGEND

- ● Permitted
- A Permitted by Administrative Permit
- S Permitted by Site Plan
- m Permitted by Minor Use Permit
- M Permitted by Major Use Permit
- P Permitted Only Within Planned Developments of 20 Acres or Larger
- 1-22 Subject to Limitations (See Section 2980)
- * May Be Subject to Site Plan Approval
- + Other Uses Not Shown on Matrix May Be Permitted (See Text of Use Regulations)
- O Subject to Limitations (See Sections 2812 and 2818)
- [E] Exceptions to Enclosure Matrix (See Section 6814)

USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

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USE TYPES / COMMERCIAL	Enclosed	Semi-Enclosed	Open	Drive-In	Administrative and Professional Services	Adult Entertainment Establishments	Agricultural & Horticultural Sales	a) Agricultural Sales	b) Horticultural Sales	Agricultural Services [E]	Animal Sales and Services:	a) Auctioning	b) Grooming	c) Horse Stables	d) Kennels	e) Stockyards	f) Veterinary [Large Animal]	g) Veterinary [Small Animal]	Automotive and Equipment:	a) Cleaning	b) Fleet Storage	c) Parking [E]	d) Repairs [Heavy Equipment]	e) Repairs [Light Equipment]	f) Sales/Rentals [Heavy Equipment]	g) Sales/Rentals [Farm Equipment]	h) Sales/Rentals [Light Equipment] [E]	i) Storage [Nonoperating Vehicles]	j) Storage [Recreation Vehicles & Boats]	Use Regulations
1400	See Section 6816				1410	6930	1415			1420	1425								1430												
RESIDENTIAL																															
RS					P			P	P					16	16							P								RS	Single-Family Residential
RD					P			P	P					16	16							P								RD	Duplex/Two-Family Residential
RM					P			P	P					16	16							P								RM	Multi-Family Residential
RV					P			P	P					16	16							P								RV	Variable Family Residential
RU					P			P	P					16	16							P								RU	Urban Residential
RMH					P			P	P													P								RMH	Mobilehome Residential
RR	●	●	●											16	16															RR	Rural Residential
RRO*	●	●	●		P			P	P					16	16			P				P								RRO*	Recreation-Oriented Residential
RC	●	m	m		4			m	m				m	16	16			P				P								RC	Residential-Commercial
COMMERCIAL																															
C30	●			m	●									16	16							m								C30	Office-Professional
C31	●			m	●									16	16							m								C31	Residential/Office Professional
C32	●			m										16	16							m								C32	Convenience Commercial
C34*	●	m	M	m	●			●	●				●	16	16			M				●				m	●		M	C34*	Gen. Commercial/Residential
C35	●	m	M	m	●			●	●				●	16	16			M				●				m	●		M	C35	Gen. Comm.//Ltd. Residential
C36	●	m	M	●	●			●	●	9			●	16	16			●		M		●	8	●		●	●		M	C36	General Commercial
C37	●	●	●	●	●			●	●	●			●	16	16			●		●	●	●	●	●	●	●	●	M	●	C37	Heavy Commercial
C38	●	●	●	●	●			●	●	●				16	16		●	●		●	●	●		●	●	●	●	M	●	C38	Service Commercial
C40	●	●	●	●	●			●	●	●		M	●	16	16	M	●	●		●	●	●	●	●	●	●	●	M	●	C40	Rural Commercial
C42*	●	●	●	●	20																									C42*	Visitor Serving Commercial
C44	●	●	●	●										16	16														M	C44	Freeway Commercial
C46*	●													16	16															C46*	Medical Center
INDUSTRIAL																															
M50	●	m	M	m	5	19								16	16							●								M50	Basic Industrial
M52	●	m	M	m	●	19		8	8					16	16					8		●	8	8	9	9	9			M52	Limited Impact Industrial
M54	●	●	●	●	●	19		●	●	14				16	16		●			●	●	●	●	●	●	●	●	M	●	M54	General Impact Industrial
M56+																					●	●	●	●	●	●	●			M56+	Mixed Industrial
M58	●	●	●	●	●	19		●	●	14				16	16	M	●			●	●	●	●	●	●	●	●	9	●	M58	High Impact Industrial
AGRICULTURAL																															
A70	●	●	●					M	M					16	16		6	6												A70	Limited Agriculture
A72	●	●	●					M	M			M		16	16		6	6												A72	General Agriculture
SPECIAL PURPOSE																															
S80*	●	S	M											16	16							M								S80*	Open Space
S81																														S81	Ecological Resource Area
S82	●	●	●											16	16													M		S82	Extractive
S86	●	●	●	●										16	16							●								S86	Parking
~~S87+~~	●	●	●	●	M			M	M	M		M	M	16	16	M	6	6		M	M	M	M	M	M	M	M	M	M	~~S87+~~	~~Limited Control~~
S88+	●	●	●	●										16	16															S88+	Specific Plan Area
S90+	●	●	●	●				M	M	M																				S90+	Holding Area
S92	●	●	●					M	M					16	16		6	6												S92	General Rural
S94+	●	●	●	●				M	M	M												m								S94+	Transportation & Utility Corridor
SWF																														SWF	Solid Waste Facility

Commercial continued on next page

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USE TYPES / COMMERCIAL (cont.)	Enclosed	Semi-Enclosed	Open	Drive-in	Building Maintenance Services	Business Equipment Sales and Services	Business Support Services	Communications Services	Construction Sales and Services (See Sec. 6300)	Convenience Sales and Personal Services	Cottage Industries (See Sec. 6920)	Eating and Drinking Establishments	Explosive Storage (See Sec. 6904)	Financial, Insurance and Real Estate	Food and Beverage Retail Sales [E]	Funeral and Internment Services:	a) Cremating	b) Interring	c) Undertaking	Gasoline Sales [E]	Laundry Services	Medical Services	Use Regulations
1400	See Section 6816				1435	1440	1445	1450	1455	1460	1463	1465	1470	1475	1480	1485				1490	1495	1500	
																							RESIDENTIAL
RS							P			P		P		P	P							P	RS Single-Family Residential
RD							P			P		P		P	P							P	RD Duplex/Two-Family Residential
RM							P			P		P		P	P							P	RM Multi-Family Residential
RV							P			P		P		P	P							P	RV Variable Family Residential
RU							P			P		P		P	P							P	RU Urban Residential
RMH							P			P		P		P	P							P	RMH Mobilehome Residential
RR	●	●	●								17												RR Rural Residential
RRO*	●	●	●				P			M		M		P	M							P	RRO* Recreation-Oriented Residential
RC	●	m	m				P	P		m		m		11	m					P		4	RC Residential-Commercial
																							COMMERCIAL
C30	●			m			●	m		10		10		●	10				M			●	C30 Office-Professional
C31	●			m			●	m		10		10		●	10				M			●	C31 Residential/Office Professional
C32	●			m						●		●			●					M			C32 Convenience Commercial
C34*	●	m	M	m		7	●	●	8	●		●		●	●		M	M	M	12	13	●	C34* Gen. Commercial/Residential
C35	●	m	M	m		7	●	●	8	●		●		●	●		M	M	M	12	13	●	C35 Gen. Comm.//Ltd. Residential
C36	●	m	M	●		7	●	●	8	●		●		●	●		M	M	●	12	13	●	C36 General Commercial
C37	●	●	●	●	●	●	●	●	●	●		●		●	●		M	M	●	●	●	●	C37 Heavy Commercial
C38	●	●	●	●	●	●	●	●	●	m		m			10		M			●	●		C38 Service Commercial
C40	●	●	●	●	●	●	●	●	9	●		●		●	●		M	M	●	●	●	●	C40 Rural Commercial
C42*	●	●	●	●			20			●		●		20						M			C42* Visitor Serving Commercial
C44	●	●	●	●								●								12			C44 Freeway Commercial
C46*	●									10		10			10							●	C46* Medical Center
																							INDUSTRIAL
M50	●	m	M	m						m		m			m								M50 Basic Industrial
M52	●	m	M	m	8	●	●	●	8	m		m			10		M			12	●		M52 Limited Impact Industrial
M54	●	●	●	●	●	●	●	●	●	m		m	M		10		M			●	●		M54 General Impact Industrial
M56+					●				●			10			10								M56+ Mixed Industrial
M58	●	●	●	●	●	●	●	●	●	m		m	M		10		M			●	●		M58 High Impact Industrial
																							AGRICULTURAL
A70	●	●	●								17		M										A70 Limited Agriculture
A72	●	●	●								17		M							M			A72 General Agriculture
																							SPECIAL PURPOSE
S80*	●	S	M										M										S80* Open Space
S81																							S81 Ecological Resource Area
S82	●	●	●										M										S82 Extractive
S86	●	●	●	●																			S86 Parking
~~S87+~~	●	●	●	●	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~17~~	~~M~~	~~M~~	~~M~~	~~M~~		~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~S87+ Limited Control~~
S88+	●	●	●	●																			S88+ Specific Plan Area
S90+	●	●	●	●							17		M										S90+ Holding Area
S92	●	●	●								17		M										S92 General Rural
S94+	●	●	●	●																			S94+ Transportation & Utility Corridor
SWF																							SWF Solid Waste Facility

Commercial continued on next page

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USE & ENCLOSURE MATRIX

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USE TYPES / COMMERCIAL (cont.)	1400 Enclosed	Semi-Enclosed	Open	Drive-In	1505 Participant Sports and Recreation a) Indoor	b) Outdoor	1510 Personal Services [General]	1512 Recycling Collection Facility (See Sec. 6970) a) Small [E]	b) Large [E]	1513 Recycling Processing Facility (See Sec. 6975) a) Light	b) Heavy	c) Wood and Green Materials	1515 Repair Services [Consumer]	1520 Research Services	1525 Retail Sales a) General	b) Specialty	1530 Scrap Operations (See Section 6300)	1535 Spectator Sports and Entertainment: a) Limited	b) General	1540 Swap Meets	Use Regulations
	See Section 6816																				
RESIDENTIAL																					
RS					P	P	P		2								P	P			P				RS Single-Family Residential
RD					P	P	P		2								P	P			P				RD Duplex/Two-Family Residential
RM					P	P	P		2								P	P			P				RM Multi-Family Residential
RV					P	P	P		2								P	P			P				RV Variable Family Residential
RU					P	P	P		2								P	P			P				RU Urban Residential
RMH					P	P	P		2								P	P			P				RMH Mobilehome Residential
RR	●	●	●			M			2																RR Rural Residential
RRO*	●	●	●		P	M	P		2								P	P			P				RRO* Recreation-Oriented Residential
RC	●	m	m		P	P	P		2								m	m			P				RC Residential-Commercial
COMMERCIAL																					
C30	●			m			●		2	2		3	M			M									C30 Office-Professional
C31	●			m			●		2	2		3	M			M									C31 Residential/Office Professional
C32	●			m	m				2	2		3	M												C32 Convenience Commercial
C34*	●	m	M	m	m		●		2	2		3	M		●	M		●	●			M	M		C34* Gen. Commercial/Residential
C35	●	m	M	m	m		●		2	2		3	M		●	M		●	●			M	M		C35 Gen. Comm.//Ltd. Residential
C36	●	m	M	●	●		●		2	2		3	M		●	M		●	●			●	M		C36 General Commercial
C37	●	●	●	●	●		●		2	2		3	3	15	●	●		●	●			●	●	M	C37 Heavy Commercial
C38	●	●	●	●	M				2	2		3	3	15	●	●				M			M	M	C38 Service Commercial
C40	●	●	●	●	●		●		2	2		3	3	15	●	●		●	●	M		●	M	M	C40 Rural Commercial
C42*	●	●	●	●	●	●													●			M	M		C42* Visitor Serving Commercial
C44	●	●	●	●					2			3	M												C44 Freeway Commercial
C46*	●								2			3	M												C46* Medical Center
INDUSTRIAL																					
M50	●	m	M	m					2	2		3	M	●		●									M50 Basic Industrial
M52	●	m	M	m	●	M			2	2		3	M	●		●									M52 Limited Impact Industrial
M54	●	●	●	●	●	M			2	2		3	3	●		●				M				M	M54 General Impact Industrial
M56+									2	2		3	M	●		●									M56+ Mixed Industrial
M58	●	●	●	●	●	M			2	2		3	3	●		●				M				M	M58 High Impact Industrial
AGRICULTURAL																					
A70	●	●	●			M			A					m											A70 Limited Agriculture
A72	●	●	●			M			A					m											A72 General Agriculture
SPECIAL PURPOSE																					
S80*	●	S	M			M			2	m				m											S80* Open Space
S81																									S81 Ecological Resource Area
S82	●	●	●			M			2	m				m						M					S82 Extractive
S86	●	●	●	●					2	m				m											S86 Parking
~~S87+~~	●	●	●	●	~~M~~	~~M~~	~~M~~		~~2~~	~~m~~				~~m~~	~~M~~	~~M~~		~~M~~	~~M~~	~~M~~		~~M~~	~~M~~	~~M~~	~~S87+ Limited Control~~
S88+	●	●	●	●					2	m				m											S88+ Specific Plan Area
S90+	●	●	●	●			M		2	m				m											S90+ Holding Area
S92	●	●	●				M		2	m				m											S92 General Rural
S94+	●	●	●	●			M		2	m				m											S94+ Transportation & Utility Corridor
SWF																									SWF Solid Waste Facility

Commercial continued on next page

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USE TYPES	COMMERCIAL (cont.)													INDUSTRIAL						Use Regulations
	1400	Enclosed	Semi-Enclosed	Open	Drive-In	1545 Transient Habitation: a) Campground (See Section 6450)	b) Lodging	c) Resort (See Section 6400)	1550 Wholesaling, Storage and Distribution a) Mini Warehouse (See Section 6909)	b) Light	c) Heavy	1600	Enclosed	Semi-Enclosed	Open	1610 Custom Manufacturing	1620 General Industrial	1630 Heavy Industrial	
	See Section 6816												See Section 6816						
RESIDENTIAL																			
RS																			RS Single-Family Residential
RD																			RD Duplex/Two-Family Residential
RM										M									RM Multi-Family Residential
RV										M									RV Variable Family Residential
RU																			RU Urban Residential
RMH																			RMH Mobilehome Residential
RR	●	●	●			M		M		M									RR Rural Residential
RRO*	●	●	●			M		M											RRO* Recreation-Oriented Residential
RC	●	m	m				m			M				●			m			RC Residential-Commercial
COMMERCIAL																			
C30	●			m															C30 Office-Professional
C31	●			m															C31 Residential/Office Professional
C32	●			m										●			m			C32 Convenience Commercial
C34*	●	m	M	m		M	●							●			●			C34* Gen. Commercial/Residential
C35	●	m	M	m		M	●							●			●			C35 Gen. Comm.//Ltd. Residential
C36	●	m	M	●		M	●			M	M			●			●			C36 General Commercial
C37	●	●	●	●		M	●			●	8	M		●	●	●	●	15		C37 Heavy Commercial
C38	●	●	●	●						●	8	M		●	●	●	●	15		C38 Service Commercial
C40	●	●	●	●		M	●			●	8	M		●	●	●	●	15		C40 Rural Commercial
C42*	●	●	●	●		●	●	●												C42* Visitor Serving Commercial
C44	●	●	●	●		M	●													C44 Freeway Commercial
C46*	●																			C46* Medical Center
INDUSTRIAL																			
M50	●	m	M	m							8	M		●	m	M	●	14		M50 Basic Industrial
M52	●	m	M	m		M				●	8	M		●	m	M	●	14		M52 Limited Impact Industrial
M54	●	●	●	●		M				●	8	14		●	●	●	●	14		M54 General Impact Industrial
M56+										●	●	●					●	●		M56+ Mixed Industrial
M58	●	●	●	●						●	8	14		●	●	●	●	14	M	M58 High Impact Industrial
AGRICULTURAL																			
A70	●	●	●			M		M						●	●	m				A70 Limited Agriculture
A72	●	●	●			M		M						●	●	m				A72 General Agriculture
SPECIAL PURPOSE																			
S80*	●	S	M																	S80* Open Space
S81																				S81 Ecological Resource Area
S82	●	●	●																	S82 Extractive
S86	●	●	●	●																S86 Parking
~~S87+~~	●	●	●	●		~~M~~	~~M~~	~~M~~		~~M~~	~~M~~	~~M~~		●	●	●	~~M~~	~~M~~	~~M~~	~~S87+ Limited Control~~
S88+	●	●	●	●										●	●	●				S88+ Specific Plan Area
S90+	●	●	●	●		M		M						●	●	●				S90+ Holding Area
S92	●	●	●			M		M						●	●	m				S92 General Rural
S94+	●	●	●	●		M								●	●	●				S94+ Transportation & Utility Corridor
SWF																				SWF Solid Waste Facility

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USE TYPES	AGRICULTURAL																					EXTRACTIVE			Use Regulations	
	Enclosed	Semi-Enclosed	Open	Horticulture	(a) Cultivation	(b) Storage	Tree Crops	Row & Field Crops	Animal Raising	Animal Waste Processing (see Section 6902)	Packing and Processing	a) Limited	b) General	c) Support	d) Winery	e) Small Winery (see Section 6910)	f) Boutique Winery (see Section 6910)	g) Wholesale Limited Winery (See 6910)	Agricultural Equipment Storage	Farm Labor Camp		Mining and Processing (See Section 6550)	Site Preparation			
1700	See Section 6816			1710			1715	1720	1725	1730	1735								1740	1750	1800	1810	1820			
																									RESIDENTIAL	
RS	m	m	●		●		●	●	16															M	RS	Single-Family Residential
RD	m	m	●		●		●	●	16															M	RD	Duplex/Two-Family Residential
RM	m	m	●		●		●	●	16															M	RM	Multi-Family Residential
RV	m	m	●		●		●	●	16															M	RV	Variable Family Residential
RU	m	m	●		●		●	●	16															M	RU	Urban Residential
RMH	m	m	●		●		●	●	16															M	RMH	Mobilehome Residential
RR	●	●	●		●	●	●	●	16			M			M					m		M		RR	Rural Residential
RRO*	m	m	●		●		●	●	16			M			M								M	RRO*	Recreation-Oriented Residential
RC	m	m	●		●		●	●	16						M								M	RC	Residential-Commercial
																									COMMERCIAL	
C30									16														M	C30	Office-Professional
C31									16														M	C31	Residential/Office Professional
C32	A	A	●		●	m	●	●	16														M	C32	Convenience Commercial
C34*	A	A	●		●	●	●	●	16														M	C34*	Gen. Commercial/Residential
C35	A	A	●		●	●	●	●	16														M	C35	Gen. Comm.//Ltd. Residential
C36	A	A	●		●	●	●	●	16														M	C36	General Commercial
C37	A	A	●		●	●	●	●	16													M		C37	Heavy Commercial
C38	A	A	●		●	●	●	●	16														M	C38	Service Commercial
C40	A	A	●		●	●	●	●	16														M	C40	Rural Commercial
C42*	A	A	●		●	●	●	●															M	C42*	Visitor Serving Commercial
C44	A	A	●		●	●	●	●	16														M	C44	Freeway Commercial
C46*	A	A	●		●		●	●	16														M	C46*	Medical Center
																									INDUSTRIAL	
M50	A	A	●		●	●	●	●	16			●	●		●								M	M50	Basic Industrial
M52	A	A	●		●	●	●	●	16			●	●		●								M	M52	Limited Impact Industrial
M54	A	A	●		●	●	●	●	16			●	●		●								M	M54	General Impact Industrial
M56+												●	●	●	●										M56+	Mixed Industrial
M58	A	A	●		●	●	●	●	16	M		●	●		●							M	M	M58	High Impact Industrial
																									AGRICULTURAL	
A70	●	●	●		●	●	●	●	16			●	M	M	M	22	22	22	M	m		M		A70	Limited Agriculture
A72	●	●	●		●	●	●	●	16	M		●	M	M	M	22	22	22	M	m		M		A72	General Agriculture
																									SPECIAL PURPOSE	
S80*	A	A	●		●	●	●	●	16			●								m		M		S80*	Open Space
S81									M														M	S81	Ecological Resource Area
S82	●	●	●		●	●	●	●	16													M		S82	Extractive
S86																							M	S86	Parking
~~S87+~~	~~●~~	~~●~~	~~●~~		~~●~~	~~●~~	~~●~~	~~●~~	~~16~~	~~M~~		~~●~~	~~M~~	~~M~~	~~M~~					~~m~~		~~M~~	~~M~~	~~S87+~~	~~Limited Control~~
S88+	●	●	●		●	●	●	●	16			●	M	M	M					m			M	S88+	Specific Plan Area
S90+	●	●	●		●	●	●	●	16			●								m		M		S90+	Holding Area
S92	●	●	●		●	●	●	●	16	M		●	M	M	M					m		M		S92	General Rural
S94+	●	●	●		●	●	●	●	16													M		S94+	Transportation & Utility Corridor
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Section 16. Section 3110 of the Zoning Ordinance is amended to read as follows:

Animal Schedule

(Part of Section 3100)

ANIMAL USE TYPE (*See Note 4*)	**Restrictions and Density Range**	**DESIGNATOR**																							
		A	**B**	**C**	**D**	**E**	**F**	**G**	**H**	**I**	**J**	**K**	**L**	**M**	**N**	**O**	**P**	**Q**	**R**	**S**	**T**	**U**	**V**	**W**	**X**
ANIMAL SALES AND SERVICES: HORSE STABLES																									
(a) Boarding or Breeding	Permitted							X	X	X						X								X	X
	MUP required										X		X	X	X							X	X		
	ZAP required				X	X	X																		
(b) Public Stable	Permitted															X								X	
	MUP required				X	X	X				X		X	X	X							X	X		X
	ZAP required							X	X	X															
ANIMAL SALES AND SERVICES: KENNELS (*see Note 1*)	Permitted															X			X		X				
	Permitted provided fully enclosed							X	X	X															
	MUP required												X	X	X								X	X	
	ZAP required				X	X	X	X	X	X															
	One acre + by MUP	X	X	X																					
ANIMAL RAISING *(see Note 6)*																									
(a) Animal Raising Projects (*see Section 3115*)	Permitted							X	X	X															X
	½ acre+ by ZAP				X	X	X				X		X	X	X	X	X						X	X	
	1 acre+ by MUP	X	X	X																					
(b) Small Animal Raising (includes Poultry) (*see Note 8*)	Permitted													X	X	X	X							X	
	½ acre+ permitted							X	X	X															
	100 maximum											X													
	25 maximum				X	X	X				X		X					X	X				X		X
	½ acre+: 10 max	X	X	X																					
	Less than ½ acre: 100 Maximum							X	X	X															
	½ acre+ 25 max by ZAP	X	X	X																					
	100 max by ZAP				X	X	X																		X
Chinchillas (*See Note 5*)	MUP required												X												
(c) Large Animal Raising (Other than horsekeeping)	4 acres + permitted															X								X	
	8 acres + permitted							X	X	X															
	2 animals plus 1 per ½ acre over 1 acre				X	X	X																		X

ANIMAL USE TYPE (*See Note 4*)	Restrictions and Density Range	DESIGNATOR																							
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
(*See Note 2*)	4 animals plus 4 for each ½ acre over ½ acre							X	X	X															
	1 ½ acres or less: 2 animals											X	X	X	X	X								X	
	1 ½ to 4 acres: 1 per ½ acre											X	X	X	X	X								X	
	4 acres+, 8 animals + 1 animal per 1 acre over 4 acres											X	X	X	X										
	2 animals										X						X	X	X				X		X
	4 acres plus by MUP											X			X										
	½ acre plus 2 animals per ½ acre by ZAP	X	X	X																					X
	Grazing Only																			X	X				
(d) Horse keeping (other than Animal Sales and Services: Horse Stables)	Permitted							X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X
	2 horses + 1 per ½ acre over 1 acre				X	X	X																		
	ZAP required				X	X	X																		
	½ acre plus by ZAP	X	X	X																					
(e) Specialty Animal Raising: Bees (*See Title 6, Division 2, Chapter 9, County Code*)	Permitted				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(See Note 7)	ZAP Required	X	X	X																					
(f) Specialty Animal Raising: Wild or Undomesticated (*See Note 3*)	ZAP Required				X	X	X	X	X	X			X	X	X	X	X			X	X	X		X	
(g) Specialty Animal Raising: Other (Excluding Birds)	25 maximum				X	X	X				X	X	X				X	X	X	X	X		X		X
	25 maximum by ZAP	X	X	X																					
	25 plus by ZAP				X	X	X				X	X	X	X			X			X	X	X	X		X
	Permitted							X	X	X					X	X								X	
(h) Specialty Animal Raising: Birds	25 maximum				X	X	X						X					X	X	X	X	X			
	100 maximum							X	X	X	X	X					X						X		
	Additional by ZAP	X	X	X				X	X	X	X	X	X				X					X	X		
	Permitted													X	X	X								X	X
(i) Racing Pigeons	100 Maximum										X	X											X		
	100 Max 1/acre plus																	X							
	Permitted												X	X	X	X	X							X	X
ANIMAL ENCLOSURE SETBACKS (*See Section 3112*)																									
Most Restrictive		X			X			X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Moderate			X			X			X																
Least Restrictive				X			X			X															X

MUP = Major Use Permit + = plus ZAP = Minor Use Permit

Notes:

1. Dogs and cats not constituting a kennel and up to two pot-belly pigs are accessory uses subject to the Accessory Use Regulations commencing at Section 6150 and are not subject to the animal enclosure setbacks.
2. On land subject to the "S" and "T" Animal Designators, grazing of horses, bovine animals and sheep permitted provided no buildings, structure, pen or corral shall be designated or used for housing or concentrated feeding of animals, and the number of such animals shall not exceed 1 animal per ½ acre of land.
3. One wild or undomesticated animal, kept or maintained in conformance with State and local requirements, is an accessory use subject to the Accessory Use Regulations commencing at Section 6150, and is not subject to the Animal Schedule. (Amended by Ordinance Number 7432 (N.S.) adopted January 6, 1988.)
4. The Animal Schedule does not apply to small animals, specialty animals, dogs or cats which are kept for sale in zones where the Retail Sales, General Use type is permitted provided that all activities are conducted entirely within an enclosed building, the building is completely soundproof, there are no outside runs or cages, no boarding of animals, no outside trash containers and no offensive odors.
5. Chinchillas are considered small animals except that a MUP may be approved for more than 25 chinchillas on property with the "L" Designator.
6. The number of animals allowed is per legal lot. This number shall not apply to the keeping of earthworms.
7. Beekeeping must be located at least 600 feet from any habitable dwelling unit, other than such dwelling unit owned by the person owning the apiary.
8. Additional regulations are applicable to the keeping of roosters, see County Code Section 62.690 et seq.

Section 17. Section 3112 of the Zoning Ordinance is amended to read as follows:

3112 ANIMAL ENCLOSURE SETBACK TABLE.
Notwithstanding the provisions of an applicable setback designator, enclosures containing the animal-related use types listed in Section 3110 shall have the minimum setbacks specified in the Animal Enclosure Setback Table. The Animal Enclosure Setback Table is incorporated into this section, and all references to this section shall include references to it. Animals subject to the Animal Setback Table must be confined within the appropriate enclosure.

ANIMAL ENCLOSURE LOCATION	ANIMAL ENCLOSURE SETBACKS (a)		
	MOST RESTRICTIVE (b)	MODERATE (b)	LEAST RESTRICTIVE (b)
Distance from Street Center Line	Same as for main building(c)	Same as for main building	Zero (0) feet (from street line)
Distance from Interior Side Lot Line	15 feet	Five (5) feet	Zero (0) feet for open enclosure. Five (5) feet for roofed enclosure.
Distance from Rear Lot Line	10 feet	Zero (0) feet for open enclosure. Five (5) feet for roofed enclosure.	Zero (0) feet

NOTES:

a. Animal enclosure includes pens, coops, aviaries, hutches, stables, barns, corrals, and similar structures used for the keeping of poultry or animals. See County Code Section 62.692 (b) for additional enclosure setback requirements for the keeping of roosters.

b. A fenced pasture containing a minimum of 2 acres, with no building used for human habitation and having no interior cross-fencing, is exempt from the animal enclosure setback requirements.

c. Refer to applicable setback designator and setback schedule at Section 4810.

Section 18. Section 3114 of the Zoning Ordinance is amended to read as follows:

3114 KENNELS.
In addition to the regulations contained in the Animal Enclosure Setback Table, Section 3112, all kennels shall be subject to the following regulations:

1. Restrictions On Use:

   a. The premises shall be kept in a clean and sanitary manner by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease or offensive odor.

   b. Kennels shall conform to all the regulations contained in the County Code related to kennels, including but not limited to ~~Division 6, Sections 36.401 - 36.414 of the County Code (~~Noise Abatement and Control~~)~~, Animal Control and Permit Fees and Procedures.

   c. Animal odors shall not be detectable beyond the lot lines of the property wherein the kennel is located.

   d. Dust and drainage from the kennel enclosure shall not create a nuisance or a hazard to adjoining property or uses.

   e. The kennel enclosure shall be screened by a nontransparent fence of a minimum six feet in height.

   f. Grooming services for the animals being boarded may be allowed as an incidental use provided the grooming services are conducted indoors and the grooming area is limited to 500 square feet in area.

2. Additional Setback Requirements:

   a. Notwithstanding the provisions of Section 3112 of this Ordinance, no kennel located on property with Animal Schedule Designators (see Section 3100) "L", "M", "N", "V", "W" shall be erected and maintained:

      1. Within 50 feet of any interior side lot line.

      2. Within 25 feet of any rear lot line; provided, however, where the rear lot line is parallel with and contiguous to an alley, such structures may be erected, placed or maintained up to such rear lot line.

   b. A kennel located on property with the Animal Schedule Designators (see Section 3100) "O", "R", and "T" shall comply with the provisions of Section 3112; provided,

however, that where a kennel in said designator abuts a residential use regulation, setbacks shall be maintained in accordance with subsection 2a.1 and 2a.2 above.

Section 19. Section 4505 of the Zoning Ordinance is amended to read as follows:

4505 FLOOR-AREA RATIO DESIGNATOR NOTATION.
Floor-area ratio shall be indicated by an Arabic numeral indicating the actual maximum permitted floor-area ratio. A dash ("-") shall indicate that floor-area ratio is not regulated by this ordinance except as may otherwise be limited by required setbacks and height restrictions. However, a floor-area ratio pursuant to the Land Use Element of the General Plan may be applicable to a property.

Section 20. Section 4615 of the Zoning Ordinance is amended to read as follows:

4615 ADDITIONAL STORY PERMITTED.

a. Where the average slope of a lot is greater than one foot rise or fall in 7 feet in the area of the lot bounded by a line drawn 5 feet outside the building perimeter or, where closer, along property lines, an additional story may be permitted in a residential building which is located on the downhill side of a street, provided that in no case shall such a building have a height measured in feet greater than that permitted by the applicable height designator. Basements or cellars within such buildings will only be permitted if the grade elevation at all points adjacent to the basement perimeter is not more than 2 feet below the finished floor elevation directly above. This subsection (a) shall not apply to through lots or corner lots.

b. An additional story may be permitted in a main dwelling with a primary residential use upon issuance of an Administrative Permit, provided that in no case shall the main dwelling have a height measured in feet greater than that permitted by the applicable height designator. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice of the administrative permit application shall be ~~given to all property owners within a distance of 300 feet from the applicant's property.~~ provided pursuant to Section 7060.c. The Director may approve said administrative permit provided the following findings are made:

1. The additional story will be in harmony with scale and bulk of dwellings on adjacent properties in the same zone, and will be compatible with the existing neighborhood character in the vicinity of the property; and

2. The additional story will not create a safety hazard, obstruct, interrupt or detract from existing views or be detrimental to surrounding properties in the same zone.

This subsection (b) shall not apply to basements proposed or existing within the main dwelling as basements are not considered a story.

Section 21. Section 4630 of the Zoning Ordinance is amended to read as follows:

4630 HEIGHT OF FENCES.
The height of fences shall be regulated by the Fencing and ~~Landscaping~~ Screening Regulations commencing at Section 6700.

Section 22. Section 5205 of the Zoning Ordinance is amended to read as follows:

5205 SITE PLAN REQUIRED.
No permit of any type shall be issued for any development, nor shall any outdoor commercial or industrial use be established, in areas subject to the Scenic Area Regulations until a Site Plan has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150 unless a ~~waiver~~Site Plan permit exemption is granted pursuant to section 5214. The following projects are exempt from the Site Plan requirements of the Scenic Area Regulations:

a. A one or two family dwelling on a single lot.

b. Attached accessory structures associated with a. above.

c. Detached accessory structures associated with a. above which are both 1,000 square feet or less in area and 12 feet or less in height.

d. Alterations to the interior of a structure which are not visible from the outside provided that there is no change in use.

e. Electrical, gas or other utility improvements where no associated discretionary permits are required, provided that any visible portion of such improvement does not exceed 24 inches in any dimension. The Director may require the applicant to submit an affidavit stating that the proposed utility improvement will not serve a use other than those uses presently occurring legally on the site.

f. Temporary improvements associated with construction activities authorized by building permit. Said improvements shall include, but not be limited to, trailers, fences, and signs which do not require discretionary approval by other applicable sections of The Zoning Ordinance.

g. Temporary special purpose off-premise signs pursuant to Section 6207.

h. Exterior alteration or new construction not otherwise exempt under this section, which is not visible from any street, excluding alleys, within the designated scenic area. Eliminating said visibility through screening techniques such as landscape, walls, fences or grading shall not qualify such exterior alterations or new construction for this exemption. The Director shall determine if a project meets this exemption standard and may require any necessary information including drawings, photographs and/or other graphic exhibits.

i. Small antennas (i.e., satellite earth station receiving antennas or similar antennas for video programming and television signals) exempted by Federal Communications Commission rules from local design review regulations. This exemption applies to antennas that are one meter (39 inches) or less in diameter or diagonal measurement.

Such antennas mounted on masts exceeding 12 feet in height are not included in this exemption.

Any decision by the Director to exempt a project pursuant to this section shall be final.

Section 23. Section 5214 of the Zoning Ordinance is amended to read as follows:

5214 ~~WAIVER OF A~~ SITE PLAN PERMIT EXEMPTION
An exemption from the requirement to process a~~The~~ Site Plan permit ~~requirement of~~ pursuant to this section may be ~~waived~~granted by the Director under either of the following circumstances:

a. If it is determined, based upon substantial evidence, that the proposed project is not visible from any scenic highway corridors designated by the San Diego County General Plan, critical viewshed and prime viewshed areas as designated on the Local Coastal Program Land Use Plan, and from any areas adjacent to significant recreational, historic or scenic resources, including but not limited to Federal and State parks and if it is determined that the Site Plan review process would not materially contribute to the attainment of the stated purpose or objectives of the Scenic Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such ~~a waiver of~~ a Site Plan permit exemption, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. ~~Waiver~~Site Plan permit exemption requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation.

b. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

No building permit or grading permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the Scenic Area Regulations to the subject property shall be permitted without prior recommendation of the appropriate Community Planning or Sponsor Group.

Section 24. Section 5250 of the Zoning Ordinance is amended to read as follows:

AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS

5250 TITLE AND PURPOSE.
The provisions of Section 5250 through Section 5270, inclusive, shall be known as the Airport Land Use Compatibility Plan Area Regulations. The purpose of these provisions is to regulate land uses within portions of the unincorporated territory of the County of San Diego located in Airport Influence Areas (AIAs) surrounding airports for which the San Diego County Regional

Airport Authority (Authority) has adopted Airport Land Use Compatibility Plans (ALUCP or ALUCPs).

Section 25. Section 5257 is added to the Zoning Ordinance to read as follows:

5257 AIRPORT OVERFLIGHT NOTIFICATION REQUIREMENTS
All owners of properties within an Airport Overflight Notification Area, as shown on an adopted ALUCP, shall record an Overflight Agreement prior to issuance of a building permit for any new residential development, including new single-family dwellings, duplexes, multi-family dwellings and second dwelling units. Note: not all properties within an Airport Influence Area (AIA) are within an Airport Overflight Notification Area.

Section 26. Section 5304 of the Zoning Ordinance is amended to read as follows:

5304 CONTENT OF SITE PLAN
The Site Plan shall include such maps, plans, drawings and sketches as are necessary to show:

a. The placement and size of all existing and proposed buildings and structures located on the development site;

b. The dimensions of the following: exterior boundary, structures, setbacks of structures to property lines and between structures, parking areas and driveways;

c. The existing vegetation to be removed or retained and all proposed landscaping. Any existing non-agricultural trees with trunk dimensions of six inches (6") or greater shall be shown, and those that are proposed to be removed shall be labeled;

d. The location and dimensions of existing and proposed ingress and egress points, interior road and pedestrian walkways, parking and storage areas, contiguous streets and all easements;

e. The location of the 100 year floodplain ~~using the~~as shown on both Department of Public Works 100 year Floodplain Maps and FEMA Flood Insurance Rate Maps;

f. The location of any natural drainage (including intermittent streams) and any proposed drainage systems;

g. All preliminary grading, including incidental grading related to site preparation; and

h. The slope categories for the entire property in acres, based on a slope analysis prepared pursuant to Section 5305.

Section 27. Section 5307 of the Zoning Ordinance is amended to read as follows:

5307 USE REGULATIONS AND DEVELOPMENT STANDARDS

In addition to any applicable use regulations, development standards and review criteria contained in The Zoning Ordinance or other County ordinances, the following regulations shall apply to development subject to the Sensitive Resource Area Regulations:

[a. no changes]

b. Floodway. The development of permanent structures for human habitation or as a place of work shall not be permitted in a floodway.

1. In the floodway, permitted uses shall be limited to:

i. 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; and

ii. Mineral extraction subject to an approved major use permit and reclamation plan, provided that mitigation measures were required which produce any net gain in functional wetlands and riparian habitat, and that the reclamation plan restores the site to its natural state, which would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction.

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

i. 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 enactment of this ordinance shall not be the basis for permitting such channels.

ii. 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.

iii. In high velocity streams where it is necessary to protect existing houses or other structures, minimize stream scour, or avoid 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.

c. Floodplain Fringe. All uses permitted by zoning and those that are allowable in the floodway are allowed in the floodplain fringe. Prior to granting a site plan required by this section for development, including permanent structures, grading, fill, deposit of soil or other material, or removal of natural vegetation within a 100-year floodplain fringe, all of the following criteria shall be met:

1. Fill shall be limited to that necessary to elevate the structure above the elevation of the floodway and to permit minimal functional use of the structure (e.g., fill for

access ramps and drainage). If fill is placed in the floodplain fringe, the new bank of the creek shall be landscaped to blend with the natural vegetation of the stream and enhance the natural edge of the stream.

2. Any development below the elevation of the 100-year flood shall be capable of withstanding periodic flooding.

3. The design of the development incorporates the findings and recommendations of a site-specific hydrologic study to assure that the development (a) will not cause significant adverse water quality impacts related to quality or quantity of flow or increase in peak flow to downstream wetlands, lagoons and other sensitive habitat lands; and (b) neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands, lagoons, or other sensitive habitat lands.

4. The proposed development shall be set back from the floodway boundary a distance equal to 15 percent of the floodway width (but not to exceed 100 feet) in order to leave an appropriate buffer area adjacent to the floodway. The setback may be greater if required by Paragraph 5.

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

   i. Practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Ordinance would result from application of the setback; and

   ii. The reduction in setback will not increase flood-flows, siltation and/or erosion, or reduce long term protection of the floodway, to a greater extent than if the required setback were maintained; and

   iii. The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity; and

   iv. The reduction in setback will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity in which the property is located; and

   v. The reduction in setback will not be incompatible with the San Diego County General Plan.

5. In areas where the Director of Public Works has determined that the potential for erosion or sedimentation in the floodplain is significant, all proposed development shall be set back from the floodway so that it is outside the Erosion/Sedimentation Hazard Area shown on County Floodplain Maps. Development will be allowed in the Erosion/Sedimentation Hazard Area only when the Director of Public Works approves a special study demonstrating that adequate protection can be achieved in a manner that is compatible with the natural characteristics of the river.

6. Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain.

7. If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, sensitive habitat lands or significant prehistoric or historic site lands, the use restrictions herein applicable to such areas shall also apply.

[d. through f. no changes]

Section 28. Section 5710 of the Zoning Ordinance is amended to read as follows:

5710 ~~WAIVER OF~~ SITE PLAN PERMIT EXEMPTION- HISTORIC/ARCHAEOLOGICAL LANDMARKS AND DISTRICTS.

An exemption from the requirement to process a~~The~~ Site Plan permit ~~requirement of~~ pursuant to Sections 5709, 5721 or 5724 may be ~~waived~~granted by the Director under either of the following circumstances:

a. If it is determined that the nature of the proposed project is such that subjecting it to the Site Plan review process would not materially contribute to district or landmark preservation objectives. In making a decision on such ~~a waiver of~~ a Site Plan permit exemption due consideration shall be given to the recommendation of the applicable Historic District Review Board or the San Diego County Historic Site Board or both, as is specified in Section 5745. Such recommendation shall be in writing, signed by the Chairperson of said Advisory Board, and shall be accompanied by a copy of the project plans upon which the recommendation was based. ~~Waiver~~Site Plan permit exemption requests shall be transmitted by the applicant to the Advisory Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Advisory Board within 45 days following the Advisory Board's receipt of the request, the Director may make a decision without the Advisory Board's recommendation.

b. If all of the purposes and requirements of the ~~s~~Site ~~p~~Plan have been or will be fulfilled by another required discretionary permit which has been or will be reviewed by the Historic Site Board or other applicable Historic District Board.

No building, grading or clearing permit shall be issued for a project for which the ~~s~~Site ~~p~~Plan permit exemption ~~requirement~~ has been ~~waived~~granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to historic and/or archaeological preservation, such as materials, colors, architectural details, grading, excavation, paving, landscaping, and site design, shall be permitted without prior recommendation of the appropriate Board and approval of the Director.

Section 29. Section 5757 of the Zoning Ordinance is amended to read as follows:

5757 ~~WAIVER OF~~ SITE PLAN PERMIT EXEMPTION - COMMUNITY DESIGN REVIEW.

An exemption from t~~T~~he Site Plan Permit requirement of Section 5756 may be ~~waived~~granted by the Director under either of the following circumstances:

a. If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the community design objectives and guidelines as set forth in the applicable Design Guidelines Manual or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such ~~a waiver of~~ a Site Plan permit exemption due consideration shall be given to the recommendation of the applicable Community Design Review Board. Such recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign ~~waiver recommendations~~Site Plan permit exemption requests, and shall be accompanied by a copy of the project plans upon which the recommendation was based. ~~Waiver~~Site Plan permit exemption requests shall be transmitted by the Director to the Review Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation. Notwithstanding the above, the Review Board may recommend ~~waiver~~a Site Plan permit exemption of entire classes of projects, in which case the Director may ~~waive~~exempt projects within these classes without obtaining recommendations from the Review Board on each individual case.

b. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to the Design Guidelines, such as materials, colors, architectural details, landscaping, and site design, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

Section 30. Section 5799 of the Zoning Ordinance is amended to read as follows:

5799 COMMUNITY DESIGN REVIEW AREAS.

a. Applicability. The requirements of Section 5750 through 5799, inclusive, apply to the areas that are designated Design Review Areas (Special Area Designator "B"), and to that property within the community of Fallbrook to which the Village 1 (V1), Village 2 (V2), Village 3 (V3), Village 4 (V4), or Village 5 (V5) Zone has been applied. (see Section 8000)

b. Design Criteria. Site Plan~~s~~ permits and concurrent applications shall conform to criteria set forth in the applicable Design Guidelines Manual approved by the Board of Supervisors.

c. Design Review Boards. Site Plan~~s~~ permits concerning property within designated Design Review Areas shall be referred to the Community's Design Review Board for recommendation ~~pursuant to Section 5766~~, if such a board exists for the area. The Design Review Board shall advise the Director as to the ~~s~~Site ~~p~~Plan~~'s~~ permit's

conformance with the Community's Design Guidelines Manual. The Review Board's evaluation shall be limited to the design guidelines set forth in the manual, and the Review Board shall cite the specific guideline(s) in instances where a project may be inconsistent with the adopted design manual. The Director may consider the input of the applicable planning or sponsor group in areas where no design review board exists.

Section 31. Section 5905 of the Zoning Ordinance is amended to read as follows:

5905 SITE PLAN PERMIT REQUIRED.

a. No permit of any type shall be issued for any development in areas subject to the Design Review Area Regulations until a Site Plan permit has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150. A Site Plan permit is not required if the Director determines that the proposed project is of such type or character that the stated objectives or review criteria contained in the ordinance applying the design review designator would not be applicable to the proposed project. A Site Plan permit is also not required if said ordinance applying the design review designator specifically ~~waives or~~ exempts the Site Plan permit requirement for the proposed project, and such an ordinance ~~waiver or~~ exemption shall be final.

b. The Site Plan permit shall not be required to contain more information than required to satisfy the stated concerns of the Board of Supervisors at the time the design review area designator was applied.

c. An exemption from the requirement to process a~~The~~ Site Plan permit ~~requirement of~~ pursuant to this section may be ~~waived~~granted by the Director under either of the following circumstances:

1. If it is determined that the nature of the proposed project is such that subjecting it to the Site Plan permit review process would not materially contribute to the attainment of the stated purpose or objectives of the ordinance which applied the Design Review Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan permit have been fulfilled by an existing approved discretionary permit. In making a decision on such a ~~waiver of a~~ Site Plan permit exemption, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. ~~Waiver~~Site Plan permit exemption requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation. Notwithstanding the above, the Community Planning or Sponsor Group may recommend ~~waiver~~a Site Plan permit exemption of entire classes of projects, in which case the Director may ~~waive~~grant an exemption for projects within these classes without obtaining recommendations from the Planning or Sponsor Group on each individual case.

2. If all of the purposes and requirements of the Site Plan permit will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

No building permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the ordinance which applied the Design Review Area Regulations to the subject property shall be permitted without prior recommendation of the appropriate Community Planning or Sponsor Group.

Section 32. Section 6106 of the Zoning Ordinance is amended to read as follows:

6106 CIRCUS, CARNIVAL, OR OTHER OUTDOOR ENTERTAINMENT EVENT.
The temporary gathering of people for a circus, carnival, or other outdoor entertainment event may be permitted by the Sheriff pursuant to Title 2, Division 1, Chapter 8 and Chapter 24 of the County Code through the issuance of a license pursuant to the Uniform Licensing Procedure of the County Code and in compliance with the following provisions:

a. Location. A circus, carnival or other outdoor entertainment event may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations. Notwithstanding this subsection, a circus, carnival or other public outdoor assembly event may be permitted in any zone, including the RS, RD, RM and RV Use Regulations on properties with a valid Major Use Permit subject to the requirements of this section.

b. Duration. The period of operation of the circus, carnival or other outdoor entertainment event shall not exceed five consecutive days, no more than six events per year on the same property. There shall be a minimum of 14 consecutive days between events. Events exceeding these limitations shall be considered Participant Sport and Recreation Use type.

c. Noticed Hearing Not Required. The Sheriff may issue a license pursuant to this section without notice or public hearing.

d. Community Events pursuant to Title 2, Division 1, Chapter 2 of the County Code shall be under the authority of the Department of Environmental Health. Community Events may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations and are permitted on properties with a valid Major Use Permit subject to the Department of Environmental Health requirements.

Section 33. Section 6108 of the Zoning Ordinance is amended to read as follows:

6108 CIVIC, FRATERNAL OR RELIGIOUS ASSEMBLY.
The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization may be permitted in compliance with the following provisions:

a. Location. An assembly may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.

b. Duration. The period of operation of the assembly shall not exceed 8 consecutive days. There shall be a minimum of 14 consecutive days between events.

c. Recurrence. Events recurring more than four times in a calendar year are not considered temporary.

Section 34. Section 6116 of the Zoning Ordinance is amended to read as follows:

6116 USES IN NEW SUBDIVISIONS.
Certain temporary uses as specified herein may be established within a subdivision for which a final map has been recorded, or in a proposed subdivision for which a tentative map has been approved and a final map thereof filed for approval by the Director of Public Works; or in conjunction with an individual multiple dwelling or multiple dwelling complex; solely for the marketing of dwellings, and/or lots, in the same residential development.

a. Permitted Uses. The following temporary uses may be permitted in conformance with the following standards:

1. Model homes in a number not to exceed that necessary to provide one example of each dwelling type being offered in the residential development. Reversed floor plans and exterior facade variations will not be considered as separate dwelling types. Each model home shall be erected on an individual site which conforms to a lot shown on the recorded final map or on the final map filed for approval with the Director of Public Works; meet all setback requirements of the applicable zone or, in the case of provisional reclassification, of the zone to which the property has been provisionally reclassified; and qualify in all respects for sale and residential occupancy upon termination of its use as a model home.

2. Real estate sales office facilities for the purpose of promoting the sale or rental of dwellings and/or lots, which are located only within the same residential development or proposed subdivision. The foregoing provisions of this section notwithstanding, a temporary real estate sales office facility may be located adjacent to the residential development to which it is incidental in compliance with all other provisions of this section.

3. Off-street parking facilities.

4. Children's play areas, landscaping and landscape features such as walkways, pools, benches, walls, fencing, and similar appurtenant features of a noncommercial nature.

NOTE: See Section 6268 (c.2. & e.) for related temporary on-site signage allowances and requirements, and ~~Section 6717 (c.) for water management plan requirements~~ County Code Section 86.701 et seq. for Water Conservation in Landscaping.

b. No use authorized by this section will be located, installed or operated in a manner that will have an unnecessarily adverse effect on the use and enjoyment of any property on which an occupied dwelling is located, or may be located during the duration of such authorized use.

c. Building Permits. Prior to the issuance of building permits for the temporary uses in "a" above, the following conditions shall be met:

1. When the residential development for which such temporary uses are to be constructed would constitute a subdivision, a tentative subdivision map must be approved and the final map thereof recorded; or if a final map has not been recorded, a final map must be filed with the Director of Public Works for approval and approved by said Director as to conformance to the tentative subdivision map and mathematical accuracy.

2. Appropriate zoning must be in effect for the property encompassed by the subdivision or proposed subdivision or other residential development, to accommodate the lot sizes shown on the final map and the proposed uses thereof; provided, however, that where subject property has been provisionally reclassified, lot sizes and proposed uses may conform to the zone to which such property has been provisionally reclassified.

3. Necessary sanitary facilities must be provided as required by the Director of Environmental Health.

4. The property owners shall execute and file with the County and acknowledged agreement (notarized) assuming all risks inherent in construction prior to recordation of a final map and agreeing to abide by all conditions set forth in this Section prior to the sale of any model home; further agreeing that all temporary uses permitted by this section shall be terminated not later than 30 months after issuance of building permits therefore, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said 30 months, and within 30 days of the expiration of said 30 months or extension thereof, all temporary uses and related improvements other than model homes, shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including reconversion of any garage to a condition suitable for the storage of private vehicles or the provision by other means of required off-street parking spaces. In the case where the final subdivision map has not been recorded, the property owner shall further agree that in the event of a final map which includes the property whereon uses authorized by this section are located is not recorded prior to expiration of the Tentative Map, all uses and related improvements, including model homes, shall be completely removed from the premises and the site restored to a clean and safe condition within 90 days from the date of expiration of the Tentative Map. Each agreement shall also contain a statement signed by the property owner agreeing that if all uses and related improvements are not removed as herein required, they may be removed or demolished, and the site restored by the County without further notice. Prior to the erection of any model home, the property owner shall post with the Director a bond in an amount satisfactory to the Director sufficient to defray any expense incurred by the County in either the restoration or conversion of the model homes to a condition suitable for sale for residential occupancy, or in the complete removal or demolition of said uses and improvements and site restoration. The bond shall be released to the property owner or person legally entitled thereto upon satisfactory removal or conversion of the concerned facilities.

Section 35. Section 6118 of the Zoning Ordinance is amended to read as follows:

6118 USE OF A TRAILER COACH.
The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

a. Business Uses.

1. Business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the State or a public agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.

2. Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.

3. Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently ~~prosecuted~~pursued.

4. Construction office on or adjacent to any site on which a building or construction project is being diligently ~~prosecuted~~pursued; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.

5. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.

6. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.

7. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.

8. Government service uses in accordance with the provisions of Section 6120.

b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.

2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent

dwelling-provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.

3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require physical care.

   The following are requirements for health care trailer approval:

   a) The health care unit shall be a trailer or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls

   b) The trailer shall meet main building setbacks.

   c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible.

   d) Prior to issuance of a building permit for a health care trailer a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually.

   e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a $1,000 fine per day or six months jail sentence or both.

   f) ~~The applicant shall furnish security in the amount of $1,000 in a form satisfactory to the Director for health care trailers exceeding 320 square feet.~~

   ~~g)~~ If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of <u>any previously furnished</u> deposit shall be refunded or security released.

4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently ~~prosecuted~~<u>pursued</u> and for which security personnel are employed.

5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which

security personnel are employed pending construction of permanent dwelling facilities for such security personnel.

6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock rushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.

7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of an officially declared disaster or emergency relating to fire, wind, flood, earthquake or other similar circumstance. An emergency temporary occupancy permit (ETOP) for such a temporary dwelling shall expire at such time as a building permit for the repair or replacement of the principal dwelling has been issued (at which time the ETOP shall be converted to a temporary occupancy permit (TOP) pursuant to subsection b.2), or one year after the declaration date of the event causing the damage or destruction of the principal dwelling, whichever is earlier.

   Prior to the expiration of the ETOP, the Director may grant one or more extensions of up to one year each upon making all of the following findings:

   a) That the granting of the extension will not be detrimental to the public health, safety and welfare;

   b) That there is a special circumstance or a hardship to the displaced residents;

   c) That the special circumstance or hardship is not the result of the residents own actions.

c. Termination of Use.

   1. When use of a trailer coach is related to a use authorized by a use permit or Administrative Permit, occupancy or use of the trailer coach shall terminate with the expiration, abandonment or revocation of the related use permit and thereafter said trailer coach shall be removed from subject property.

   2. When use of a trailer coach is related to the construction of a related permanent facility, occupancy or use of the trailer coach shall terminate upon completion of construction of the permanent facility and thereafter said trailer coach shall be removed from subject property.

d. Compliance with County Code. The use and occupancy of any trailer coach shall comply with the provisions of Chapter 2, of Division 5, Title 5, of the County Code or Regulatory Ordinances relating to trailer coaches.

Section 36. Section 6123 of the Zoning Ordinance is amended to read as follows:

6123 METEOROLOGICAL TESTING FACILITY

The temporary use of a Meteorological Testing (MET) Facility is permitted if the following requirements are met:

a. An Administrative Permit must be obtained in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:

1. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

i. Harmony in scale, bulk, coverage and density;

ii. The availability of public facilities, services and utilities;

iii. The harmful effect, if any, upon desirable neighborhood character;

iv. The generation of traffic and the capacity and physical character of surrounding streets;

v. The suitability of the site for the type and intensity of use or development which is proposed; and to

vi. Any other relevant impact of the proposed use; and

2. That the impacts, as described in paragraph "a.1." of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and

3. That the requirements of the California Environmental Quality Act have been complied with; and

4. That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the MET Facility is authorized to use the property for a MET Facility, unless the operator owns the land upon which the MET Facility will be located.

b. Location. A MET Facility is prohibited on property subject to the S81 Use Regulations.

c. Notification. Notice shall be ~~given to owners of property within 300 feet of the exterior boundaries of the property where the MET Facility is located and a minimum of 20 different owners shall be notified~~ provided pursuant to Section 7060c.

d. Setback. The MET Facility shall be set back from property lines and roads the height of the tower or other tallest piece of equipment extended above the ground. The MET Facility shall meet the applicable setback requirements of the zone. The setback requirements of the zone shall apply to all components of the MET Facility

including, but not limited to, a tower, guy wires, guy wire anchors and any other necessary equipment.

e. Minimum Spacing. The MET Facility shall be spaced at least 500 feet apart from any other MET Facility.

f. Area of Disturbance. The MET Facility shall not disturb an area more than is necessary for the base of a tower, the guy wire anchors, other authorized equipment for the Facility and/or an access road. The equipment may include sonar equipment. It is preferred that the Facility be located as close as possible to an existing access road. The area of disturbance shall be clearly shown on the plans.

g. Size. The MET Facility is allowed one temporary structure other than a tower or a sonar equipment trailer. The temporary structure is limited to a size of 120 square feet and may be used for storage of equipment for the MET Facility.

h. Illumination. There shall be no outdoor light emissions associated with a MET Facility except as required by the Director, the Federal Aviation Administration or other government agency.

i. Height. The MET Facility shall be less than 200 feet in height.

j. Duration. The period of operation of the MET Facility shall not exceed three years from the date of approval of the Administrative Permit unless the Director grants an extension. The MET Facility shall be removed within 30 days of the expiration date of the permit. The Director may grant an extension of time upon the applicant submitting written justification for the continued use of the facility and filing for a modification pursuant to Section 7072. A time extension is no longer needed if the MET Facility is approved by a Use Permit. Once the MET Facility is a part of an approved Use Permit it is no longer considered a Temporary Use.

k. Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the MET Facility. The security shall be provided to DPLU prior to building permit issuance. Once the MET Facility has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the MET Facility.

Section 37. Section 6124 of the Zoning Ordinance is amended to read as follows:

6124 TEMPORARY OUTDOOR SALES.
Temporary outdoor sales, incidental to the existing commercial uses on the site, may be allowed in compliance with all of the following provisions:

a. Seasonal sales of pumpkins or Christmas trees. The establishment of a temporary sales lot for the seasonal sale of pumpkins or Christmas trees associated with a recognized holiday is allowed subject to all of the following:

1. Location. The sales lot area shall be located on a paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, C42, M52, M54, M58 Use Regulations, or in designated commercial developments in planned developments or specific plans, unless otherwise prohibited. Sales lots are not allowed on vacant properties.

2. Duration. The period of operation shall be between October 1 and October 31 for the sale of pumpkins and between Thanksgiving and December 26 for Christmas trees. The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the sales event within 10 days after the required end of the sale.

3. Size. The sales lot area shall not exceed 10 percent of the parking area or 10,000 square feet, whichever is less and shall be located most distant from the existing commercial buildings on the property when feasible, to maintain customer parking closest to the buildings. No handicap accessible parking spaces shall be obstructed.

4. Fencing. Temporary fencing up to six feet in height around the sales lot area is allowed, providing the fencing location complies with the Section 6708.

5. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.

6. Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.

7. Site Plan Modification, Minor Deviation or ~~Waiver~~Site Plan Permit Exemption Not Required. For properties that are subject to Sections 5200, 5750, 5800 or 5900, a Site Plan Modification, Minor Deviation or a Site Plan ~~Waiver~~ permit exemption will not be required for temporary outdoor sales that comply with all provisions of this subsection.

8. Additional Limitations.

   a) The seller shall obtain any required licenses or permits from the Sheriff pursuant to the Uniform Licensing Procedure of the County Code.

   b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.

   c) Temporary sanitation facilities shall be provided.

   d) The temporary sales lot area shall not be used for the sale of any merchandise not directly associated with pumpkins or with Christmas trees and holiday decorations.

   e) The sale of food and beverages is prohibited.

This subsection shall not authorize activities otherwise regulated pursuant to Section 6106.

b. Vehicles, Trailers or Boats. The establishment of a temporary sales lot for the sale of motorized vehicles (including new or used automobiles and recreational vehicles), trailers or boats is allowed, subject to all of the following:

1. Location. The sales lot may be located on any paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, M54, M56 and M58 Use Regulations, or in designated commercial developments in planned developments or specific plans where Automotive and Equipment: Sales and Rentals, Light Equipment are a permitted use. Sales lots are not allowed on vacant properties.

2. Duration. The period of operation of the temporary outdoor sales shall not exceed three consecutive days every 3 months, not to exceed 12 days in a calendar year. Facilities for the temporary sale may be set up one day prior to, and taken down one day following, the three day sales period.

3. Size. The sales lot area shall occupy only the parking spaces that are in excess of the minimum number required for the existing uses on the property and shall be located most distant from the existing commercial buildings on the property, when feasible. No handicap accessible parking spaces shall be obstructed.

4. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.

5. Temporary Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.

6. Site Plan Modification or Minor Deviation Required. For properties that are subject to the provisions of Section 7150, a Modification or Minor Deviation to an existing Site Plan will be required for temporary outdoor sales pursuant to this subsection, unless a ~~waiver~~ Site Plan permit exemption is granted pursuant to Section 7156.

7. Additional Limitations.

a) The temporary outdoor sales event shall conform to all applicable provisions of state law, including all requirements of the Department of Motor Vehicles.

b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.

c) Temporary sanitation facilities shall be provided.

d) Sales of vehicle parts or accessories, food and beverages, or any other items are prohibited.

Section 38. Section 6152 of the Zoning Ordinance is amended to read as follows:

6152 ACCESSORY USES ENCOMPASSED BY PRINCIPAL USE.
In addition to the principal uses expressly included in the Use Regulations, each zone subject to such Use Regulations shall be deemed to include such accessory uses which are specifically identified by these Accessory Use Regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Such determinations which are made by the Director shall be subject to the Administrative Appeal Procedure commencing at Section 7200. It shall be unlawful to establish or maintain any accessory use and/or accessory structure on any lot where there is no lawfully established principal use on the same lot.

Section 39. Section 6156 of the Zoning Ordinance is amended to read as follows:

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.
Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses.

1. On lots of less than one acre gross, the total area shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of one acre gross or larger but less than 2 acres, the area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 2 acres or larger but less than 4 acres, the area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 4 acres or larger, the area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

2. If the portion of the structure in which the attached garage or carport is located is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as an integral part of the principal residence or approved habitable use such as guest living quarters.

3. Additional area may be permitted by issuance of an Administrative Permit with notice ~~to contiguous property owners~~provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6.

4. For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including a Second Dwelling Unit pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.

[b. through f. no changes]

g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses (non business or non agricultural purposes). Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The combined area of all such structures, together with the structures authorized by paragraph b above, shall be limited as follows:

1. On lots of less than one acre gross, the combined area of all such structures shall not exceed 1,000 sq. ft. or 25% of the living area of the principal residence, whichever is greater. (Note that detached accessory structures which exceed 120 sq. ft. are subject to setbacks specified in Section 4842.)

2. Provided a setback pursuant to Section 4842 is maintained:

   i. On lots of one acre gross or larger but less than 2 acres, the combined area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater.

   ii. On lots of 2 acres or larger but less than 4 acres, the combined area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater.

   iii. On lots of 4 acres or larger, the combined area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

   Buildings not meeting the setback requirement of Section 4842 are limited to a combined area of 1000 square feet.

3. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters.

4. Additional area, height and story may be permitted by issuance of an Administrative Permit with notice ~~to contiguous property owners~~provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator. The Administrative Permit shall not authorize reductions to required setbacks. Reductions to setbacks shall be subject to Section 7100, Variances.

h. Barns and Agricultural Storage Buildings shall be limited as follows:

1. In zones subject to a Residential Use Regulation (except RR Use Regulations requiring a 1 acre or larger lot area), and in the S88 Use Regulations where residential uses occur, a maximum floor area of 450 square feet and one story not to exceed 12 feet in height. Such buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

   Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. When on same lot as a detached private garage, workshop and/or storage building, the combined area of all such structures shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater.

2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.

3. Additional area, height and story may be permitted by issuance of an Administrative Permit, with notice ~~to contiguous property owners~~provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator.

[i. through p. no changes]

q. Roadside Sales of Agricultural Products. Operation of an agricultural stand for the display and sale of agricultural products produced on the premises shall be permitted only as follows:

1. Agricultural stands are permitted only in the RR Use Regulations on lots one acre or larger, and in the A70, A72, S90 and S92 Use Regulations.

2. Said stand shall be located no nearer than 15 feet from the edge of any street or highway right-of-way.

3. Said stand shall be operated by the owner or tenant of the property upon which the stand is located,

4. Agricultural products produced on other premises within the County of San Diego, owned or leased by the same property owner or tenant, may be displayed and sold from said stand.

5. The total roofed area of said stand, including all areas used for display or storage for all products, shall not exceed 300 square feet.

6. No agricultural produce shall be sold from a motorized vehicle.

7. Cold storage shall be allowed only when accessory to the on-site farming operation and used only for storage of crops grown by the person(s) farming the parcel.

8. Incidental sale of items related to the sale or use of agricultural products (not to exceed 10% of the stand area), including horticultural products, may also take place provided any applicable health regulations are complied with.

9. No commodities other than those listed above may be sold from a produce stand <u>except as allowed by Food and Agricultural Code section 47050</u>.

10. A produce stand may sell only those ornamental plants that are grown on the same lot as such stand is located.

[r. through t. no changes]

u. Farm Employee Housing. In the RR, A70, A72, S80, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:

1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.

2. Consideration shall be given to surrounding land uses when determining the location, size and design of Farm Employee Housing.

3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor and shall not be otherwise occupied or rented.

4. If Commercial Agriculture is not in progress at the time of application for an Administrative Permit, the Permit shall be conditioned to require review to ensure that bona-fide commercial agriculture commences within a reasonable time.

5. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months-following the date of occupancy on the building permit issued for the farm employee housing.

6. Contract. For any application for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval issuance of the Administrative Permit, the property owner shall enter into a contract with the

County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.

7. On an annual basis, the property owner must file a certificate with the Director of the Department of Planning and Land Use stating that the commercial agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the certificate will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.

8. Contract. Prior to the issuance of a Building Permit, the property owner shall enter into a contract with the County agreeing to specific terms and conditions limiting farm employee housing to bona-fide farm employees and their families in conjunction with on-going agricultural operations. The form of the contract shall have been approved by the Board of Supervisors.

9. Evidence of Commercial Agriculture. Prior to submittal of the Building Permit application for Farm Employee Housing the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.

10. In the RS, RD, RM, RV, RU, RMH, RRO, RC, C32, C34, C35, C36, C37, C38, C40, C42, C44, C46, M50, M52, M54, M58, S82, S86, and S94 Use Regulations, farm employee housing is allowed upon issuance of an Administrative Permit, provided that it complies with the provisions of 6156 u. 1 through 8, and before an Administrative Permit may be granted or modified, it shall be found:

    a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

        1) Harmony in scale, bulk and coverage;

        2) The availability of public facilities, services and utilities;

        3) The harmful effect, if any, upon desirable neighborhood character;

        4) The generation of traffic and the capacity and physical character of surrounding streets;

        5) The suitability of the site for the type and intensity of use or development which is proposed; and to

        6) Any other relevant impact of the proposed use.

    b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

c. That the requirements of the California Environmental Quality Act have been complied with.

d. That notice shall be ~~given to owners of property within 300 feet of the exterior boundaries of the legal lot with the proposed farm employee housing and a minimum of 20 different owners~~provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

[v. through w. no changes]

x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is allowed on a legal lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:

1. The second dwelling unit shall be either ~~be~~ attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units or other accessory buildings specified in paragraph 4, 5 or 6 below.

2. Applicable requirements of the building and other codes and of The Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.

3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below. If a legal lot is at least 1 net acre in size and does not contain at least the minimum net area as required by the applicable zoning, a second dwelling unit may be permitted pursuant to paragraph 12 below.

However, if the lot proposed for a second dwelling is groundwater dependent the minimum size must be twice that required by the residential density controls of Section 67.722 A~~.1.~~ of the County Groundwater Ordinance ~~(Ord. 7994 N.S.)~~ unless an exception is granted pursuant to Section 67.750 (c) of that Ordinance.

4. Second dwelling units shall not be allowed on a lot or parcel with a guest living quarter, accessory living quarter, or accessory apartment. Conversion of such quarters into a second dwelling unit is allowed provided all applicable zoning and other code requirements are met, and subject to the following procedures:

i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit (if an Administrative Permit is required to establish the Second Dwelling Unit pursuant to paragraph 12 below) and application for any other applicable permits; or

ii. If no Administrative Permit is required to establish a second dwelling unit, and an Administrative or Minor Use Permit was approved to authorize the accessory unit proposed for conversion to a second dwelling unit, a request to rescind the existing Administrative or Minor Use Permit may be submitted in addition to an application for building permit and any other applicable permits; or

iii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits; or

~~iii~~ iv. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection "4" as if a new second dwelling unit was being proposed.

5. Second dwelling units with a living area exceeding 640 square feet shall comply with the parking requirements for Family Residential under Section 6758. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. A garage or carport attached to the second dwelling unit shall not exceed 480 square feet of gross floor area. Additional garage area attached to the second dwelling unit may be permitted pursuant to paragraph 12 below. No other structures defined by Section 6156.b shall be attached to a second dwelling unit. No other structures defined by Section 6156.h shall be attached to a second dwelling unit unless approved pursuant to paragraph 12 below.

6. The living area of a second dwelling unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12 below. However, a second dwelling unit of up to 400 square feet is permitted (even if that figure exceeds 30 percent of the size of the primary dwelling). No other habitable space shall be attached to a detached second dwelling unit.

7. Applicants are required to provide evidence satisfactory to the Director of the following:

   i. Adequate sewer service or approval by the Department of Environmental Health for use of a septic system;

   ii. Adequate potable water supply; and

   iii. That applicable school district fees have been paid.

8. The architectural design, building materials, colors and, if provided, covered parking shall be substantially the same as those of the primary dwelling. Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application.

9. No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not to be apparent when viewed from the abutting street. Plant materials shall not qualify for shielding purposes.

10. Separate sale or ownership of a second dwelling unit from the primary dwelling located on a single lot is prohibited, unless a subdivision is created pursuant to the County Subdivision Ordinance.

11. Application for and issuance of a discretionary permit for a second dwelling shall be limited to the owner-occupant of the primary dwelling or his/her authorized agent. Owner-occupancy of either the primary dwelling or the second dwelling is required for the duration of the use of the second unit for residential purposes, except both units may be rented or leased for a period of up to one year upon written request to, and approval of, the Director. Said request shall state the change in life circumstances of the owner which necessitates interruption of continuous owner occupancy. Rental or leasing of both units may be extended by the Director for one additional period not exceeding six months upon further request of the owner.

12. a. A second dwelling unit may be authorized upon the issuance of an Administrative Permit with all findings per 12.b. and with notice to property owners per 12.c, below, to allow the following:

i. Location on a legal lot of less than 20,000 square feet in net area, but not less than the minimum net area required by the applicable zoning; or on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.

ii. A living area greater than 30 percent of the living area of the primary dwelling, not to exceed 50 percent thereof or 1,200 square feet, whichever is less.

iii. Conversion to a second dwelling unit of an existing legal accessory living unit, or legalization as a second dwelling unit of an illegal accessory living unit which existed on July 1, 1994, when such existing living unit does not conform to one or more of the following requirements of this subsection x:

- minimum lot size: however, no conversion shall be permitted on a lot of less than the minimum net lot area required by the applicable zoning; except on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.

- maximum living area: however, a maximum living area of greater than 1200 square feet shall not be authorized;

- off-street parking;

- architectural design;

- location of entrance;

- height and/or setback: to the extent that a variance for height or setback was granted in connection with the establishment of a legal accessory living unit that existed on July 1, 1994, said variance shall be valid and applicable to the conversion of such accessory living unit to a second dwelling unit.

No other exceptions to this subsection or other provisions of this Ordinance shall be authorized by the Administrative Permit.

b. Before any Administrative Permit may be granted or modified, it shall be found:

i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

(a). Harmony in scale, bulk, and coverage;

(b). The availability of public facilities, services and utilities;

(c). The harmful effect, if any, upon desirable neighborhood character;

(d). The generation of traffic and the capacity and physical character of surrounding streets;

(e). The suitability of the site for the type and intensity of use or development which is proposed; and to

(f). Any other relevant impact of the proposed use; and

ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

iii. That the requirements of the California Environmental Quality Act have been complied with.

c. Notice shall be ~~given to owners of property within 300 feet of the exterior boundaries of the property proposing the second dwelling unit and a minimum of 20 different owners~~provided pursuant to Section 7060 c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060 d.

13. Prior to issuance of a building permit for a second dwelling unit, the owner of the property upon which the second dwelling unit is to be located shall submit a notarized and recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the Department. Said agreement shall state that the owner understands and will abide by the requirements of this subsection, other applicable provisions of this Ordinance, and that said agreement is binding on all successors in interest to the subject property as long

as the second dwelling unit is used or maintained for use as a separate dwelling unit.

See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:

1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.

2. The plot plan for a family day care home for children shall show sufficient information to determine the following:

   i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.

   ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.

   iii. There exists an adequate area on-site for temporary parking of a least two automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain ~~fee~~ free and clear of parked cars during hours of operation of the large family day care home.

   iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.

3. ~~Owners of property within 300 feet of the exterior boundaries of the proposed large family day care home shall be notified by mail or delivery of the receipt of the application not less than 10 days prior to the date on which the decision will be made.~~Notice shall be provided pursuant to Section 7060 c. Notwithstanding the Administrative Permit Procedures at Section 7060.d, no hearing is required unless requested by the applicant or other affected person.

The applicant or other affected person may appeal the decision as provided by the Administrative Appeal Procedure commencing at Section 7200. The appellant shall pay the cost, if any, of the appeal.

4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.

5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.

6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.

z. Wind Turbine Systems, Small. A small wind turbine system, shall be permitted on a parcel of at least one acre and in compliance with the following conditions:

1. Setback. The system shall be set back from property lines and roads at least two times the height of the wind system (to the top of the blade in vertical position) and shall meet the applicable setback requirements of the zone. No part of the system, including guy wire anchors, shall extend closer than 30 feet to the property boundary. The system must also meet fire setback requirements.

2. Fencing. Public access to the wind turbines shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.

3. Signs. Suitable warning signs containing a telephone number for emergency calls shall face all approaches to the system. Individual signs shall be between 5 and 16 square feet.

4. Noise. The wind turbine shall be operated in such manner that it does not exceed the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).

5. Height. For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. Height of a small wind turbine system shall not exceed 60 feet. <u>For a wind turbine mounted on the roof of a structure, the height calculation shall be the sum of the height of the structure (at the location of the mounting of the turbine) plus the distance from the roof surface where the turbine is mounted to the top of the blade in vertical position.</u>

6. Any non-operational wind turbines shall be removed within 12 months after becoming non-operational.

Any waiver or modification of the above requirements shall be allowed only in accordance with the Variance Procedure commencing at Section 7100.

[aa. no changes]

bb. Host Home. A host home is a permitted accessory use upon issuance of an Administrative Permit.

1. Criteria. An application for a host home permit shall meet all of the following criteria:

   a) A maximum of two bedrooms may be made available for rent.

   b) The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.

   c) One off-street parking space for each room rented shall be provided in addition to the parking required for single-family occupancy.

   d) Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.

   e) Signs shall be limited to one on-premise sign not to exceed two square feet.

   f) An adequate water well and sewage disposal system satisfactory to the County Department of Environmental Health shall be available, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.

   g) The primary access to the host home shall be via a publicly maintained road.

2. Affidavit Required. On a form provided by the Director, the owner shall file an affidavit agreeing to the conditions a. through g. above. The affidavit shall include provisions stating that 1) the owner consents to inspection of the premises by the Code Enforcement Officer in order to verify compliance with said conditions, and 2) that the owner shall furnish a new affidavit to said Enforcement Officer upon request.

3. Notice Required. Notice ~~of an Administrative Permit application~~ shall be ~~given to contiguous property owners or property owners within 300 feet, whichever provision would assure that the greatest number of property owners is noticed~~ provided pursuant to Section 7060 c.

4. Findings Required. The Director may grant the Administrative Permit if the above criteria are complied with, and a finding is made that establishment of the host home will not adversely affect or be materially detrimental to existing neighborhood character, with consideration given to the generation of traffic and the suitability of the site for the type and intensity of the proposed use.

[cc through jj no changes]

kk. Agricultural Tourism. Agricultural Tourism may be allowed as an accessory use to a Commercial Agriculture operation in the RR, A70, A72, S90 and S92 Use Regulations provided the following criteria are met:

1. Allowed activities. U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises.

2. Parking. Adequate off street parking shall be provided to accommodate all employee and customer parking needs on the premises, entirely outside of public rights-of-way other than designated parking spaces. No parking on private roads is allowed.

3. No amplified sound is permitted.

4. Agricultural tourism does not include uses that are otherwise regulated by this Ordinance or for which a temporary special event permit is required by the Department of Environmental Health or Sheriff Department.

[zz. no changes]

Section 40. Section 6158 of the Zoning Ordinance is amended to read as follows:

6158 CIVIC, COMMERCIAL, INDUSTRIAL, OR EXTRACTIVE USE TYPES. Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where the principal civic, commercial, industrial or extractive uses are permitted. As provided for in Section 6152, the Director shall determine whether proposed accessory uses and structures conform to the Accessory Use Regulations, and said determinations are subject to appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

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

a. Outdoor Café Seating and Sidewalk Cafés.

1. Outdoor Café Seating. Outdoor café seating accessory to the Eating and Drinking Establishments use type is permitted in the Fallbrook Village

Regulations, C32, C34, C35, C36, M50 and M52 use regulations, and outdoor café seating accessory to the Food and Beverage Retail Sales use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36 and M50 use regulations, subject to the following conditions:

i. The outdoor seating area shall be limited in size as follows:

(a) In Eating and Drinking Establishments to no more than 200 square feet or 25 percent of the establishment's indoor floor area, whichever is greater.

(b) In Food and Beverage Retail Sales uses (e.g., bakeries, markets, etc.) to no more than 25 percent of the establishment's indoor floor area or 1000 square feet, whichever is less. However, any such Food and Beverage Retail Sales use that otherwise qualifies under Section 6158 a.1. may have an outdoor seating area of 200 square feet.

ii. The outdoor seating area shall be located at least 50 feet from areas zoned with the RS, RR, RMH, or A70 use regulations.

iii. Required zone setbacks shall be observed. Required parking and parking lot landscaping shall be provided for the outdoor seating area.

iv. The outdoor seating area shall not be used as an entertainment area. Sound amplification devices shall be limited to devices that are necessary to provide low-level background music. Noise levels shall comply with the County Noise Ordinance. Any outdoor lighting shall comply with Section 6324 of The Zoning Ordinance.

v. If the seating area is proposed within the public right-of-way, then the requirements of Section 6158a.2. below shall also be met.

vi. When located in an area subject to the Community Design Review Area Regulations, or other applicable special area regulations, the Site Plan review and all other requirements of those regulations shall apply to outdoor café seating.

vii Required Minor Use Permits, where applicable, shall be obtained and shall provide for accessory outdoor seating.

viii Outdoor café seating areas located adjacent to pedestrian thoroughfares shall leave a minimum width of eight feet completely open at all times between the outdoor seating area and the edge of the pedestrian thoroughfare to accommodate pedestrian traffic.

Proposed outdoor seating for an Eating and Drinking Establishment or Food and Beverage Retail Sales use type in the Fallbrook Village Regulations, C32, C34, C35, C36 or M50 use regulations or an Eating and Drinking Establishment use

type in the M52 use regulations not qualifying under these provisions may apply for a Major Use Permit for an open enclosure pursuant to the Enclosure Regulations found in Section 6816.

2. Sidewalk Cafés Within the Public Right-of-Way. Sidewalk cafés within public right-of-way shall be a permitted accessory use upon issuance of an Administrative Permit provided the conditions listed below in this subsection are complied with. If the sidewalk café is proposed within the commercial and industrial zones listed in Section 6158a.1. above, then the conditions of that section shall also apply.

   i. The sidewalk café shall be conducted accessory to a legally established Food and Beverage Retail Sales or Eating and Drinking Establishment use type.

   ii. An encroachment permit for a sidewalk café shall be obtained from the Department of Public Works.

   iii. The operation of a sidewalk café shall meet applicable requirements of the Department of Environmental Health.

   iv. ~~Contiguous property owners shall be notified in accordance with paragraph c. of Section 7060.~~Notice shall be provided pursuant to Section 7060 c.

   v. The hours of operation shall be limited to the hours of operation of the associated Eating or Drinking Establishment or Food and Beverage Retail Sales use.

   vi. Notwithstanding Section 6158 a.1., no sound amplification device, musical instrument or sound reproduction device shall be operated or used with a sidewalk cafe within the public right-of-way and any outdoor lighting shall comply with Section 6324.

   vii. A finding shall be made that the sidewalk cafe will not adversely affect the neighborhood nor be detrimental to persons residing, visiting or working in the area.

[b. through e. no changes]

Section 41. Section 6207 of the Zoning Ordinance is amended to read as follows:

6207 SPECIAL PURPOSE OFF-PREMISE SIGNS.
Special purpose off-premise signs may be constructed, placed and maintained in any location in accordance with the following regulations:

a. General Standards Applicable to Special Purpose Off-Premise Signs.

1. Spacing. Signs shall be located no closer than 300 feet from any other off-premise sign; said distance to be measured on a direct line between signs on the same street and measured along right-of-way lines for signs on intersecting streets.

2. Setbacks. No portion of any sign shall extend beyond private property lines into the street right-of-way, except as permitted pursuant to subsection b.2.

3. Prohibitions. Signs are prohibited in any zone subject to Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations, except scenic or historic site directional signs or community identification signs subject to Site Plan review.

4. Building Permits. Building permits shall be obtained for sign construction pursuant to the County Building Code.

b. Special Purpose Off-Premise Sign Types.

1. Temporary Real Estate Directional Signs.

Off-premise signs providing direction to new residential, commercial or industrial development are allowed if the following requirements are met:

i. Size. Signs located within the California Coastal Zone and all Residential Zones shall be limited to 16 square feet. The maximum size in all other areas/zones shall be 32 square feet.

ii. Height. Signs shall not exceed the following heights:

0 to 16 square feet = 8 feet
17 to 32 square feet = 12 feet

iii. Location. Signs shall not be permitted upon, projected over, or supported in whole or in part, by or painted onto, any portion of a building; or situated on or attached in any manner to a wall or fence.

iv. Grouping. Not more than two temporary real estate directional signs may be permitted on a lot or parcel, each relating to a different development. Each sign shall have an area of 32 square feet or less, and shall be grouped so as to present a unified appearance (i.e., uniform height and configuration). No signs shall be less than five feet apart. No sign in such group shall be located within 300 feet of any other off-premise sign that is not part of the group, said distance to be measured in the manner specified in Section 6207(b)5.

v. Number of Signs. The maximum number of signs shall be limited to 4 for each development.

vi. Distance from Development. Signs shall not be located more than three air miles from the advertised development within the Coastal Zone and 5

miles in all other unincorporated areas. Signs located within the Coastal Zone may only advertise developments within the Coastal Zone.

vii. Construction. Double-faced signs shall be so constructed that the area and perimeter of both faces coincide and are back to back in parallel planes at a distance not to exceed 24 inches apart.

viii. Sign Copy. Copy shall be limited to name of the development and the developer; size, type, address, telephone number and price range of properties being offered and directional information.

ix. Lighting. Signs shall not be illuminated.

x. Appearance and Maintenance. Signs shall be maintained as required to assure a well-kept appearance free from graffiti and cracking or peeling paint. The back of single faced signs visible from adjacent property or a public road shall be solid painted or stained in subdued colors or shall be screened from view.

xi. Movement. No sign shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

xii. Time Limit. Temporary Real Estate Directional Signs are allowed for a period not to exceed 2 years.

2. Community Identification Signs. Community Identification Signs are permitted to identify a community, its civic, fraternal, and religious organizations, and its community slogan or motto, if the following requirements are met:

i. Number and Location. Not more than one sign may be located along any principal approach route to a community. A sign may be allowed within a County road right-of-way subject to all required permits and approvals by the Department of Public Works.

ii. Area and Height. Each sign may be single-faced or double-faced with no face to exceed an area of 100 square feet except as allowed pursuant to subsection (a) below. No sign shall exceed a height of 20 feet except as allowed pursuant to subsection (b) below.

(a) A sign located over a public road may be single-faced or double-faced with no face to exceed an area of 225 square feet.

(b) A sign located over a public road may be allowed up to a height of 25 feet in order to provide a 16 foot minimum clearance between the lowest extremity of the sign and the highest ground elevation directly below, as required by the Department of Public Works.

iii. Movement. With the sole exception of a clock, no part of any sign shall move or rotate, nor display any moving and/or rotating parts. The sign shall not include changeable copy or lights used to convey any messages

or convey the effect of movement, or flashing, intermittent or variable intensity lighting.

~~iii~~ iv. The applicable community or sponsor group shall review the location to ensure that it is placed at the entrance of the community.

~~iv.~~ v. Site Plan. Obtain any required Site Plan permit or ~~waiver of~~ Site Plan permit exemption.

No ~~commercial~~ advertising messages, including business or corporate names, shall be allowed on Community Identification Signs.

3. Directional Signs. Upon issuance of an Encroachment Permit, signs may be authorized in public rights of way for traffic safety purposes to identify and provide directional information to facilities generating large numbers of vehicles or destinations for emergency vehicles in accordance with Board of Supervisors Policy J-5 and Section 4-04.13 of the CalTrans Traffic Manual.

4. Temporary Open House Directional Signs. Temporary Open House Directional Signs are off-premise signs providing directions to an existing individual dwelling that is offered for resale. Such signs are permitted if the following conditions are met:

   i. Display shall be limited to daylight hours, after which time the signs shall be removed.

   ii. Placement shall be only on private property, not in public road rights-of-way, and shall be subject to the property owner's permission.

   iii. Signs shall be limited to no larger than four square feet in area.

   iv. No more than one such sign shall be placed on any parcel, except for corner lots which may have one such sign on each street frontage.

   v. Sign copy shall state "Open House" and, in addition shall be limited to the name and phone number of the person and/or agency offering the property for sale, the address of or direction to the property, and a directional arrow.

   vi. Signs must be related to an individual dwelling that is offered for resale only.

5. Commercial or Industrial Center Identification Signs. Upon issuance of an Administrative Permit, freestanding or monument signs may be authorized to identify a multi-tenant commercial or industrial center, and/or its tenants which are on more than one contiguous lot or parcel. If the sign is proposed in an area having zoning that requires Site Plan review of such signs, then no Administrative Permit is required. The following requirements shall be met:

i. Location. Commercial or Industrial Center Identification Signs may be located within the boundaries of a commercial or industrial center that can visually and functionally be identified as a unified development.

ii. Number, Area, Height and other standards. Commercial or Industrial Center Identification Signs may be substituted for on-premise signs normally permitted by Section 6263, provided they comply with the sign standards that would apply to such on-premise signs.

iii. Site Plan. Obtain any required Site Plan permit, or ~~waiver of~~ Site Plan permit exemption.

Section 42. Section 6261 of the Zoning Ordinance is amended to read as follows:

6261 ON-PREMISE SIGNS REGULATED.
Except for the signs specified in Sections 6252, 6259, 6268 and 6269, on- premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated or maintained provided that a building permit has been issued subject to the following provisions:

a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:

1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.

2. On premises in any zone where a nonconforming commercial or industrial use type exists.

3. Fallbrook Village Zones.

b. Restricted Locations. Locations subject to Special Area Regulations and to use permits shall be additionally subject to the following limitations:

1. On-premise signs are permitted in zones subject to the Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations in accordance with an approved Site Plan. The aggregate area of all signs for any premises shall not exceed one square foot for each linear foot of street frontage. The aggregate sign area for each establishment shall not exceed one square foot for each linear foot of building. No establishment shall have an aggregate sign area greater than 100 square feet.

2. On premise signs are permitted on sites subject to use permits in accordance with the terms and conditions of the use permit or modification. Signs may be altered, relocated or added upon the issuance of a minor use permit provided that such change is not specifically prohibited by the use permit condition.

c. Setbacks. Freestanding and projecting signs may be located in or project into any portion of the premises in a commercial or industrial zone.

d. Permitted Combinations of Sign Types.

1. Roof signs shall be permitted in combination only with wall signs, except no roof signs shall be permitted within the California Coastal Zone or in conjunction with an adult entertainment establishment.

2. Projecting signs are permitted in combination only with wall signs and one freestanding sign, except no projecting signs shall be permitted in conjunction with an adult entertainment establishment.

3. Two freestanding signs, where permitted, shall be permitted in combination with wall signs. A projecting sign may be substituted for one freestanding sign, except no projecting sign shall be permitted in conjunction with an adult entertainment establishment.

e. Lighting. Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Neon signs are permitted provided they do not flash. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted, except as allowed herein. Electronic or electrically controlled signs that contain a moving message, or a message that appears to move, shall be allowed only upon issuance of an Administrative Permit, and shall be additionally subject to the following limitations:

1. The characters incorporated into the message shall not change in intensity, hue or size as they move across the sign.

2. Such signs shall be limited to the C36, C37, M52, M54, and M58 zones within the Village Regional Category of the Land Use Element of the General Plan, and to properties abutting streets that are categorized in the Mobility Element of the General Plan as Community, Light or Minor Collector Roads, Boulevard, Major Roads, Prime Arterial or Expressway.

3. Such signs shall not be allowed in areas subject to the S Scenic Special Area Regulations Designator.

4. The Site Plan ~~waiver~~ permit exemption provisions of Section 7156(b). shall not be applied to any Site Plan proposing such signs.

5. The Administrative Permit application shall be provided to the Director of Public Works for review and recommendation, including appropriate limits on the intensity of lights allowed and that the location and design of the sign shall not create a traffic hazard, prior to final action.

f. Movement. No signs shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

Section 43. Section 6268 of the Zoning Ordinance is amended to read as follows:

6268 OTHER SIGN TYPES.

In addition to the foregoing types of signs, the following signs shall be permitted in any location. The area of these signs shall be in addition to the aforesaid maximum sign areas.

a. Directional Signs. Signs to direct or control on-premise traffic or parking provided such signs do not exceed an area per face of 8 square feet nor a height of 8 feet.

b. Accessory Signs-Drive-In and Drive-Through Businesses. Such signs shall not be designed to be viewed from beyond the premises and each shall not exceed 25 square feet per frontage.

c. Banners, Pennants and Similar Devices. Strings or individual banners, streamers, inflatables, pennants and similar devices; provided that one of the following holds:

1. Such signs are for the purpose of calling attention to a grand opening of a new business. Any required Site Plan permit, or ~~waiver of~~ Site Plan permit exemption, shall be obtained from the Department. Such temporary signs may be displayed for a maximum of 60 days and then must be removed from display.

2. Such signs are for the purpose of calling attention to a temporary use accessory to residential construction pursuant to the Temporary Use Regulations at Section 6116. Such signs are permitted along both sides of the interior street affording principal access to the model homes and within that portion of the subdivision or other residential development devoted to display of model homes, provided:

i. Except as hereinafter specified, each flag, banner, or pennant must be affixed to a separate standard implanted in the ground.

ii. Said standards are to be spaced at least 10 feet apart and, except as hereinafter specified, are not to exceed 12 feet in height.

iii. One flagpole not exceeding the height limit of the applicable zone may be provided within the area devoted to display of model homes and may be used only to display flags.

d. Service Station Signs. One sign relating to grades and prices of gasoline and diesel fuel shall be permitted per station frontage.

e. Temporary Real Estate Signs. The following temporary signs for the purpose of promoting initial residential sales are permitted pursuant to the Temporary Use Regulations at Section 6116 and 7156 and are in addition to the banners, pennants and similar devices permitted at Section 6268 (c):

1. Unlighted freestanding signs identifying the residential development provided that the aggregate area of all signs shall not exceed 800 square feet. One such sign may have a maximum area of 200 square feet provided no other sign exceeds an area of 100 square feet. One sign may be adjacent to each street which provides access to the residential development.

2. One unlighted sign not exceeding 16 square feet in area for each model home and sales office.

f. Mobilehome and Recreation Vehicle Park Signs. Signs located within mobilehome or recreational vehicle parks may be permitted subject to the following

1. One wall sign or freestanding sign identifying the mobilehome or recreational vehicle park is permitted adjacent to each street which provides primary access to the park. No freestanding sign shall exceed a height of 8 feet. No sign shall exceed 32 square feet in area.

2. One directional sign without any advertising at each driveway. Each sign shall not exceed 8 square feet or 8 feet in height. Directional signs may be lighted.

Section 44. Section 6268 of the Zoning Ordinance is amended to read as follows:

6324 LIGHTING PERMITTED IN REQUIRED YARDS.
Lighting permitted in required yards by the provisions of Section 4835, shall be subject to the following regulations:

a. Illumination Only. Lights shall be used for the purpose of illumination only, and not designed for or used as an advertising display.

b. Horizontal Cutoff. Luminaires shall be so designed and shielded by horizontal cutoff to eliminate all light directed above the horizontal. The lower edge of the luminaire's housing shall extend below the entire light source and all glassware so that any light emitted above the horizontal is eliminated. Light-directing refractors shall be considered to be light sources.

c. Light Trespass. The illumination of adjacent premises by spill light shall not exceed a value of 0.2 foot candles measured in the horizontal or vertical plane at a point three feet above grade level and five feet inside the adjacent property. This measurement shall be taken15 minutes after the initial start up of the fixture.

d. Minimum Height. Lights illuminating vehicular areas shall be mounted at least 12 feet above the ground.

e. Minimum Spacing. Lighting poles shall be spaced at least 50 feet apart; provided, however, that at least 2 poles may be located on each building site.

f. Removal. Poles and lights shall be removed at the owner's expense when property on which they are located is taken for street widening.

g. Dark Skies Ordinance. All outdoor lighting shall comply with the requirements specified in the County Light Pollution Code, which commences at Section ~~59.101~~ 51.201 of the County Code of Regulatory Ordinances.

Section 45. Section 6708 of the Zoning Ordinance is amended to read as follows:

6708 PERMITTED FENCES, WALLS, GATES AND ENTRY STRUCTURES.
No fence, wall, gate or entry structure shall be permitted unless it conforms to the criteria set forth below, except that the Board of Supervisors, the Planning Commission, or the Director, as

a condition of approval of a matter under their jurisdiction, may require that a fence, wall or entry structure be constructed to a height greater than otherwise permitted by this section in order to mitigate against potential adverse effects.

[a. through b. no changes]

c. Tennis Court Fencing and Lighting. Tennis court fencing ~~and lighting standards~~ exceeding the height otherwise allowed by this Section, but not greater than twenty (20) feet in height, and lighting standards not greater than twenty (20) feet in height may be permitted on lots of one (1) gross acre or larger in size upon granting an exception in accordance with Section 6708h.

[d. through g. no changes]

h. Exceptions.

1. Fences, Walls and Gate Entry Structures on Individual Lots. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for fences (including tennis court fences and light standards), walls and gate entry structures on individual lots. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice ~~of the administrative permit application~~ shall be ~~given to all property owners within a distance of 300 feet from the applicant's property~~provided pursuant to Section 7060 c. The Director may approve said administrative permit provided the following findings are made:

   i. The structure will be compatible with the community character and will not be detrimental to the health, safety or general welfare of the surrounding properties or the neighborhood; and

   ii. The structure will not interfere with traffic circulation, create a safety hazard or obstruct future road widening.

2. Gate Entry Structures and Gate Houses on Private Easements. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for gate entry structures and gate houses on a private easement. The applicant shall provide notice materials in accordance with Section 7060c. and shall provide a list of ~~in order to notify~~ all property owners having legal access to the easement upon which the gate entry structure or gate house will be located. The Director shall notify all property owners in accordance with Section 7060c. and all property owners on said legal access list. The Director may approve said administrative permit provided the following findings are made:

   i. The structure will be compatible with the community character and will not have a harmful effect upon the neighborhood; and

   ii. The structure will not be detrimental to the health, safety or general welfare of the surrounding properties or improvements.

3. Lighting. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for lighting provided a finding is made that said lighting will be compatible with the community character and will not have a harmful effect upon the neighborhood.

[i. through j. no changes]

Section 46. Section 6799 of the Zoning Ordinance is amended to read as follows:

6799 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL, AGRICULTURAL AND CERTAIN SPECIAL PURPOSE ZONES.
No person shall park any "commercial vehicle~~" as defined by the California Vehicle Code~~ in excess of one ton capacity on private property in Residential, Agricultural and the S90 and S92 Special Purpose Zones except as follows:

a. When loading or unloading property, or

b. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on property in the block in which such vehicle is parked.

Notwithstanding the above provisions, no vehicle shall remain parked in excess of five consecutive hours. Section 6799 does not apply to recreational vehicles or farm vehicles or equipment, including maintenance equipment, necessary for agricultural production on the property where the vehicles and equipment are parked. In Agricultural Zones and the S90 and S92 Special Purpose Zones, a maximum of two vehicles of up to two tons capacity may be parked by a person owning said vehicles and the property where they are parked and who is conducting an agriculturally-related service or activity located elsewhere.

Section 47. Section 6816 of the Zoning Ordinance is amended to read as follows:

ENCLOSURE MATRIX (Part of Section 6816)

Use or Special Area Regulations	TYPE OF ENCLOSURE												
	Civic Use Types			Commercial Use Types				Industrial Use Types			Agricultural Use Types		
	Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Enclosed	Semi-Enclosed	Open
R-S	●	●									m	m	●
R-D	●	●									m	m	●
R-M	●	●									m	m	●
R-V	●	●									m	m	●
R-U	●	●									m	m	●
RMH	●	●									m	m	●
R-R	●	●	m	●	●	●					●	●	●

Use or Special Area Regulations	TYPE OF ENCLOSURE												
	Civic Use Types			Commercial Use Types				Industrial Use Types			Agricultural Use Types		
	Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Enclosed	Semi-Enclosed	Open
R-RO	●	●	m	●	●	●					m	m	●
R-C	●	●		●	m	m		●			m	m	●
C-30	●	●		●			m						
C-31	●	●		●			m						
C-32	●	●		●			m	●			A	A	●
C-34	●	●		●	m	M	m	●			A	A	●
C-35	●	●		●	m	M	m	●			A	A	●
C-36	●	●		●	m	M	●	●			A	A	●
C-37	●	●	●	●	●	●	●	●	●	●	A	A	●
C-38	●	●	●	●	●	●	●	●	●	●	A	A	●
C-40	●	●	●	●	●	●	●	●	●	●	A	A	●
C-42	●	●		●	●	●	●				A	A	●
C-44	●	●	●	●	●	●	●				A	A	●
C-46	●	●		●							A	A	●
M-50	●	●		●	m	M	m	●	m	M	A	A	●
M-52	●	●		●	m	M	m	●	m	M	A	A	●
M-54	●	●		●	●	●	●	●	●	●	A	A	●
M-58	●	●		●	●	●	●	●	●	●	A	A	●
A-70	●	●	m	●	●	●		●	●	m	●	●	●
A-72	●	●	m	●	●	●		●	●	m	●	●	●
S-80	●	●		●	S	M					A	A	●
S-82	●	●		●	●	●					●	●	●
S-86	●	●		●	●	●	●						
~~S-87~~	~~●~~	~~●~~	~~m~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~
S-88	●	●	●	●	●	●	●	●	●	●	●	●	●
S-90	●	●	m	●	●	●	●	●	●	●	●	●	●
S-92	●	●	m	●	●	●		●	●	m	●	●	●
S-94	●	●	m	●	●	●	●	●	●	●	●	●	●
Scenic Area	●	m	m	●	S	m	m	●	S	M	S	S	●

LEGEND:

- ● **Permitted**
- **A Permitted by Administrative Permit**
- **S Permitted by Site Plan**
- **m Permitted by Minor Use Permit**
- **M Permitted by Major Use Permit**

Section 48. Section 6904 of the Zoning Ordinance is amended to read as follows:

6904 EXPLOSIVE STORAGE.

All explosive storage shall comply with the following provisions.

a. Conformance to Federal and State Law. Explosive storage shall conform to all applicable provisions of federal and state law, including the tables of quantity and distance criteria, except where requirements of this section or conditions of the Major Use Permit are more stringent, in which case such requirements and conditions shall apply.

b. Location. The area in which explosive storage is proposed shall be open in character and essentially free of development.

c. Setbacks. Explosive storage shall not be located closer than 1,000 feet from any building or structure not on the same site as the explosive storage facility and which is used continuously or intermittently for human occupancy; except that storage in Class II magazines, as authorized in state law, shall not be located closer than 400 feet from any such building or structure.

d. Buffering. Explosives storage shall be effectively screened by a natural land form or artificial barricade either surrounding the entire site or surrounding each magazine located thereon, which land form or barricade shall be of such height that:

1. A straight line drawn from the top of any side wall of all magazines to any part of the nearest building or structure will pass through said land form or barricade; and

2. A straight line drawn from the top of any side wall of all magazines to any point 12 feet above the centerline of a railroad or a street traversable by the public will pass through said land form or barricade.

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

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

Section 49. Section 6910 of the Zoning Ordinance is amended to read as follows:

6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

[a. through b. no changes]

c. Small Winery. A Small Winery shall comply with the following provisions:

1. A Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.

2. Wine production shall be less than 120,000 gallons annually.

3. Of the total fruit used in winemaking a minimum of 50% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 50% may be grown outside of San Diego County.

4. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be approved by the County of San Diego Department of Environmental Health. Catered food service is allowed, but no food preparation is allowed at a Small Winery. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.

5. Events, including but not limited to weddings and parties, may be allowed upon the making of the findings in Section 6910.c.6.

6. An Administrative Permit is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:

i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

a) Harmony in scale, bulk, coverage and density.

b) The availability of public facilities, services and utilities.

c) The harmful effect, if any, upon desirable neighborhood character.

d) The generation of traffic and the capacity and physical character of surrounding streets.

e) The suitability of the site for the type and intensity of use or development which is proposed.

f) Any other relevant impact of the proposed use.

ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

iii. That the requirements of the California Environmental Quality Act have been complied with.

7. A Small Winery shall demonstrate compliance with the emergency travel times specified in ~~the Public Facilities~~ Safety Element, ~~Section 11~~ Table S-1.

8. Notice ~~of the Administrative Permit application~~ shall be ~~given to owners of property within 300 feet of the exterior boundaries of a proposed Small Winery and a minimum of 20 different owners~~provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

Section 50. Section 6911 of the Zoning Ordinance is amended to read as follows:

6911 EMERGENCY SHELTERS.
Emergency Shelters (See Section 1334) shall comply with the following provisions, in addition to all other applicable County codes and any requirements imposed by the State Department of Housing and Community Development:

[a. through g. no changes]

h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section ~~59.101~~ 51.201 and following of the San Diego County Code.

[i. through j. no changes].

Section 51. Section 6912 of the Zoning Ordinance is added to read as follows:

6912 COMMUNITY GARDENS

Community Gardens are allowed in all zones where Row and Field Crops are permitted, subject to the following regulations:

a. Hours of Operation. Hours of operation shall be limited to the hours between sunrise and sunset.

b. Permitted structures. Accessory structures, such as storage sheds for tools and other supplies, greenhouses and/or an Agricultural Stand, may be allowed in a community garden pursuant to Section 6156.

c. Parking. A minimum of 2 parking spaces shall be provided on the lot when there is no on-street parking allowed adjacent to the community garden property.

d. Water Use. Wasting water is prohibited pursuant to County Code Section 86.725. Water efficient irrigation techniques such as drip irrigation and timers to control watering

times are encouraged. All hoses shall be equipped with a trigger nozzle. Mulching of planted areas is encouraged to retain plant moisture.

e. Composting. Composting may be performed onsite within a composting container subject to all of the following:

1. Composted materials shall be only those materials generated onsite or contributed by active members of the community garden.

2. Composting containers shall be located a minimum of three feet from property lines.

3. Odors and/or fly-breeding shall not be greater than customarily found at a well-maintained residence.

f. Organic Gardening. Organic gardening is strongly encouraged.

g. Trash/Recycling Receptacles. Trash and recycling receptacles shall be provided onsite for the proper disposal of refuse. The receptacles shall be screened from adjacent properties by six-foot high solid fencing. Refuse shall be removed from the site regularly so that the receptacle area and the lot are kept free from litter.

h. Sale of Produce and Plants. Sale of produce or plants raised on the site is allowed only from a permitted Agricultural Stand, subject to all provisions of 6156.q. Otherwise, on-site sales of produce, plants or any other items are prohibited.

i. Prohibited plants. Planting illegal or invasive plants, as defined in County Code Section 86.701 et seq., shall be prohibited.

All other applicable codes and ordinances shall apply to Community Gardens, including but not limited to Groundwater Ordinance, Grading Ordinance and Noise Ordinance. Applicable permits from other departments or agencies may be required.

Section 52. Section 6985 of the Zoning Ordinance is amended to read as follows:

6985 APPLICATION PROCESSING
Although a tier may be assigned at project intake, a re-evaluation of the project tier may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Hearing Officer.

[A. - B. no changes]

C. General Regulations

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones.

2. All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.

3. No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director if a finding is made that co-location of more facilities is consistent with community character.

4. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).

5. No tower or equipment shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.

6. Noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.

7. The Director ~~of Planning and Land Use~~ may ~~waive~~grant an exemption from the requirement~~s for~~ to process a Site Plan permit pursuant to Section 7156 of this Ordinance if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit, or where the Director finds the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan permit would normally be required will not be harmed by ~~waiver~~granting a Site Plan permit exemption~~of said requirement~~. The Director's decision~~s~~ may be appealed pursuant to Section 7200 of ~~the Zoning~~this Ordinance.

8. All facilities located on a utility pole shall be promptly removed at the operator's expense at the time a utility is scheduled to be undergrounded.

9. Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.

10. Equipment cabinets and antenna structures shall be secured to disallow unauthorized access.

11. Use Permits for high visibility facilities shall have a maximum term of 6 years for facilities valued at less than $10,000; 10 years for facilities valued from over $10,000 to $500,000; and 15 years for facilities valued at $500,000 or more. This may be extended for an additional period of time by modifying the permit if it

is found that no smaller or less visible technology is available or feasible to replace the facility.

12. As a condition of approval, prior to use of the facility, submit evidence, such as photos, to the satisfaction of the Director of Planning and Land Use to show proof that the facility is in conformance with photo simulations provided pursuit to Section 6984 (B) of this Ordinance.

Section 53. Section 7060 of the Zoning Ordinance is amended to read as follows:

7060 DECISION AND NOTICE.

a. Action. Upon completion of his review and evaluation of an application for an Administrative Permit, the administering agency shall either:

1. Make such findings or other determination as is required by the pertinent sections of The Zoning Ordinance and approve the application, or

2. Notify the applicant of the changes and modifications required for approval of the application, or

3. Deny the Administrative Permit. The administrative agency shall deny the permit if:

i. The permit cannot be conditioned by adequate requirements to insure compliance with applicable regulations, or

ii. The application for the permit cannot reasonably be modified to conform to the applicable requirements.

b. Time Period. Within 60 days of receipt of a complete application for an administrative permit, the administering agency shall take such action as is specified in subsection a. of this section. The 60 day time period may be extended with the written consent of the applicant. Such application shall be deemed complete pursuant to Section 65943 of the Government Code, 30 days after submittal to the Department unless, prior to that date, either:

1. The applicant is notified in writing that the application is complete, in which case the 60 day processing period specified in this subsection shall begin to run from the date of such written notice, or

2. The applicant is notified in writing that the application is incomplete, which notice shall state with particularity the defects or omissions in the application, in which case the 60 day processing period specified in this subsection shall not begin to run until the date all requested information has been submitted to the Department.

c. Notice to Property Owners. ~~When required by applicable sections of the Zoning Ordinance, the~~The applicant~~ shall either obtain and submit to the Director on a form provided by the Director written consent for issuance of the administrative permit from all owners of contiguous property (including owners of parcels or lots across any street or alley from the site) or~~ shall provide notice materials (as specified by the Director) with the permit application which shall be used by the Department to notify~~ contiguous~~ property owners within 300 feet of the exterior boundaries of the subject lot, with a minimum of 20 different owners, of the receipt of said application. ~~If required by applicable sections of the Zoning Ordinance, notice shall be given beyond such owners of contiguous property to any additional owners within the specified distance of the subject property.~~ Additional notification is required by subsections e., g. and h. below.

d. Public Hearing. A public hearing shall not be held unless the administering agency determines that such hearing would be in the best interest of the County, or, if required by applicable sections of the Zoning Ordinance, where a hearing is requested by the applicant or other affected person.

e. Referral to Immigration and Naturalization Service. Applications filed pursuant to Section 4830 requesting to reduce the 150 foot setback along the International Border shall be referred to the local office of the Immigration and Naturalization Service. In the event the INS expresses an intent to acquire all or part of the subject property the administering agency shall defer final action on the application for six months or until such time as the INS completes acquisition or abandons acquisition proceedings, whichever time period is less.

f. Defense of Lawsuits. As a condition of approval of an Administrative Permit, for which an application was filed (as defined in Zoning Ordinance Section 1019b. before January 3, 2003), the applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers or employees to attack, set aside, void or annul the Administrative Permit or any of the proceedings, acts or determinations taken, done or made prior to such decision granting such permit; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. Each applicant seeking approval of any Administrative Permit, for which an application was filed (as defined in Zoning Ordinance Section 1019 b.) on or after January 4, 2003, shall be subject to the defense and indemnification provisions found at Chapter 2 (commencing at section 86.201) of Division 6 of Title 8 of the San Diego County Code.

g. Notwithstanding the above, Administrative Permits for Adult Entertainment Establishments shall be governed by the requirements specified in Section 6930.

h.. Notwithstanding the above, Administrative Permits for Gate Entry Structures and Gate Houses on Private Easements shall be governed by the requirements specified in Section 6708.h.2.

Section 54. Section 7156 of the Zoning Ordinance is amended to read as follows:

7156 ~~WAIVER OF~~ SITE PLAN PERMIT EXEMPTION.

a. The Director may ~~waive~~grant an exemption from the requirement ~~for~~to process a Site Plan permit if he or she finds that all of the purposes and requirements of the Site Plan permit have been or will be fulfilled by another discretionary permit; or

b. Where the Director finds the proposed development or improvement is minor in nature and the public purpose for which the Site Plan permit would normally be required will not be harmed by ~~waiver of~~ granting an exemption from said requirement. For purposes of this subsection, “minor in nature” may mean the proposed improvement is not visible from any street; there is no active code enforcement action on the property; no additional parking spaces will be required by the proposed improvements; an addition not exceeding 500 square feet in area; the replacement of an existing permitted sign(s) (like for like, and no increase in sign area); replacement of windows/doors; re-stucco, re-roof or minor improvements to the façade of an existing permitted building(s); or other similar improvements. This shall be determined on a case-by-case basis.

The Director may forward a ~~waiver~~ request for a Site Plan permit exemption to the applicable Community Planning or Sponsor Group for a recommendation prior to granting a Site Plan permit exemption ~~waiver~~ request.

This subsection "b" shall not apply to land falling with the coastal zone, as defined by the California Coastal Act of 1976.

c. ~~Waiver of~~ An exemption from the requirement to process a Site Plan permit does not constitute a waiver ~~of~~ or exemption from any other requirement of this Zoning Ordinance or any other law, ordinance or other regulation applicable to the project.

No building permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~ granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~ exemption. No deviation from aspects of such plans pertinent to the purposes for which a Site Plan review would otherwise have been required shall be permitted without prior approval of the Director.

This Section shall not apply to those Site Plans required by a special area regulations designator where there are specific ~~waiver~~ exemption criteria established under the special area regulations designator sections.

Section 55. Section 7168 of the Zoning Ordinance is amended to read as follows:

7168 EXPIRATION AND EXTENSION.

a. Any approval of a Site Plan shall expire within two years of such approval except where construction or use of the property in reliance on such Site Plan approval has commenced prior to its expiration. Any Minor Deviation pursuant to Section 7609, or

any modification pursuant to Section 7169, shall not extend the expiration and extension dates otherwise specified in this section.

b. If prior to the expiration of such Site Plan the applicant files a written application with the Department of Planning and Land Use for an extension of time, the period within which construction or use of the property in reliance on the Site Plan must be commenced, may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of ~~12~~24 months each, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.

c. Notwithstanding the above, if the Site Plan is issued to satisfy a condition of approval of a subdivision map pursuant to the County Subdivision Ordinance, the Site Plan shall remain in full force and effect for the duration of the tentative approval for that subdivision map, and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the Site Plan shall expire one year after recordation of the Final or Parcel Map unless construction and/or use of the property in reliance of the Site Plan has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7168.

Section 56. Section 7600 of the Zoning Ordinance is amended to read as follows:

SUPPLEMENTARY ADMINISTRATIVE PROCEDURES

7600 TITLE AND PURPOSE.
The provisions of Section 7600 through 7649, inclusive, shall be known as the Supplementary Administrative Procedures. The purpose of these provisions is to provide additional procedures for the administration of amendments of the Zoning Ordinance, Variances, Use Permits, Site Plan~~s~~ Permits, Planned Development Permits, Administrative Permits and Administrative Appeals.

Section 57. Section 7609 of the Zoning Ordinance is amended to read as follows:

7609 MINOR DEVIATION FROM PLAN.
~~If~~ A Minor Deviation to an Administrative Permit, Variance, Site Plan Permit or Use Permit ~~allows or requires land to be used or developed in accordance with a plan, or plans that are referred to in the Administrative Permit, Variance, Site Plan, or Use Permit, Minor Deviations from said plan~~ may be authorized in accordance with the following provisions:

a. Intent. This section provides for situations where it is necessary to deviate from ~~a plan~~ an approved permit decision and associated approved plans in a minor way which is ~~consonant~~ in substantial conformance with the purpose and intent of the related Administrative Permit, Variance, Site Plan Permit or Use Permit and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. ~~The intent of t~~This section ~~is to~~ provides for flexibility in the ~~operation~~implementation of an Administrative Permit, Variance, Site Plan Permit or Use Permit by permitting a Minor Deviation to be administratively granted by the Director. It is

not the intent of this section to ~~permit~~allow a deviation from the plan which would violate the intent and purpose of the related Administrative Permit, Variance, Site Plan Permit or Use Permit or any of its conditions, or to allow any action or use for which an Administrative Permit, Variance, Site Plan Permit or Use Permit would otherwise be required by The Zoning Ordinance and which is not specifically allowed by the approved decision.

b. Jurisdiction. The Director may authorize a Minor Deviation from a plan referred to in an Administrative Permit, Variance, Site Plan Permit or Use Permit granted by the Board of Supervisors, the Planning Commission, or the Director.

c. Required Findings. A Minor Deviation from ~~a plan~~ an approved permit shall be authorized only after findings that:

1. The requested deviation does not constitute a substantial change in the Administrative Permit, Variance, Site Plan Permit, or Use Permit, as allowed pursuant to the permit decision; ~~and~~

2. The requested deviation will not adversely affect adjacent property or property owners; and

3. A summary table and complete description of all proposed changes has been added to the project file, prepared and signed by the property owner(s), indicating the total cumulative percent change of area, size, height or other deviation from the original permit approval. Any subsequent deviation shall include a revised summary and calculation pursuant to this subsection.

d. ~~Prohibited Deviations~~Limitations. ~~No~~A deviation from ~~a plan~~ an approved permit, or deviations having a cumulative effect, ~~shall~~may be ~~authorized which would permit one or more of the following~~ allowed in accordance with the following limitations:

1. A~~n~~ cumulative increase or decrease from the original approved plan of ~~more than~~ up to 10 percent of the following:

i. the gross area of any yard, open space, working area, ~~or~~ parking area~~,~~ or other area regulated by the permit, provided that no decrease may be permitted in any required yard for which an exception pursuant to Section 4813 or a Variance is required;

~~2. An increase or decrease from the original approved plan of more than 10 percent of~~

ii. the size of any building or structure or of the total land area covered by any building or structure;

~~3. An increase or decrease from the original approved plan of more than 10 percent of~~

iii. the height of any building or structure or of any part thereof, or of the depth or area of an excavation, slope or working area;

~~4.~~ iv. In the cases of Use Permits and Site Plan~~s~~ permits, ~~an increase in~~ the number of buildings or structures shown on the original approved plan ~~so as~~

~~to increase~~ ~~by more than 10 percent~~ provided the total land area covered by all buildings and structures does not increase or decrease more than 10 percent; or

~~5.~~ v. A sign~~, if signs are not~~ ~~regulated by the approved Administrative Permit, Variance, Site Plan or Use Permit except that a Minor Deviation for a sign~~ or sign program subject to a Community Design Review, Historic Landmark, Historic District or Design Review special area regulations designator may be approved upon due consideration of the recommendation of the applicable Design Review Board, Historic Site Board, Historic District Review Board, or Community or Subregional Planning Group. However, a change of copy, colors or print type, without a change to the overall size of the sign is not subject Design Review Board or Community or Subregional Planning Group review.

2. A change to the size and the type of windows, openings or doors, the colors or materials on the elevations or roof of a structure, or other similar changes may be allowed provided the approved architectural style is maintained. However, architectural or design elements specified in the permit conditions of approval will require a modification of the permit to authorize a change, pursuant to Section 7072, 7126, 7169 or 7378, as applicable.

e. Application Form, Filing and Fee. An application requesting a minor deviation from a plan shall be made on the form prescribed by the Director, shall be signed by the property owner(s) or their agent(s) as required by Section ~~7107~~ 7017, shall be filed with the authority having jurisdiction as provided by paragraph "b" of this section, and shall be accompanied by the fee referenced in Section 7602.

f. Hearing Not Required. Any action of the Director pursuant to this section may be taken without notice or public hearing.

g. Decision is Final. Any decision by the Director pursuant to this section shall be final; provided, however, that the denial by the Director of a request for a minor deviation from a plan shall not prevent the applicant from applying for a new Administrative Permit, Variance, Site Plan Permit, or ~~u~~Use ~~p~~Permit or modification thereof pursuant to the Zoning Ordinance.

Section 58. Section 7703 of the Zoning Ordinance is amended to read as follows:

7703 VIOLATIONS AND PENALTIES

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

[a. through h. no changes]

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

Section 59. Section 8203 of the Zoning Ordinance is amended to read as follows:

8203 PERMITTED USES SUBJECT TO LIMITATIONS

The following use types are permitted by the V2 Zone subject to the limitation stated after the use type.

a. Residential Use Types.

Family Residential

Limited to dwellings that are located in conjunction with a second principal use that is primarily used for business purposes within or on the same structure, lot or parcel. All residential uses in the V2 Zone shall require Site Plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

1. Site Plan Review Required. Prior to the issuance of any building permit, grading permit or construction of any structure or conversion of any existing structure for use as a Family Residential Use Type in the V2 Zone, a Site Plan of the proposed structure shall be submitted to the Director for review, evaluation and approval.

2. Content of the Site Plan. Application for Site Plan review shall be submitted to the Director and shall be accompanied by such data and information as he may require including maps, plans, drawings, sketches and documented material as is necessary to show:

   a) Boundaries and existing topography of the property, and adjoining or nearby streets;

   b) Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;

   c) Location, height, building elevations, and proposed use of all proposed or existing structures, including lighting, walls, fences and freestanding signs, and location and extent of the building site;

d) Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;

e) Location and treatment of important drainage ways, including underground drainage systems;

f) Proposed grading and removal of natural materials, including finished topography of the site;

g) Proposed landscaping plan including the location of exterior lighting fixtures and underground fuel storage facilities and aboveground pumps, if proposed.

3. Site Plan Review Criteria. The Site Plan shall be reviewed and evaluated by the Director for conformance with the following criteria.

a) Residential uses shall be located and designed so they are buffered from potentially adverse impacts created by adjacent, commercial and industrial uses.

b) Impacts to be addressed shall include noise, odors, lighting, air quality, visual quality and vibration.

c) Building and structures shall use construction methods such as windows and building materials that will reduce noise generated by the business and will reduce noise that may impact the residential use.

d) Landscape buffers shall be utilized where appropriate to screen views from the residential use to visually undesirable portions of adjacent businesses. Landscaping shall be capable of reaching a height that will provide screening of views within one year of installation. To reduce fire hazards, plant material used shall not be on the North County Fire Protection District's Undesirable Plant List.

e) Lighting of the business use shall not excessively spill over into the residential use.

4. ~~Waiver of~~ Site Plan Permit Exemption. An exemption from ~~T~~the Site Plan permit requirement of Section 8203.a.1 may be ~~waived~~ granted by the Director under either of the following circumstances:

a) If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the intent of the criteria listed in Section 8203.a.3 or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such ~~a waiver of~~ a Site Plan permit exemption due consideration shall be given to the recommendation of the appropriate

Design Review Board. Such recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign ~~waiver~~ Site Plan permit exemption recommendations, and shall be accompanied by a copy of the project plans upon which the recommendation was based. ~~Waiver~~ Site Plan permit exemption requests shall be transmitted by the applicant to the Review Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation.

b) If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the appropriate Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~ granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to the criteria listed in Section 8203.a.3, such as materials, landscaping, site design and lighting, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

Group Residential – Allowed in conjunction with a school where housing facilities are used by registered students of the school. The associated school facility does not have to be located on the same lot.

b. Civic Use Types.

Child Care Center – 24 children or less

c. Commercial Use Types.

Business Equipment Sales and Services – The area devoted to storage shall not be greater than the area devoted to sales and administrative offices

Convenience Sales and Personal Services – Not to exceed 1,500 square feet

Eating and Drinking Establishments – No drive-through

Food and Beverage Retail Sales – Not to exceed 2,000 square feet

Laundry Services – Limited to drycleaning plants and laundries that provide retail services only, use only non-flammable solvents and employ not more than 10 people.

Participant Sports and Recreation: Indoor – Not to exceed 2,000 square feet

Transient Habitation: Lodging – Not to exceed 20 bedrooms. Uses exceeding 20 bedrooms allowed pursuant to Section 8204.

d. Industrial Use Types.

Custom Manufacturing – The square footage, horsepower and kiln size restrictions imposed by Section 1610 do not apply. Kiln sizes shall be limited to 20 cubic feet and equipment to 25 horsepower at any one time.

Section 60. Section 8303 of the Zoning Ordinance is amended to read as follows:

8303 PERMITTED USES SUBJECT TO LIMITATIONS

The following use types are permitted by the V3 Zone subject to the limitation stated after the use type.

a. Residential Use Types

Family Residential

All residential uses in the V3 Zone shall require Site Plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

1. Site Plan Review Required. Prior to the issuance of any building permit, grading permit or construction of any structure or conversion of any existing structure for use as a Family Residential Use Type in the V3 Zone, a Site Plan of the proposed structure shall be submitted to the Director for review, evaluation and approval.

2. Content of the Site Plan. Application for Site Plan review shall be submitted to the Director and shall be accompanied by such data and information as he may require including maps, plans, drawings, sketches and documented material as is necessary to show:

   a) Boundaries and existing topography of the property, and adjoining or nearby streets;

   b) Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;

   c) Location, height, building elevations, and proposed use of all proposed or existing structures, including lighting, walls, fences and freestanding signs, and location and extent of the building site;

   d) Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;

   e) Location and treatment of important drainage ways, including underground drainage systems;

f) Proposed grading and removal of natural materials, including finished topography of the site;

g) Proposed landscaping plan including the location of exterior lighting fixtures and underground fuel storage facilities and aboveground pumps, if proposed.

3. Site Plan Review Criteria. The Site Plan shall be reviewed and evaluated by the Director for conformance with the following criteria.

a) Residential uses shall be located and designed so they are buffered from potentially adverse impacts created by adjacent, commercial and industrial uses.

b) Impacts to be addressed shall include noise, odors, air quality, lighting, visual quality and vibration.

c) Building and structures shall use construction methods such as windows and building materials that will reduce noise generated by the business and will reduce noise that may impact the residential use.

d) Landscape buffers shall be utilized where appropriate to screen views from the residential use to visually undesirable portions of adjacent businesses. Landscaping shall be capable of reaching a height that will provide screening of views within one year of installation. To reduce fire hazards, plant material used shall not be on the North County Fire Protection District's Undesirable Plant List.

e) Lighting of the business use shall not excessively spill over into the residential use.

4. ~~Waiver of~~ Site Plan Permit Exemption. An exemption from ~~T~~the Site Plan permit process requirement of Section 8303.a.1 may be ~~waived~~ granted by the Director under either of the following circumstances:

a) If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the intent of the criteria listed in Section 8303.a.3 or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such ~~a waiver of~~ a Site Plan permit exemption due consideration shall be given to the recommendation of the appropriate Design Review Board. Such recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign ~~waiver~~ Site Plan permit exemption recommendations, and shall be accompanied by a copy of the project plans upon which the recommendation was based. ~~Waiver~~Site Plan permit exemption requests shall be transmitted by the applicant to

the Review Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation.

b) If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the appropriate Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to the criteria listed in Section 8303.a.3, such as materials, landscaping, site design and lighting, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

Group Residential – Allowed in conjunction with a school where housing facilities are used by registered students of the school. The associated school facility does not have to be located on the same lot.

b. Civic Use Types.

Child Care Center – 24 children or less

c. Commercial Use Types.

Animal Sales and Services: Veterinary (Large Animals) – except that large animals are not allowed to be kept overnight unless required in preparation for or recovery from surgery

Automotive and Equipment: Cleaning – Not to exceed 4 self-serve stalls

Convenience Sales and Personal Services – Not to exceed 1,500 square feet

Eating and Drinking Establishments – No drive-through

Food and Beverage Retail Sales – Not to exceed 2,000 square feet

Laundry Services – Limited to drycleaning plants and laundries which provide retail services only, use only non-flammable solvents, and employ not more than 10 people.

Participant Sports and Recreation: Indoor – Not to exceed 2,000 square feet

Transient Habitation: Lodging – Not to exceed 20 bedrooms. Uses exceeding 20 bedrooms allowed pursuant to Section 8304.

Wholesaling, Storage and Distribution: Mini-Warehouses – The Mini-Warehouse Use may not occupy more than 50% of the building area. For the purposes of calculation, common areas including interior courtyards, restrooms and hallways would not be included. All storage units shall be accessed by an interior corridor and shall not be accessed externally. The Mini-Warehouse Use shall be located within a single building on the parcel.

d. Industrial Use Types.

Custom Manufacturing – The square footage, horsepower and kiln size restrictions imposed by Section 1610 do not apply. Kiln sizes shall be limited to 60 cubic feet and equipment to 40 horsepower at any one time.

Section 61. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the _____ a newspaper of general circulation published in the County of San Diego.

Attachment E

Draft Ordinance -
County Code and Administrative Code Amendments
(Strikeout/underline version)

Information Copy
Strikeout/Underline version

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING SECTION 650 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO HEARING OFFICERS AND AMENDING AND ADDING SECTIONS TO THE SAN DIEGO COUNTY CODE RELATING TO PROCEDURES TO RECORD ORDERS AS LIENS; RECORDATION OF NOTICES OF VIOLATION; SOUND LEVEL LIMITS; ABANDONED VEHICLE ABATEMENT; GRADING OR CLEARING WITHIN OPEN SPACE EASEMENTS AND ADOPTION OF CHAPTER 1, DIVISION II, OF THE CALIFORNIA BUILDING CODE

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

Section 1. The Board of Supervisors finds and determines that the San Diego County Code should be updated by adding Chapter 3 to Division 8 of Title 1 to provide provisions for Recordation of Notices of Violation against a property with a violation, by amending Section 91.1.114.6 regarding Approval Required After Violation, amending Section 18.214 regarding time limits for Procedures to Record Orders as Liens, and making other miscellaneous changes. The Board finds that these amendments, and those in the Administrative Code related to hearing officers, are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 650 of the Administrative Code is amended to read as follows:

SEC. 650. ESTABLISHMENT OF POSITION.

This article establishes the position of County Hearing Officer, pursuant to Government Code sections 27720 et seq. This article does not apply to Hearing Officers hired to hear appeals of administrative citations, pursuant to San Diego County Code section 18.101 et seq. <u>or appeals of recording of notices of violation, pursuant to San Diego County Code sections 18.301 et seq.</u>

Section 3 Section 18.207 of the San Diego County Code is amended to read as follows:

SEC.18.207. PAYMENT OF CIVIL PENALTIES.

(a) Civil penalties assessed shall be paid in full within ~~45~~ <u>15</u> days from the date the Notice and Order is served unless the person served with the Notice and Order files a timely request for a hearing under section 18.208.

(b) In the case of a continuing violation, the person charged shall pay any amount assessed in the Notice and Order within ~~45~~ 15 days from the date the Notice and Order was served. If a Director assesses continuing penalties as provided in section 18.204(b)(5) the person charged with a continuing violation shall be responsible to pay accrued penalties within ~~45~~ 15 days from the date of notice from a Director that payment of an additional amount is due.

(c) Civil penalties paid to the County before a hearing under section 18.208 shall be refunded in full or in part if a hearing officer determines:

(1) A violation enforceable under this chapter did not occur or did not occur on some or all of dates charged, or

(2) The person charged was not responsible for a violation, or

(3) The amount of the civil penalties shall be reduced.

Section 4. Section 18.214 of the San Diego County Code is amended to read as follows:

SEC. 18.214. PROCEDURES TO RECORD ORDERS AS LIENS.

If the responsible person fails to pay civil penalties in an AEO the County may record the order as a lien against the real property upon which a violation is located in accordance with the following procedures:

(a) Before recording, the Director shall serve the responsible person with a Notice of Intent to Record an AEO which informs the responsible person that recording the order will result in a lien against real property unless the responsible person pays the amount due within ~~45~~ 30 days from the date of the notice. The Director shall serve the Notice of Intent to Record ~~an AEO~~ as provided by Section 18.206. The Notice of Intent to Record may be served at the same time as the AEO.

(b) If the responsible person fails to pay the amount due in full by the due date the County may record the AEO as a lien. The lien shall attach upon recording the order in the Office of the County Recorder. The lien shall continue until the amount of the lien is paid in full and the violations listed in the AEO are corrected.

(c) Notice of recording the AEO as a lien may be provided to the responsible person as provided by Government Code section 27297.5.

Section 5. Chapter 3 is added to Division 8 of Title 1 of the San Diego County Code to read as follows:

Title 1: General Provisions

Division 8: Administrative Remedies
Chapter 3: Recordation of Notices of Violation

SEC.18.301 AUTHORIZATION AND PURPOSE

This chapter provides a procedure by which County enforcement officials may record a Notice of Violation as an alternative enforcement method for any violation of this code, the San Diego County Zoning Ordinance and any other County ordinance or State law that County officials enforce. The remedies in this chapter are in addition to all other remedies the County may pursue and only govern enforcement actions brought pursuant to this chapter.

SEC. 18.302 DEFINITIONS

The following definitions shall apply to this chapter:

(a) "Director" means the Director of any County department or a Director's designated representative, responsible to enforce County codes, County ordinances or State codes.

(b) "Hearing Officer" means a person who presides over an administrative hearing for the recordation of a Notice of Violation.

(c) "Responsible person" means a "person," as defined in Section 12.115 of this code, responsible for a violation prosecuted under this chapter.

SEC. 18.303 PROCEDURES FOR RECORDATION

(a) Once a Director has issued a Notice of Violation to a responsible person and the property remains in violation after the deadline established in the Notice of Violation expires, the Director may record a Notice of Violation with the Recorder's Office of San Diego County.

(b) Before recordation, the Director shall provide to the responsible person and all owners of record a Notice of Intent to Record stating that:

(1) A notice of violation will be recorded against your property if the violation(s) existing on your property is(are) not corrected by the deadline established in the Notice of Intent to Record.

(2) You may file an appeal within 14 days of the date of the Notice of Intent to Record was issued.

(3) The County may hold you responsible for all administrative costs, including reasonable attorney's fees.

(4) The County may withhold permits for any alteration, repair, or construction pertaining to any existing or new structures on your property, or any permits pertaining to the use and development of the real property if 1) an appeal has not been timely filed; or 2) if a Hearing Officer affirms the Director's decision to record a Notice of Violation.

(c) After recordation of a Notice of Violation, the County may withhold permits until a Notice of Compliance has been issued by the Director. The County may not withhold permits which are necessary to obtain a Notice of Compliance or which are necessary to correct serious health and safety violations.

(d) The letter shall be served pursuant to any of the methods of service set forth in section 11.112 of this code. If for any reason service cannot be completed as provided in section 11.112, service may be accomplished by posting a copy of the notice in a conspicuous place on or near the property on which the violation is located. At the discretion of the Director, the notice may be posted in addition to personal or mail service.

(e) If the Director does not receive a written request to appeal pursuant to the procedures set forth in this Division and the violation still remains on the property, the Director may record the Notice of Violation.

(f) The recorded Notice of Violation shall include the name of the property owner(s), assessor's parcel number, the parcel's legal description, and a copy of the latest Notice of Violation.

SEC. 18.304 PROCEDURES FOR RECORDING A NOTICE OF VIOLATION

(a) Any person receiving a Notice of Intent to Record a Notice of Violation may only appeal the following issues:

(1) Whether the conditions listed in the Notice of Violation violate the County Code or applicable State codes.

(2) Whether the Director afforded the responsible person with due process by adhering to the notification procedures specified in this Division.

(b) Failure of any person to file an appeal in accordance with these provisions shall constitute a waiver of the appeal and shall not affect the validity of the recorded Notice of Violation.

(c) A person may request a Request for Hearing form to contest a Notice of Intent to Record a Notice of Violation within 14 days after the Notice was served, either at the office of the department that issued the Notice or by returning a Request for Hearing form by mail.

(d) If a person requests a Request for Hearing form by mail, the request must be postmarked within 14 days of the Notice of Intent to Record a Notice of Violation.

(e) A hearing before the Hearing Officer shall be set for the earliest practicable date after a request for hearing has been properly filed in accordance with the provisions of this Division.

(f) The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.

SEC. 18.305 HEARING OFFICER

The Director shall appoint an independent Hearing Officer to preside over an Intent to Record a Notice of Violation hearing which has been properly requested under the provisions of this Chapter.

SEC. 18.306 HEARING PROCEDURES

The following procedures shall apply to hearings conducted under this chapter:

(a) Every witness shall take an oath or make an affirmation.

(b) The County bears the burden of proof at all Notice of Intent to Record Notice of Violation hearings. The standard of proof at a hearing is the preponderance of the evidence.

(c) The hearing officer may consolidate hearings involving the same responsible person and/or the same property.

(d) The Hearing Officer may continue a hearing for good cause.

(e) Each party shall have the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses, impeach any witness regardless of which party first called the witness to testify and rebut the evidence against the party. The County may call and examine the appellant or any agent of the appellant as a witness during the department's case in chief or during the department's rebuttal case. The hearing officer may examine the appellant or any of the appellant's employees or agents as if under cross-examination.

(f) Strict rules of evidence shall not apply. Evidence that might otherwise be excluded under the Evidence Code may be admissible if the hearing officer determines that it is relevant and the kind that reasonably prudent persons rely on in making decisions. All rules or privileges recognized by the Evidence Code, however, shall apply to the hearing. The hearing officer shall also exclude irrelevant and cumulative evidence.

(g) The hearing shall be conducted in English. If the appellant or any of appellant's witnesses require an interpreter, the appellant is responsible to provide a State certified interpreter at appellant's expense.

SEC. 18.307 RIGHT TO JUDICIAL REVIEW

Any person against whom a Notice of Violation has been recorded may obtain review of the order by filing a petition for writ of mandate with the San Diego County Superior Court in accordance with the timelines and procedures set forth in California Code of Civil Procedure Section 1094.5.

SEC. 18.308 NOTICE OF COMPLIANCE PROCEDURES

(a) When the violations listed on the Notice of Violation have been corrected, the responsible person may file with the Director a written request for a Notice of Compliance on a form provided by the County.

(b) Once the Director receives this request, the Director shall re-inspect the property within thirty (30) calendar days to determine whether the violations listed in the Notice of Violation have been corrected and whether all necessary permits have been issued and final inspections have been performed.

(c) The Director shall serve a Notice of Compliance to the responsible person if the Director determines that:

(1) All violations listed in the recorded Notice of Violation have been corrected.

(2) All necessary permits have been issued and finalized.

(3) All fines and penalties assessed against the property have been paid.

(4) The party requesting the Notice of Compliance has paid any requisite administrative costs to the County.

(d) The Notice of Compliance shall be served in the manner provided in Section 11.112 of this code. If for any reason service cannot be completed as provided in section11.112, service may be accomplished by posting a copy of the notice in a conspicuous place on or near the property on which the violation is located. At the discretion of the Director, the notice may be posted in addition to personal or mail service.

(e) If the Director denies a request to issue a Notice of Compliance, the Director shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by in the manner provided in Section 11.112 of this code. If for any reason service cannot be completed as provided in section 11.112, service may be accomplished by posting a copy of the letter in a conspicuous

place on or near the property on which the violation is located. At the discretion of the Director, the letter may be posted in addition to personal or mail service.

(f) The Directors decision denying a request to issue a Notice of Compliance constitutes the final decision in the matter and is not appealable.

SEC. 18.309 CANCELLATION OF A RECORDED NOTICE OF VIOLATION

The Notice of Compliance may be recorded with the County Recorder's Office. The recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.

Section 6. Section 36.404 of the San Diego County Code is amended to read as follows:

SEC. 36.404. GENERAL SOUND LEVEL LIMITS.

(a) Except as provided in section 36.409 of this chapter, it shall be unlawful for any person to cause or allow the creation of any noise, which exceeds the one-hour average sound level limits in Table 36.404, when the one-hour average sound level is measured at the property line of the property on which the noise is produced or at any location on a property that is receiving the noise.

TABLE 36.404
SOUND LEVEL LIMITS IN DECIBELS (dBA)

ZONE	TIME	ONE-HOUR AVERAGE SOUND LEVEL LIMITS (dBA)
(1) RS, RD, RR, RMH, A70, A72, S80, S81, ~~S87,~~ S90, S92, RV, and RU with a General Plan Land Use Designation density of less than ~~11~~ 10.9 dwelling units per acre.	7 a.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
(2) RRO, RC, RM, S86, V5, RV and RU with a General Plan Land Use Designation density of ~~11~~ 10.9 or more dwelling units per acre.	7 a.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
(3) S94, V4, and all commercial zones.	7 a.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	55

(4) V1, V2	7 a.m. to 7 p.m.	60
V1, V2	7 p.m. to 10 p.m.	55
V1	10 p.m. to 7 a.m.	55
V2	10 p.m. to 7 a.m.	50
V3	7 a.m. to 10 p.m.	70
	10 p.m. to 7 a.m.	65
(5) M50, M52, and M54	Anytime	70
(6) S82, M56, and M58.	Anytime	75
(7) S88 (see subsection (c) below)		

(b) Where a noise study has been conducted and the noise mitigation measures recommended by that study have been made conditions of approval of a Major Use Permit, which authorizes the noise-generating use or activity and the decision making body approving the Major Use Permit determined that those mitigation measures reduce potential noise impacts to a level below significance, implementation and compliance with those noise mitigation measures shall constitute compliance with subsection (a) above.

(c) S88 zones are Specific Planning Areas which allow different uses. The sound level limits in Table 36.404 above that apply in an S88 zone depend on the use being made of the property. The limits in Table 36.404, subsection (1) apply to property with a residential, agricultural or civic use. The limits in subsection (3) apply to property with a commercial use. The limits in subsection (5) apply to property with an industrial use that would only be allowed in an M50, M52 or M54 zone. The limits in subsection (6) apply to all property with an extractive use or a use that would only be allowed in an M56 or M58 zone.

(d) If the measured ambient noise level exceeds the applicable limit in Table 36.404, the allowable one-hour average sound level shall be the one-hour average ambient noise level, plus three decibels. The ambient noise level shall be measured when the alleged noise violation source is not operating.

(e) The sound level limit at a location on a boundary between two zones is the arithmetic mean of the respective limits for the two zones. The one-hour average sound level limit applicable to extractive industries, however, including but not limited to borrow pits and mines, shall be 75 decibels at the property line regardless of the zone in which the extractive industry is located.

(f) A fixed-location public utility distribution or transmission facility located on or adjacent to a property line shall be subject to the sound level limits of this section

measured at or beyond six feet from the boundary of the easement upon which the facility is located.

Section 7. Section 78.102 of the San Diego County Code is amended to read as follows:

SEC. 78.102. DEFINITIONS.

(a) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. Vehicle includes the component parts of such device. Vehicle includes registered and unregistered vehicles.

(b) "Abandoned Vehicle" includes:

(1) Any vehicle or part that is parked, stored or left on public or private property in such inoperable or neglected condition that the owner's intention to relinquish all rights or interests in it may be reasonably concluded.

(2) Any vehicle or part that is wrecked, dismantled or inoperative, and that is parked, stored, or left on public or private property, except as provided in Section 78.104 of this division.

(3) Any vehicle left, parked, resting or otherwise immobilized on any highway or public right of way which lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway.

(c) "Public Nuisance Vehicle" means any abandoned vehicle, or any vehicle or part that is wrecked, dismantled or inoperative, that is left on public or private property, and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes health, safety and general welfare.

(d) "Wrecked Vehicle" means any vehicle that is damaged to such an extent that it cannot be operated safely upon the highway.

(e) "Dismantled Vehicle" means any vehicle that is partially or wholly disassembled.

(f) "Inoperative Vehicle" means any motor vehicle that cannot be moved under its own power.

(g) "Highway" means a way or place of whatever nature open to the use by the public for purposes of vehicular travel. Highway includes street. Highway includes County maintained as well as non-County maintained public highways.

(h) "Designated Employee" means those employees of the Department of ~~Environmental Health~~Planning and Land Use whose duties include enforcement of this division. Designated employee includes the Director of the Department of ~~Environmental Health~~Planning and Land Use.

(i) "Hearing Officer" means the County Abatement Board as defined in the Uniform Public Nuisance Abatement Procedure, Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code.

(j) "Officer" means a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any employee of the Sheriff's Department or California Highway Patrol designated to enforce the provisions of this division.

(k) "Cost of Abatement" means all costs incurred in the abatement and removal of a vehicle or part including, but not limited to, hearing costs, staff costs, legal costs, overhead, administration, appeal costs, assessment confirmation hearing costs, towing and removal costs, and costs of storage and sale.

(l) "Uniform Public Nuisance Abatement Procedure" means Chapter 2, Division 6, Title 1 (commencing with Sec. 16.201) of the San Diego County Code of Regulatory Ordinances.

(m) "Public Property" includes highways.

Section 8. Section 78.109 of the San Diego County Code is amended to read as follows:

SEC. 78.109. ENFORCEMENT, ADMINISTRATION BY DIRECTOR OF ~~THE DEPARTMENT OF ENVIRONMENTAL HEALTH~~ PLANNING AND LAND USE.

The Director of ~~the Department of~~ ~~Environmental Health~~Planning and Land Use, designated employees, and any officer are responsible for enforcing the provisions of this division. Designated employees, pursuant to Penal Code Section 830.12, and any officer shall have the power to issue citations for any violations of the provisions of this division and of Vehicle Code Section 22523. No individual shall exercise the power to issue citations without first meeting the minimum training requirements of Penal Code Section 832(a). The Director of ~~the Department of Environmental Health~~Planning and Land Use shall administer the provisions of the division.

Section 9. Section 78.201 of the San Diego County Code is amended to read as follows:

SEC. 78.201. AUTHORITY TO REMOVE ABANDONED VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

Pursuant to authority under ~~Government~~Vehicle Code Section 22660, if a designated employee or officer has reasonable grounds to believe that a vehicle or part has been abandoned, or that a wrecked, dismantled, or inoperative vehicle or part has been parked, stored or left on public or private property in violation of the provisions of this division, the designated employee or officer may abate and remove the vehicle or part as a public nuisance in accordance with the procedures prescribed in this chapter.

Section 10. Section 81.701 of the San Diego County Code is amended to read as follows:

SEC. 81.701. DESIGN OF MINOR SUBDIVISION.

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

Section 11. Section 81.805 of the San Diego County Code is amended to read as follows:

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

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

Section 12. Section 87.112 of the San Diego County Code is amended to read as follows:

SEC. 87.112. GRADING OR CLEARING WITHIN OPEN SPACE EASEMENTS.

It shall be ~~a violation of this Division~~ unlawful for any person to maintain or allow, ~~perform or cause to be performed~~ any structure, grading or clearing on a property contrary to the express terms of an open space easement, conservation easement or other development restrictive easement which has been granted to the County of San Diego, ~~if that person has actual or constructive notice of the terms of such easement,~~ except where such clearing or grading is performed pursuant to and is limited to the extent authorized

by the valid order or regulation of an authorized government official, for fire control or other public safety purposes.

Section 13. Section 91.1.114.6 of the San Diego County Code is amended to read as follows:

SEC. 91.1.114.6. APPROVAL REQUIRED AFTER VIOLATION.

(a) It shall be unlawful for a person to occupy, use or maintain a building or structure until all inspections and approvals required by this chapter have been completed. When a person who commences work without a permit in violation of this chapter is issued a permit to correct the violation, the violation is not considered corrected until the building official has inspected and approved the work commenced and issued a certificate of occupancy. ~~If a building or structure was completed before the permit was issued it shall be unlawful to occupy or use the building or structure until all inspections and approvals required by this chapter have been completed.~~

(b) It shall be unlawful for a person to fail to obtain a building permit within 180 days of the date their application for a building permit is submitted, or within an alternate timeframe issued at the discretion of the Building Official, if that person had previously commenced work without a permit in violation of this chapter. ~~When the building official reviews a building permit application or issues a permit to a person who commenced work without a permit in violation of this chapter, the building official may impose a deadline within which the applicant is required to correct deficiencies in the application or obtain a final inspection. The deadline shall be no more than one year from the date the permit was issued.~~ The building official may grant a one time permit extension under this section for up to one year for good cause.

(c) ~~If each deficiency in the application is not corrected within the deadline, or the permit does not receive inspections within the deadline, the project associated with the plan review or the building permit shall be considered to be in violation of this chapter. The County may abate the violation including removing or razing any building or structure, issue citations, assess civil penalties, and take other enforcement action for reasons of inadequate progress until such time that the violation has been corrected.~~ It shall be unlawful for a person to fail to obtain a certificate of occupancy within 180 days of the date of issuance of a building permit, or within an alternate timeframe issued at the discretion of the Building Official, if that person had previously commenced work without a permit in violation of this chapter.

(d) It shall be unlawful for a person to fail to obtain an inspection once every ninety days after the issuance of a building permit until the Certificate of Occupancy is issued, if that person had previously commenced work without a permit in violation of this chapter.

Section 14: This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the _____ a newspaper of general circulation published in the County of San Diego.

Attachment F
Environmental Documentation

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

December 1, 2011

NOTICE IS HEREBY GIVEN that the County of San Diego is proposing to adopt Negative Declaration(s) in accordance with the California Environmental Quality Act for the following project(s). The proposed Negative Declaration(s) can be reviewed on the World Wide Web at **http://www.sdcounty.ca.gov/dplu/ceqa_public_review.html**, at the Department of Planning and Land Use (DPLU), Project Processing Counter, 5201 Ruffin Road, Suite B, San Diego, California 92123 and the public libraries listed below. Comments on these proposed Negative Declaration(s) must be sent to the DPLU address listed above and should reference the project number and name.

3803 11-004, LOG NO. ER 11-00-001; ZONING ORDINANCE UPDATE NO. 29 AND COUNTY CODE AMENDMENTS**.** The project proposes amendments to the County of San Diego Zoning Ordinance, Administrative Code and County Code to make additions and make minor revisions, corrections and clarifications to various sections. The proposed amendments to the Zoning Ordinance, the Administrative Code and the County Code consist of the following:

Proposed amendments and additions to the Zoning Ordinance consist of the following:

- Section 1110: would add definitions of “Agricultural Tourism”, “Community Garden”, “Construction and/or Use of the Property In Reliance on a Permit”, “Minor Deviation” and “Plot Plan” and would amend the definitions of “Accessory Use”, “Flood, 10 Year”, “Flood, 100 Year”, “Groundwater Extraction Operation”, “Living Area”, “Site Plan” and “Street, Centerline of”.

- Section 1350: would amend the “Major Impact Service and Utilities” Civic Use Type to include law enforcement training and military training uses on private property to the list of typical uses for clarification.

- Section 1425: would amend the “Animal Sales and Services” Commercial Use Type to clarify that Kennel use includes “dog day care” services and to add that boarding of animals or grooming of animals may be allowed as accessory to the Veterinary (Large Animals) and Veterinary (Small Animals) use types.

- Section 1490: would amend the “Gasoline Sales” Commercial Use Type to add retail sales of alternative vehicle fuels (including but not limited to natural gas (CNG) or biodiesel) to the description of the uses.

- Section 2990: would amend the Use Matrix pages to remove the S87 zone references to bring these pages into conformance with a previous ZO amendment.

- Section 3100: would amend the Animal Schedule to add a reference to the County Code which regulates the keeping of roosters.

- Section 3112: would amend the Animal Enclosure Setback Schedule to add a reference to the County Code which regulates the keeping of roosters.

- Section 3114: would amend the Kennel regulations to add that grooming services for the animals being boarded may be allowed as an incidental use subject to certain limitations.

- Section 4505: would amend the “Floor Area Ratio Designator Notation” provisions to add that floor-area ratio pursuant to the Land Use Element of the General Plan may be applicable to a property.

- Section 4600: would amend the Height Regulations as follows:

  4615: would amend the “Additional Story Permitted” provisions to amend the noticing requirement for an Administrative Permit to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

  4630: would amend the Fencing provisions to make a minor correction to a reference to Section 6700.

- Section 5200: would amend the Scenic Area Regulations as follows:

  5205: would amend the “Site Plan Required” provisions to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

  5214: would amend the “Waiver of a Site Plan” provisions to remove the term “waiver” and replace with “Site Plan Permit Exemption”.

- Section 5250: would amend the Airport Land Use Compatibility Plan (ALUCP) Area Regulations to add a requirement that owners of properties within an Airport Overflight Notification Area, as shown on an adopted ALUCP, shall record an Overflight Agreement prior to issuance of a permit for any residential development.

- Section 5300: would amend the Sensitive Resource Area Regulations as follows:

5304: would amend the provisions regarding “Content of a Site Plan” to require that plans show the location of the 100 year floodplain as shown on the Department of Public Works 100 year Floodplain Maps and FEMA Flood Insurance Rate Maps.

5307: would amend the provisions of Use Regulations and Development Standards to amend the uses permitted in the Floodway to state that reclamation plans restore a site to its natural state and would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction and would make minor revisions to the provisions of the Floodplain Fringe to clarify what is considered development for purposes of that subsection.

- Section 5710: would amend the Historical/Archaeological Landmarks and Districts provisions to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

- Section 5750: would amend the Community Design Review Area Regulations as follows:

  5757: would remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

  5799: would remove an incorrect reference to another section.

- Section 5905: would amend the Design Review Area Regulations to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

- Section 6100: would amend the Temporary Use Regulations as follows:

  6106: would amend the provisions regulating the duration of a temporary circus, carnival, or other outdoor entertainment event to state that there shall be a minimum of 14 consecutive days between events.

  6108: would amend the provisions regulating the duration of temporary gathering for a civic, fraternal or religious assembly to state that there shall be a minimum of 14 consecutive days between events.

  6116: would amend the provisions regulating Temporary Uses in New Subdivisions to revise an incorrect reference to a section of the County Code.

  6118: would amend the provisions regarding Use of a Trailer Coach, Residential Uses to remove the requirement that an owner furnish security in the amount of $1,000 for the future removal of a temporary health care trailer.

- Section 6123: would amend the Meteorological Testing Facility regulations to amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

- Section 6124: would amend the Temporary Outdoor Sales provisions to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

- Section 6152: would amend the Accessory Uses Encompassed by Principal Use regulations to add clarification that it shall be unlawful to establish or maintain any accessory use and/or structure on any lot where there is no lawfully established principal use on the same lot.

- Section 6156: would amend the Accessory Residential and Agricultural Use Regulations as follows:

  a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

  g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses (non business or non agricultural purposes): would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

  q. Roadside Sales of Agricultural Products: would amend the regulations to add a reference to California Code which allows sales of certain commodities.

  u. Farm Employee Housing: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

  x. Second Dwelling Units. Would amend the regulations to allow conversion of an existing accessory unit (established by a discretionary permit) to a Second Dwelling Unit and allow the discretionary permit to be rescinded if a Second Dwelling Unit is allowed by right on the property and would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

  y. Family Day Care Home For Children, Large (9 to 14 children): would correct a typographical error and would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

  z. Wind Turbine Systems, Small. Height: would amend the regulations to provide clarification for measurement of height of a system when it is mounted on the roof of a structure.

  bb. Host Home: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

  kk. Agricultural Tourism: would amend the Accessory Use regulations to add Agricultural Tourism on lots where there is a Commercial Agricultural Operation in the RR, A70, A72, S90 and S92 Use Regulations. Allowed activities would include U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises.

- Section 6158.a.2: would amend the regulations relating to Outdoor Café Seating and Sidewalk Cafés, Sidewalk Cafés Within the Public Right-of-Way to amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

- Section 6207: would amend the "Special Purpose Off-Premise Sign" regulations as follows:

  a. General Standards Applicable to Special Purpose Off-Premise Signs.
     2. Setbacks: would amend the setback provisions which states that no portion of any sign shall extend beyond private property lines into the street right-of-way, to add an exception for certain Community Identification Signs.

  b. Special Purpose Off-Premise Sign Types.
     2. Community Identification Signs: would amend the regulations to add provisions to allow Community Identification Signs to be placed over a public road, subject to limitations and would remove the term "waiver" from the Site Plan provisions and replace with "Site Plan Permit Exemption".

     5. Commercial or Industrial Center Identification Signs: would remove the term "waiver" from the Site Plan provisions and replace with "Site Plan Permit Exemption".

- Section 6261: would amend the "On-Premise Signs Regulated" regulations as follows:

  e. would remove the term "waiver" from the Site Plan provisions for "Lighting" and replace with "Site Plan Permit Exemption".

  6268: would remove the term "waiver" from the Site Plan provisions for Banners, Pennants and Similar Devices and replace with "Site Plan Permit Exemption".

- Section 6324: would amend the Lighting Permitted in Required Yards to correct the reference to the County Light Pollution Code.

- Section 6708: would amend the Permitted Fences, Walls, Gates and Entry Structures as follows:

  c. Tennis Court Fencing and Lighting: would clarify that lighting standards for tennis courts shall not exceed a height of 20 feet.

  h. Exceptions.
     1. Fences, Walls and Gate Entry Structures on Individual Lots: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

     2. Gate Entry Structures and Gate Houses on Private Easements: would amend the noticing requirement for Administrative Permits to reference

Section 7060.c to provide identical noticing requirements for all AD Permits.

- Section 6799: would amend the Parking of Commercial Vehicles in Residential, Agricultural and Certain Special Purpose Zones to remove a reference to the California Vehicle Code.

- Section 6816: would amend the Enclosure Matrix to remove the reference to the S-87 zone.

- Section 6904: would amend the regulations related to Explosives Storage to remove the limitation of the approval of a Major Use Permit for a maximum of 5 years and add that a compliance report shall be submitted to the Director once every 5 years and as a result of review of the report the Director may determine that the use is in compliance with this section and all applicable conditions of approval or may determine that the use be reviewed by the Approving Authority.

- Section 6910.c: would amend the regulations relating to Small Wineries to correct a reference to the Safety Element of the General Plan and to amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

- Section 6911: would amend the Emergency Shelter provisions to correct the reference to the County Light Pollution Code.

- Section 6912: would add regulations to allow Community Gardens in all zones where Row and Field Crops are permitted, subject to certain limitations.

- Section 6985: would amend the Wireless Telecommunications Facilities regulations to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

- Section 7060: would amend the Administrative Permit Procedure, Decision and Notice regulations to amend the Notice to Property Owners to provide identical noticing requirements for all AD Permits.

- Section 7150: would amend the Site Plan Review Procedure, as follows:

  7156: would amend the “Waiver of a Site Plan” regulations to remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption” and other minor revisions

  7168: would amend the “Expiration and Extension” regulations to allow the Director to grant one or more extensions of a Site Plan for 24 months rather than a total of 12 months.

- Section 7600: would amend the Supplementary Administrative Procedures as follows:

  7600: would amend the Title and Purpose to clarify that the regulations are applicable to Administrative Permits.

7609: would amend the “Minor Deviation from Plan” regulations to clarify the changes to a plan that may be approved with a Minor Deviation.

- Section 7703: would amend the Enforcement Procedures to add a subsection to the Violations and Penalties section to specify that the Director may issue a Cease and Desist Order whenever the Director finds any use regulated by this Ordinance being performed in a manner either contrary to the provisions of this Ordinance or not allowed by this Ordinance.

- Section 8203: would remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

- Section 8303: would remove the term “waiver” from the Site Plan provisions and replace with “Site Plan Permit Exemption”.

Proposed amendment to the Administrative Code consists of the following:

- Article XXXIII, SEC. 650. Establishment of Position: would clarify that this article which establishes the County Hearing Officer does not apply to Hearing Officers hired to hear appeals of recording of notices of violation, pursuant to San Diego County Code section 18.301 et seq.

Proposed amendments and additions to the County Code consist of the following:

- Section 18.207. Payment of Civil Penalties: would amend this section to require that civil penalties assessed shall be paid in full within 14 days from the date the Notice and Order is served rather than 45 days.

- Section 18.214. Procedures to Record Orders as Liens: would amend this section to state that a lien against property may be recorded unless the amount due is paid within 30 days, rather than 45 days, from the date of a notice and to add that a lien shall continue until the violations listed in the Administrative Enforcement Order are corrected.

- Sections 18.301 through 18.309 are added to Division 8, Administrative Remedies to establish a procedure for Recordation of Notices of Violation.

- Section 36.404. General Sound Level Limits, Table 36.404-Sound Level Limits in Decibels (dBA): would amend the table which refers to noise limitations based on zoning and density to reference the density of the Land Use Element of the General Plan.

- Section 78.102. Definitions, Abandoned Vehicle Abatement Division: would amend the definition of "Designated Employee" to make a correction that enforcement of this division is the duty of the Department of Planning and Land Use rather than the Department of Environmental Health.

- Section 78.109. Enforcement, Administration by Director of the Department of Environmental Health, Abandoned Vehicle Abatement Division: would amend this section to make a correction that enforcement and administration is the responsibility of the Director of Planning and Land Use rather than the Director of Environmental Health.

- Section 78.201. Authority to Remove Abandoned Vehicles on Public or Private Property, Abandoned Vehicle Abatement Division: would make a minor correction to a reference to a section of state code.

- Section 81.701. Design of Minor Subdivision: would make a minor correction to the reference to a Regional Category of the County General Plan.

- Section 81.805. Center Lines, Right-of-Way Lines, Proposed Road Widening Lines and Building Lines: would make a minor correction to the reference to an element of the General Plan.

- Section 87.112. Grading or Clearing within Open Space Easements: would make minor amendments to the language of this section.

- Section 91.1.001 Adoption of Administration Provisions, Section 91.1.114.6. Approval Required After Violation: would amend the regulations pertaining to a person who commences work without a permit in violation of this chapter to state that it shall be unlawful for a person to fail to obtain a certificate of occupancy within 180 days of the date of issuance of a building permit, it shall be unlawful for a person to occupy, use or maintain a building or structure until all inspections and approvals required by this chapter have been completed and it shall be unlawful for a person to fail to obtain an inspection once every ninety days after the issuance of a building permit.

The project is located within the County of San Diego which is in Southern California bordered to the west by the Pacific Ocean, to the east by Imperial County, to the north by Orange and Riverside Counties, and to the south by Mexico. The project covers the unincorporated portions of the County of San Diego over which the County has land use jurisdiction. Comments on this proposed Negative Declaration must be received no later than **January 17, 2012 at 4:00 p.m.** (a 45 day public review period).

This proposed Negative Declaration can also be reviewed at the following library branches: 4S Ranch, Alpine, Bonita, Borrego Springs, Campo, Casa de Oro, Crest Descanso, Fallbrook, Jacumba, Julian, Lakeside, Pine Valley, Potrero, Ramona, Rancho San Diego, Rancho Santa Fe, Spring Valley and Valley Center For additional information, please contact Heather Lingelser at (858) 495-5802 or by e-mail at heather.lingelser@sdcounty.ca.gov.

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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NEGATIVE DECLARATION

December 1, 2011

Project Name: Zoning Ordinance Update No. 29 and County Code Amendments

Project Number(s): 3803 11-004, Log No. ER 11-00-001

This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.

This Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

a. Initial Study Form
b. Environmental Analysis Form

1. California Environmental Quality Act Negative Declaration Findings:

   Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

ADOPTION STATEMENT: This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

_____

on _____

Joseph Farace, Planning Manager
Advance Planning Division

JF:hsl

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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December 1, 2011

CEQA Initial Study - Environmental Checklist Form
(Based on the State CEQA Guidelines, Appendix G Rev. March, 2010)

1. Title; Project Number(s); Environmental Log Number:

   Zoning Ordinance Update No. 29 and County Code Amendment;
   3803 11-004; Log No. ER 11-00-001

2. Lead agency name and address:
   County of San Diego, Department of Planning and Land Use
   5201 Ruffin Road, Suite B,
   San Diego, CA 92123-1666

3. a. Contact: Heather Lingelser, Project Manager
   b. Phone number: (858) 495-5802
   c. E-mail: heather.lingelser@sdcounty.ca.gov.

4. Project location:

   The County of San Diego is bordered to the west by the Pacific Ocean, to the east by Imperial County, to the north by Orange and Riverside Counties, and to the south by Mexico. The project covers the unincorporated portions of the County of San Diego over which the County has land use jurisdiction.

5. Project Applicant name and address:

   County of San Diego, Department of Planning and Land Use
   5201 Ruffin Road, Suite B, San Diego, California 92123

6. General Plan Designation

Community Plan:	All Community and Subregional Plan Areas
Land Use Designation:	Variable
Density:	Variable

7. Zoning

Use Regulation:	Variable
Minimum Lot Size:	Variable
Special Area Regulation:	Variable

8. Description of project:

The project proposes amendments to the San Diego County Zoning Ordinance, Administrative Code and County Code. This project proposes to amend the Zoning Ordinance provisions related to Definitions, Use Types, Animal Regulations, Development Regulations, Special Area Regulations, Temporary Uses, Accessory Uses, Signs, Fencing Regulations, Parking Regulations, Enclosure Regulations, General Regulations, Procedures and Fallbrook Village Zones. The project proposes to amend the Administrative Code provisions related to County Hearing Officer and amendments to the County Code to amend provisions related to Administrative Remedies, Noise, Abandoned Vehicle Abatement, Subdivisions, Grading and Administration of County Building Code. See the attached Zoning Ordinance Amendment and County Code Amendments.

Proposed amendments and additions to the Zoning Ordinance consist of the following:

- Section 1110: would add definitions of “Agricultural Tourism”, “Community Garden”, “Construction and/or Use of the Property In Reliance on a Permit”, “Minor Deviation” and “Plot Plan” and would amend the definitions of “Accessory Use”, “Flood, 10 Year”, “Flood, 100 Year”, “Groundwater Extraction Operation”, “Living Area”, “Site Plan” and “Street, Centerline of”.

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z. Wind Turbine Systems, Small. Height: would amend the regulations to provide clarification for measurement of height of a system when it is mounted on the roof of a structure.

bb. Host Home: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

kk. Agricultural Tourism: would amend the Accessory Use regulations to add Agricultural Tourism on lots where there is a Commercial Agricultural Operation in the RR, A70, A72, S90 and S92 Use Regulations. Allowed activities would include U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises.

- Section 6158.a.2: would amend the regulations relating to Outdoor Café Seating and Sidewalk Cafés, Sidewalk Cafés Within the Public Right-of-Way to amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

- Section 6207: would amend the “Special Purpose Off-Premise Sign” regulations as follows:

  a. General Standards Applicable to Special Purpose Off-Premise Signs.
     2. Setbacks: would amend the setback provisions which states that no portion of any sign shall extend beyond private property lines into the street right-of-way, to add an exception for certain Community Identification Signs.

  b. Special Purpose Off-Premise Sign Types.

2. Community Identification Signs: would amend the regulations to add provisions to allow Community Identification Signs to be placed over a public road, subject to limitations and would remove the term "waiver" from the Site Plan provisions and replace with "Site Plan Permit Exemption".

5. Commercial or Industrial Center Identification Signs: would remove the term "waiver" from the Site Plan provisions and replace with "Site Plan Permit Exemption".

- Section 6261: would amend the "On-Premise Signs Regulated" regulations as follows:

  e. would remove the term "waiver" from the Site Plan provisions for "Lighting" and replace with "Site Plan Permit Exemption".

  6268: would remove the term "waiver" from the Site Plan provisions for Banners, Pennants and Similar Devices and replace with "Site Plan Permit Exemption".

- Section 6324: would amend the Lighting Permitted in Required Yards to correct the reference to the County Light Pollution Code.

- Section 6708: would amend the Permitted Fences, Walls, Gates and Entry Structures as follows:

  c. Tennis Court Fencing and Lighting: would clarify that lighting standards for tennis courts shall not exceed a height of 20 feet.

  h. Exceptions.
     1. Fences, Walls and Gate Entry Structures on Individual Lots: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

     2. Gate Entry Structures and Gate Houses on Private Easements: would amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

- Section 6799: would amend the Parking of Commercial Vehicles in Residential, Agricultural and Certain Special Purpose Zones to remove a reference to the California Vehicle Code.

- Section 6816: would amend the Enclosure Matrix to remove the reference to the S-87 zone.

- Section 6904: would amend the regulations related to Explosives Storage to remove the limitation of the approval of a Major Use Permit for a maximum of 5 years and add that a compliance report shall be submitted to the Director once every 5 years and as a result of review of the report the Director may determine that the use is in compliance with this section and all applicable conditions of approval or may determine that the use be reviewed by the Approving Authority.

- Section 6910.c: would amend the regulations relating to Small Wineries to correct a reference to the Safety Element of the General Plan and to amend the noticing requirement for Administrative Permits to reference Section 7060.c to provide identical noticing requirements for all AD Permits.

- Section 6911: would amend the Emergency Shelter provisions to correct the reference to the County Light Pollution Code.

- Section 6912: would add regulations to allow Community Gardens in all zones where Row and Field Crops are permitted, subject to certain limitations.

- Section 6985: would amend the Wireless Telecommunications Facilities regulations to remove the term "waiver" from the Site Plan provisions and replace with "Site Plan Permit Exemption".

- Section 7060: would amend the Administrative Permit Procedure, Decision and Notice regulations to amend the Notice to Property Owners to provide identical noticing requirements for all AD Permits.

- Section 7150: would amend the Site Plan Review Procedure, as follows:

  7156: would amend the "Waiver of a Site Plan" regulations to remove the term "waiver" from the Site Plan provisions and replace with "Site Plan Permit Exemption" and other minor revisions

  7168: would amend the "Expiration and Extension" regulations to allow the Director to grant one or more extensions of a Site Plan for 24 months rather than a total of 12 months.

- Section 7600: would amend the Supplementary Administrative Procedures as follows:

  7600: would amend the Title and Purpose to clarify that the regulations are applicable to Administrative Permits.

  7609: would amend the "Minor Deviation from Plan" regulations to clarify the changes to a plan that may be approved with a Minor Deviation.

- Section 7703: would amend the Enforcement Procedures to add a subsection to the Violations and Penalties section to specify that the Director may issue a Cease and Desist Order whenever the Director finds any use regulated by this Ordinance being performed in a manner either contrary to the provisions of this Ordinance or not allowed by this Ordinance.

- Section 8203: would remove the term "waiver" from the Site Plan provisions and replace with "Site Plan Permit Exemption".

- Section 8303: would remove the term "waiver" from the Site Plan provisions and replace with "Site Plan Permit Exemption".

Proposed amendment to the Administrative Code consist of the following:

- Article XXXIII, SEC. 650. Establishment of Position: would clarify that this article which establishes the County Hearing Officer does not apply to Hearing Officers hired to hear appeals of recording of notices of violation, pursuant to San Diego County Code section 18.301 et seq.

Proposed amendments and additions to the County Code consist of the following:

- Section 18.207. Payment of Civil Penalties: would amend this section to require that civil penalties assessed shall be paid in full within 14 days from the date the Notice and Order is served rather than 45 days.

- Section 18.214. Procedures to Record Orders as Liens: would amend this section to state that a lien against property may be recorded unless the amount due is paid within 30 days, rather than 45 days, from the date of a notice and to add that a lien shall continue until the violations listed in the Administrative Enforcement Order are corrected.

- Sections 18.301 through 18.309 are added to Division 8, Administrative Remedies to establish a procedure for Recordation of Notices of Violation.

- Section 36.404. General Sound Level Limits, Table 36.404-Sound Level Limits in Decibels (dBA): would amend the table which refers to noise limitations based on zoning and density to reference the density of the Land Use Element of the General Plan.

- Section 78.102. Definitions, Abandoned Vehicle Abatement Division: would amend the definition of "Designated Employee" to make a correction that enforcement of this division is the duty of the Department of Planning and Land Use rather than the Department of Environmental Health.

- Section 78.109. Enforcement, Administration by Director of the Department of Environmental Health, Abandoned Vehicle Abatement Division: would amend this section to make a correction that enforcement and administration is the responsibility of the Director of Planning and Land Use rather than the Director of Environmental Health.

- Section 78.201. Authority to Remove Abandoned Vehicles on Public or Private Property, Abandoned Vehicle Abatement Division: would make a minor correction to a reference to a section of state code.

- Section 81.701. Design of Minor Subdivision: would make a minor correction to the reference to a Regional Category of the County General Plan.

- Section 81.805. Center Lines, Right-of-Way Lines, Proposed Road Widening Lines and Building Lines: would make a minor correction to the reference to an element of the General Plan.

- Section 87.112. Grading or Clearing within Open Space Easements: would make minor amendments to the language of this section.

- Section 91.1.001 Adoption of Administration Provisions, Section 91.1.114.6. Approval Required After Violation: would amend the regulations pertaining to a person who commences work without a permit in violation of this chapter to state that it shall be unlawful for a person to fail to obtain a certificate of occupancy within 180 days of the date of issuance of a building permit, it shall be unlawful for a person to occupy, use or maintain a building or structure until all inspections and approvals required by this chapter have been completed and it shall be unlawful for a person to fail to obtain an inspection once every ninety days after the issuance of a building permit.

9. Surrounding land uses and setting (Briefly describe the project's surroundings):

The County terrain varies from west to east, sloping up from the ocean, transitioning to rolling hills and then steep mountains that finally give way to flat to gently sloping deserts.

The County is a generally semi-arid environment and supports a wide range of habitats and biological communities. These habitats and communities range from grasslands to shrublands to coniferous forests. Additionally, these habitats and communities vary greatly depending on the ecoregion, soils and substrate, elevation and topography.

The urban areas of the County are predominantly in the west, either surrounding the City of San Diego, or interspersed between the City of San Diego and the cities in Orange and Riverside Counties. Further east, the land is less developed, with the largest developed area in the eastern portion of the County being the community of Borrego Springs. The eastern portion of the County is unincorporated and mostly undeveloped. The areas that have been developed in the eastern portion of the County have been predominantly developed in a rural fashion, with large lot sizes, agricultural or related uses, and have limited infrastructure and service availability.

The County is serviced by the Interstates 5, 15, 163, and 805 that all run north and south throughout the western portion of the County and Interstate 8 that runs east and west throughout the southern portion of the County. Additionally, the County is serviced by State Highways 76, 78 and 94 that all run east and west across the County and State Highways 67 and 79 that all run north and south throughout the western and eastern sides of the County, respectively.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project and involve at least one impact that is a "Potentially Significant Impact" or a "Less Than Significant With Mitigation Incorporated," as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forest Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology & Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Haz. Materials	☐ Hydrology & Water Quality
☐ Land Use & Planning	☐ Mineral Resources	☐ Noise
☐ Population & Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities & Service Systems	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

☒ On the basis of this Initial Study, the Department of Planning and Land Use finds that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ On the basis of this Initial Study, the Department of Planning and Land Use finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ On the basis of this Initial Study, the Department of Planning and Land Use finds that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Heather Lingelser
Signature

December 1, 2011
Date

Heather S. Lingelser
Printed Name

Land Use/Environmental Planner II
Title

INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, Less Than Significant With Mitigation Incorporated, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. The explanation of each issue should identify:
   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

A vista is a view from a particular location or composite views along a roadway or trail. Scenic vistas often refer to views of natural lands, but may also be compositions of natural and developed areas, or even entirely of developed and unnatural areas, such as a scenic vista of a rural town and surrounding agricultural lands. What is scenic to one person may not be scenic to another, so the assessment of what constitutes a scenic vista must consider the perceptions of a variety of viewer groups. The items that can be seen within a vista are visual resources. Adverse impacts to individual visual resources or the addition of structures or developed areas may or may not adversely affect the vista. Determining the level of impact to a scenic vista requires analyzing the changes to the vista as a whole and also to individual visual resources.

Less Than Significant Impact: The viewshed and visible components of the landscape within that viewshed, including the underlying landform and overlaying land cover, establish the visual environment for the scenic vista. The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development, nor does it propose a new primary use. The uses allowed pursuant to these amendments may be located near or within the viewshed of a scenic vista. The uses allowed pursuant to these amendments will not have a substantial adverse effect on a scenic vista because these uses conform to the landform and match the existing developed areas of the view shed. For example, allowing a Community Identification Sign over a public road right-of-way would not have a significant adverse effect on a scenic vista since any future sign would be limited in height and size by the ordinance and would require approval of a discretionary permit which would be subject to review under CEQA. Any potential impacts would be evaluated and mitigated as necessary. The uses allowed pursuant to these amendments would be required to conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance and other applicable codes and ordinances. Therefore, the proposed project will not have a substantial adverse effect on a scenic vista. As the project will not result in significant impacts to scenic vistas, it will also not contribute to any cumulatively considerable impacts on scenic vistas in the County.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

State scenic highways refer to those highways that are officially designated by the California Department of Transportation (Caltrans) as scenic (Caltrans - California Scenic Highway Program). Generally, the area defined within a State scenic highway is the land adjacent to and visible from the vehicular right-of-way. The dimension of a scenic highway is usually identified using a motorist's line of vision, but a reasonable boundary is selected when the view extends to the distant horizon. The scenic highway corridor extends to the visual limits of the landscape abutting the scenic highway.

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development, nor does it propose a new primary use. The uses allowed pursuant to these amendments may be located near or within the composite viewshed of a State scenic highway. The uses allowed pursuant to these amendments will not have a substantial adverse effect on a scenic resource within a State scenic highway because these uses will comply with policies to protect local and state scenic corridors, such as General Plan Policy COS-11.1. Project implementation, such as allowing a Community Identification Sign within the public right-of-way, would not have an adverse effect on scenic resources since only one sign is allowed at the entry to a community and the location and design of a sign requires approval of a discretionary permit which would be subject to review under CEQA. Any potential impacts would be evaluated and mitigated as necessary. In addition, these signs would not be allowed over a state highway. The uses allowed pursuant to these amendments would be required to conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance and other applicable codes and ordinances. Therefore, the proposed project will not have any substantial adverse effect on a scenic resource within a State scenic highway. The project will not result in cumulatively considerable impacts on scenic resources since its implementation will not have significant adverse effects on such resources.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Visual character is the objective composition of the visible landscape within a viewshed. Visual character is based on the organization of the pattern elements line, form, color, and texture. Visual character is commonly discussed in terms of dominance, scale, diversity and continuity. Visual quality is the viewer's perception of the visual environment and varies based on exposure, sensitivity and expectation of the viewers.

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Implementation of the project will be consistent with policies in the Conservation and Open Space Element of the County General Plan and with all community plan policies. In addition, the components of this project are consistent with County of San Diego Visual Resources guidelines prepared for CEQA projects. It is expected that the minor revisions and clarifications set forth in these ordinance amendments will have a beneficial effect on the County's visual environment rather than adverse effects. For example, one such clarification provides that tennis court lighting shall not exceed a height of 20 feet. Since implementation of the project will not result in significant adverse effects on visual character or quality, it will also not contribute to cumulatively considerable visual impacts.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ Less than Significant Impact
- ☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development or the use of outdoor lighting or building materials with highly reflective properties such as highly reflective glass or high-gloss surface colors. A minor clarification to the height limitation of lighting standards for tennis courts would not alter the regulations of San Diego County Light Pollution Code. Therefore, the project will not create any new sources of light pollution that could contribute to skyglow, light trespass or glare and adversely affect day or nighttime views in an area.

II. AGRICULTURE AND FORESTRY RESOURCES -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, or other agricultural resources, to non-agricultural use?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The uses allowed pursuant to these amendments are not anticipated to convert Prime Farmland, Unique Farmland, Farmland of Statewide or Local Importance or other agricultural resources, to non-agricultural use. For example, allowing Community Gardens in zones where Row and Field Crops are an allowed use would encourage the growing and harvesting of food crops by individuals or groups. The project does not propose any development or propose amendments which would intensify existing uses. Therefore, no potentially significant project or cumulative level conversion of agricultural resources to a non-agricultural use will occur as a result of this project.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project proposes to add provisions to allow Community Gardens in zones where Row and Field Crops are an allowed agricultural use and to add provisions to allow Agricultural Tourism on agricultural properties with an existing commercial agricultural operation in certain zones. These uses would be in conformance with existing zoning for agricultural use or a Williamson Act Contract. In addition, there is no development associated with the proposed project. Therefore, the project does not conflict with existing zoning for agricultural use, or a Williamson Act Contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), or timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project will not result in changes to allowed uses in any areas which contain forest lands or timberland. The County of San Diego does not have any existing Timberland Production Zones. In addition, the project does not propose rezones of any properties. Therefore, project implementation would not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland production zones.

d) Result in the loss of forest land, conversion of forest land to non-forest use, or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of forest land to non-forest use?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ Less than Significant Impact
- ☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project will not result in any changes to allowed uses in any areas which contain any forest lands as defined in Public Resources Code section 12220(g), therefore project implementation would not result in the loss or conversion of forest land to a non-forest use. In addition, the project is not located in the vicinity of offsite forest resources.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ Less than Significant Impact
- ☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The uses allowed pursuant to these amendments are not anticipated to convert Important Farmland or other agricultural resources, to non-

agricultural use. For example, allowing Community Gardens in zones where Row and Field Crops are an allowed use would encourage would encourage the growing and harvesting of food crops by individuals or groups. The project does not propose any development or propose amendments which would intensify existing uses. Therefore, no Prime Farmland, Unique Farmland, Farmland of Statewide or Local Importance, or active agricultural operations will be converted to a non-agricultural use.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any changes to the existing zoning or General Plan Designations on any properties, or any changes to the allowed densities anticipated in SANDAG growth projections used in development of the RAQS and SIP within the County of San Diego. As such, the proposed project is not expected to conflict with either the RAQS or the SIP. Cumulative projects are also required to comply with the SIP, and the RAQS, and other applicable regional air quality plans. Therefore, cumulatively considerable impacts would not occur.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

In general, air quality impacts from land use projects are the result of emissions from motor vehicles, and from short-term construction activities associated with such projects. The San Diego County Land Use Environment Group (LUEG) has established guidelines for determining significance which incorporate the Air Pollution Control District's (SDAPCD) established screening-level criteria for all new source review (NSR) in APCD Rule 20.2. These screening-level criteria can be used as numeric methods to demonstrate that a project's total emissions (e.g. stationary and fugitive emissions, as

well as emissions from mobile sources) would not result in a significant impact to air quality. Since APCD does not have screening-level criteria for emissions of volatile organic compounds (VOCs), the use of the screening level for reactive organic compounds (ROC) from the South Coast Air Quality Management District (SCAQMD) for the Coachella Valley (which are more appropriate for the San Diego Air Basin) are used.

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The nature of this project does not require any construction and does not generate any vehicle trips or any operational emissions associated with vehicle trips. According to the Bay Area Air Quality Management District CEQA Guidelines for Assessing the Air Quality Impacts of Projects and Plans, projects that generate less than 2,000 ADT are below the screening-level criteria established by the guidelines for criteria pollutants. As such, the project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Moreover, since the project will not generate emissions, it will not contribute to a cumulatively considerable impact related to air quality standards.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

San Diego County is presently in non-attainment for the 1-hour concentrations under the California Ambient Air Quality Standard (CAAQS) for Ozone (O_3). San Diego County is also presently in non-attainment for the annual geometric mean and for the 24-hour concentrations of Particulate Matter less than or equal to 10 microns (PM_{10}) under the CAAQS. O_3 is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_x) react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides. Sources of PM_{10} in both urban and rural areas include: motor vehicles, wood burning stoves and fireplaces, dust from construction, landfills, agriculture, wildfires, brush/waste burning, and industrial sources of windblown dust from open lands.

No Impact:
The project does not propose any construction and/or operation that have the potential to emit any criteria air pollutants. No increase in vehicular trips is anticipated as a result of the project. Further, there are no substantial grading operations associated with the

construction of the project. As such, the project will not result in a cumulatively considerable net increase of PM_{10}, or any O_3 precursors.

d) Expose sensitive receptors to substantial pollutant concentrations?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Air quality regulators typically define sensitive receptors as schools (Preschool-12th Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. The County of San Diego also considers residences as sensitive receptors since they house children and the elderly.

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and would not result in measurable increases in air pollution. The project does not propose any construction and/or operation that have the potential to emit any criteria air pollutants. No increase in vehicular trips is anticipated as a result of the project. Since implementation of the project will not result in air pollution, the project will not contribute to a cumulatively considerable impact related to exposure of sensitive receptors to substantial pollutant concentrations.

e) Create objectionable odors affecting a substantial number of people?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

No Impact:
No potential sources of objectionable odors have been identified in association with the proposed project. As such, no impact from odors is anticipated.

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and would not have an impact on any candidate, sensitive or special status species. Some future uses allowed by these Zoning Ordinance Amendments could be operated out of existing buildings on developed sites, which would not have an impact on any candidate, sensitive or special status species. Any future uses conducted pursuant to these Amendments in the vicinity of candidate species or their habitats would be required to comply with all existing State and Federal regulations that ensure the protection of candidate, sensitive or special status species including the Federal Endangered Species Act. In addition, the County has numerous regulations to safeguard against unmitigated impacts to sensitive species and habitat, such as provisions within the Grading Ordinance, Zoning Ordinance, Watershed Protection Ordinance, Resource Protection Ordinance, Habitat Loss Permit Ordinance, Biological Mitigation Ordinance, General Plan Elements, and community plans. Therefore, the project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and would not have an adverse effect on any riparian habitat or other sensitive natural communities. Some future uses allowed by these Zoning Ordinance Amendments could be operated out of existing buildings on developed sites, which would not have an adverse effect on any riparian habitat or other sensitive natural communities. Any future uses allowed pursuant to these Amendments in the vicinity of riparian habitat or other sensitive natural communities would be required to comply with

all existing State and Federal regulations that ensure the protection of riparian habitat or other sensitive natural communities. One part of the project would amend the Sensitive Resource Area Regulations related to allowed uses in the Floodway. This amendment would add a requirement that reclamation plans required for mineral extraction projects must restore the site to its natural state, which would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction. This would not have an adverse impact since these requirements would be implemented during discretionary review for a project which proposes mineral extraction. Mineral extraction projects are subject to approval of a major use permit and a reclamation plan which require environmental review pursuant to CEQA. In addition, the County has numerous regulations to safeguard against unmitigated impacts to riparian habitat, and sensitive vegetation communities, such as provisions within the Grading Ordinance, Zoning Ordinance, Watershed Protection Ordinance, Resource Protection Ordinance, Habitat Loss Permit Ordinance, Biological Mitigation Ordinance, General Plan Elements, and community plans. Therefore, the project would not have a significant impact on any riparian habitat or other sensitive natural community.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act. Some future uses allowed by these Zoning Ordinance Amendments could be operated out of existing buildings on developed sites, which would not have a substantial adverse effect on federally protected wetlands. Any future uses allowed pursuant to these Amendments within the vicinity of federal wetlands would be required to comply with all existing State and Federal regulations that ensure the protection of federal wetlands. One component of the project would amend the Sensitive Resource Area Regulations related to allowed uses in the Floodway. This would add a requirement that reclamation plans required for mineral extraction projects must restore the site to its natural state, which would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction. This revision would not have an adverse impact since these requirements would be implemented during discretionary review for a project which proposes mineral extraction. Mineral extraction projects are subject to approval of a major use permit and a reclamation plan which require environmental

review pursuant to CEQA. Moreover, it would be required to comply with all Federal regulations that ensure the protection of wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.). Therefore, no significant impacts will occur to wetlands or waters of the U.S. as defined by Section 404 of the Clean Water Act and under the jurisdiction of the Army Corps of Engineers.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and would not result in substantial adverse effects, either directly or through habitat modification, to corridors or native wildlife nursery sites. Some future uses allowed by these Zoning Ordinance Amendments could be operated out of existing buildings on developed sites, which would not result in substantial adverse effects, either directly or through habitat modification, to corridors or native wildlife nursery sites because these uses will be found in already developed areas with no landform modification occurring. Any future uses on land that contains native habitat, and possibly even on land that provides corridors or native wildlife nursery sites, would be required to comply with all existing State and Federal regulations that ensure the protection of sensitive species and breeding sites. In addition, the County has numerous regulations to safeguard against unmitigated impacts to sensitive species and habitat (including wildlife movement paths and nursery sites), such as provisions within the Grading Ordinance, Zoning Ordinance, Watershed Protection Ordinance, Resource Protection Ordinance, Habitat Loss Permit Ordinance, Biological Mitigation Ordinance, General Plan Elements, and community plans. Therefore, the project will not have an adverse impact on the movement of any native resident or migratory fish or wildlife species or on established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) Conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The proposed Amendments would not modify any adopted HCPs or NCCPs, or other provisions related to biological resource protection. Any future uses associated with these Zoning Ordinance amendments will still be consistent with applicable HCPs/NCCPs such as the Multiple Species Conservation Program or the Southern California Coastal Sage Scrub NCCP. They will also be subject to any applicable regional or local policies/ordinances that protect biological resources, such as the County's General Plan policies.

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Unincorporated San Diego County contains historical sites that are designated on local, State, and national historical lists and meets the definitions of historical resources under Section 15064.5(a) of the CEQA Guidelines or the County's RPO. All known historic buildings, or sites have been flagged so that any permit activity relating to a property having known significant historic sites will be required to undergo additional review by an environmental specialist. All discretionary projects are subject to a rigorous cultural review with the goal of identifying significant historic sites and conditioning their preservation.

The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and, therefore, would not likely result in a substantial adverse change to an historical resource due to demolition, destruction, alteration, or structural relocation. This coupled with the measures in place to identify any permit-related activities associated with historic resources will prevent potential significant impacts.

Cumulative projects located in the southern California region would have the potential to result in a cumulative impact associated with the loss of historical resources. However, as discussed above, implementation of the proposed project would not have the potential to result in substantial adverse changes to the significance of historical resources. Therefore, the proposed project would not have the potential to contribute to cumulatively considerable impacts associated with historical resources.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Ground-disturbing activities, such as clearing, excavation and grading, have the potential to damage or destroy archaeological resources that may be present on or below the ground surface, particularly in areas that have not previously been developed. The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Future uses pursuant these Zoning Ordinance amendments would not allow for such ground-disturbing activities without a discretionary permit subject to cultural resource review and existing regulations within the County's Grading and Clearing Ordinance. Therefore, the proposed project would not result in a potentially significant impact to archaeological resources.

Cumulative destruction of significant archaeological resources from construction and development projects within the region would be cumulatively significant. Additionally, past projects involving development and construction have already impacted archaeological resources within the region. However, as discussed above, implementation of the proposed project would not have the potential to result in a substantial adverse change in the significance of an archaeological resource. Therefore, the proposed project would not have the potential to contribute to cumulatively considerable impacts associated with archaeological resources.

c) Directly or indirectly destroy a unique geologic feature?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

LESS THAN SIGNIFICANT IMPACT: Unique geologic features are not common in San Diego. Table 1 in the County's Guidelines for Determining Significance for Unique

Geology (http://www.sdcounty.ca.gov/dplu/docs/Unique_Geology_Guidelines.pdf) provides a list of known unique geologic features in San Diego County. Nearly all of the known features in the list are located in areas that would not be disturbed by development (*e.g.,* open space, parks, roadway right-of-way, etc.).

The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Given the existing conditions, nature of the project, regulatory processes, and the fact that unique geologic resources are such a rarity in San Diego County, potential impacts to unique geologic features would be less than significant. Construction and operation of cumulative projects would be subject to protections for unique geologic features established through the General Plan or other regulations. Therefore, cumulative projects in the region would not result in a significant cumulative impact.

d) Directly or indirectly destroy a unique paleontological resource or site?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Impacts to paleontological resources generally occur from the physical destruction of fossil remains by excavation operations that cut into geologic formations. Trenching and tunneling activities may also result in impacts to paleontological resources. The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Future uses pursuant these Zoning Ordinance amendments would not allow for such trenching activities without a discretionary permit subject to paleontological resource review and existing regulations within the County's Grading and Clearing Ordinance. Therefore, the proposed project would not result in a potentially significant impact to unique paleontological resources.

Cumulative destruction of significant paleontological resources from construction and development projects within the region would be cumulatively significant. However, as discussed above, implementation of the proposed project would not have the potential to result in a significant impact to a unique paleontological resource or site. Therefore, the proposed project would not have the potential to contribute to cumulatively considerable impacts associated with paleontological resources.

e) Disturb any human remains, including those interred outside of formal cemeteries?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Archaeological materials, including human burials, have been found throughout unincorporated San Diego County. The location of most of these sites is kept confidential in order to protect these resources. Ground disturbing impacts, including grading, excavation, and utilities installation during construction, would have the potential to cause adverse impacts to currently undiscovered human remains. The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Future uses pursuant these Zoning Ordinance amendments would not allow for such trenching activities without a discretionary permit subject to archaeological resource review and existing regulations within the County's Grading and Clearing Ordinance. Therefore, the proposed project would not result in a potentially significant impact to human remains.

Cumulative projects located in the southern California region would have the potential to result in impacts associated with human remains due to grading, excavation or other ground-disturbing activities. However, as described above, such activities are not expected to occur as a result of this project unless discretionary permits are obtained. Therefore, the project would not contribute to the cumulative disturbance of human remains.

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any

development and there will be no impact from the exposure of people or structures to adverse effects from a known fault-rupture hazard zone as a result of this project. Future uses allowed pursuant to these Amendments may be located within a fault-rupture hazard zone as identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42 (SP 42), Revised 1997, Fault-Rupture Hazards Zones in California or within an area with substantial evidence of a known fault. However, any structures that will be built will be required to comply with the requirements that address seismic events through engineering requirements prior to the issuance of a building permit. Therefore, there will be no potentially significant impact from the exposure of people or structures to a known fault-rupture hazard zone as a result of this project.

ii. Strong seismic ground shaking?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and there will be no impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking. Some future uses allowed pursuant to these Amendments may be located within 5 kilometers of the centerline of a known active-fault zone as defined within the Uniform Building Code's Maps of Known Active Fault Near-Source Zones in California. To ensure the structural integrity of all buildings and structures, any future projects must conform to the Seismic Requirements as outlined within the California Building Code. The County Code requires a soils compaction report with proposed foundation recommendations to be approved before the issuance of a building permit. Therefore, compliance with the California Building Code and the County Code ensures that any future development will not result in a potentially significant impact from the exposure of people or structures to potential adverse effects from strong seismic ground shaking.

iii. Seismic-related ground failure, including liquefaction?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning

Ordinance and County Code Amendments. Some future uses allowed pursuant to these Amendments may be located within a “Potential Liquefaction Area” as identified in the County Guidelines for Determining Significance for Geologic Hazards. To ensure the structural integrity of all buildings and structures, any future structures located in these areas must conform to the Seismic Requirements as outlined within the California Building Code. The County Code requires a soils compaction report with proposed foundation recommendations to be approved by a County Structural Engineer before the issuance of a building or grading permit. Therefore, there will be a less than significant impact from the exposure of people or structures to adverse effects from a known area susceptible to ground failure, including liquefaction.

iv. Landslides?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Some future uses allowed pursuant to these Amendments may be located within a “Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. Landslide Susceptibility Areas were developed based on landslide risk profiles included in the *Multi-Jurisdictional Hazard Mitigation Plan, San Diego, CA* (URS, 2004). Landslide risk areas from this plan were based on data including steep slopes (greater than 25%); soil series data (SANDAG based on USGS 1970s series); soil-slip susceptibility from USGS; and Landslide Hazard Zone Maps (limited to western portion of the County) developed by the California Department of Conservation, Division of Mines and Geology (DMG). Also included within Landslide Susceptibility Areas are gabbroic soils on slopes steeper than 15% in grade because these soils are slide prone. If a future facility involves substantial landform modification/grading that my expose people or structures to potential substantial adverse effects from landslides, a discretionary grading permit would be required and would require further environmental review. Any potential impacts would be identified and mitigated. Therefore, the potential exposure of people or structures to adverse effects from landslides would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Soils throughout San Diego County are identified as having a soil erodibility rating of "slight", "moderate" and/or "severe" as indicated by the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. The project does not propose any development and will not result in any soil erosion or the loss of topsoil. In addition, the development of future uses allowed pursuant to these Amendments will not result in substantial soil erosion or the loss of topsoil because any project that involves grading is required to comply with the San Diego County Code of Regulations, Title 8, Zoning and Land Use Regulations, Division 7, Sections 87.414 (DRAINAGE - EROSION PREVENTION) and 87.417 (PLANTING). Compliance with these regulations minimizes the potential for water and wind erosion. Due to these factors, the project will not result in substantial soil erosion or the loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and will not potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. For further information regarding landslides, liquefaction, and lateral spreading, refer to VI Geology and Soils, Question a., iii-iv listed above.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning

Ordinance and County Code Amendments. The project does not propose any development and will not create a substantial risk to life or property. Some future uses allowed pursuant to these Amendments may be located on properties with expansive soils as defined within Table 18-I-B of the Uniform Building Code (1994). This was confirmed by staff review of the Soil Survey for the San Diego Area, prepared by the US Department of Agriculture, Soil Conservation and Forest Service dated December 1973. However the project will not have any significant impacts because any new construction will be required to comply with the improvement requirements identified in the 1997 Uniform Building Code, Division III – Design Standard for Design of Slab-On-Ground Foundations to Resist the Effects of Expansive Soils and Compressible Soils, which ensure suitable structure safety in areas with expansive soils. Therefore, these soils will not create substantial risks to life or property.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and does not propose any septic tanks or alternative wastewater disposal systems since no wastewater will be generated. Some future uses allowed pursuant to these Amendments may rely on existing public sewer for the disposal of wastewater. In these situations, septic thanks for alternative waste water disposal systems will not be required and will not have any impact. Where no public sewers are available, future uses will have to discharge domestic waste to on-site wastewater systems (OSWS), also known as septic systems. Discharged wastewater must conform to the Regional Water Quality Control Board's (RWQCB) applicable standards, including the Regional Basin Plan and the California Water Code. California Water Code Section 13282 allows RWQCBs to authorize a local public agency to issue permits for OSWS "to ensure that systems are adequately designed, located, sized, spaced, constructed and maintained." The RWQCBs with jurisdiction over San Diego County have authorized the County of San Diego, Department of Environmental Health (DEH) to issue certain OSWS permits throughout the County and within the incorporated cities. DEH will review and approve the OSWS lay-out for future projects pursuant to DEH, Land and Water Quality Division's, "On-site Wastewater Systems: Permitting Process and Design Criteria." Therefore, future projects will have to demonstrate the presence of soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems as determined by the authorized, local public agency. In addition, future

projects will comply with the San Diego County Code of Regulatory Ordinances, Title 6, Div. 8, Chap. 3, Septic Tanks and Seepage Pits.

VII. GREENHOUSE GAS EMISSIONS – Would the project

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature commonly referred to as global warming. This rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system, known as climate change. These changes are now broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

GHGs include carbon dioxide, methane, halocarbons (HFCs), and nitrous oxide, among others. Human induced GHG emissions are a result of energy production and consumption, and personal vehicle use, among other sources. A regional GHG inventory prepared for the San Diego Region[1] identified on-road transportation (cars and trucks) as the largest contributor of GHG emissions in the region, accounting for 46% of the total regional emissions. Electricity and natural gas combustion were the second (25%) and third (9%) largest regional contributors, respectively, to regional GHG emissions.

Climate changes resulting from GHG emissions could produce an array of adverse environmental impacts including water supply shortages, severe drought, increased flooding, sea level rise, air pollution from increased formation of ground level ozone and particulate matter, ecosystem changes, increased wildfire risk, agricultural impacts, ocean and terrestrial species impacts, among other adverse effects.

In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the greenhouse gas emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. According to the San Diego County Greenhouse Gas Inventory (2008), the region must reduce its GHG emissions

[1] San Diego County Greenhouse Gas Inventory: An Analysis of Regional Emissions and Strategies to Achieve AB 32 Targets. University of San Diego and the Energy Policy Initiatives Center (EPIC), September 2008.

by 33 percent from "business-as-usual" emissions to achieve 1990 emissions levels by the year 2020. "Business-as-usual" refers to the 2020 emissions that would have occurred in the absence of the mandated reductions.

Senate Bill 375 (SB 375), passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (ARB) to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. Development of regional targets is underway and SANDAG is in the process of preparing the region's Sustainable Communities Strategy (SCS) which will be a new element of the 2050 Regional Transportation Plan (RTP). The strategy will identify how regional greenhouse gas reduction targets, as established by the ARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

In addressing the potential for a project to generate GHG emissions that would have a potentially significant cumulative effect on the environment, a 900 metric ton threshold was selected to identify those projects that would be required to calculate emissions and implement mitigation measures to reduce a potentially significant impact. The 900 metric ton screening threshold is based on a threshold included in the CAPCOA white paper[2] that covers methods for addressing greenhouse gas emissions under CEQA. The CAPCOA white paper references the 900 metric ton guideline as a conservative threshold for requiring further analysis and mitigation. The 900 metric ton threshold was based on a review of data from four diverse cities (Los Angeles in southern California and Pleasanton, Dublin, and Livermore in northern California) to identify the threshold that would capture at least 90% of the residential units or office space on the pending applications list. This threshold will require a substantial portion of future development to minimize GHG emissions to ensure implementation of AB 32 targets is not impeded. By ensuring that projects that generate more than 900 metric tons of GHG implement mitigation measures to reduce emissions, it is expected that a majority of future development will contribute to emission reduction goals that will assist the region in meeting its GHG reduction targets.

It should be noted that an individual project's GHG emissions will generally not result in direct impacts under CEQA, as the climate change issue is global in nature, however an individual project could be found to contribute to a potentially significant cumulative impact. CEQA Guidelines Section 15130(f) states that an EIR shall analyze greenhouse gas emissions resulting from a proposed project when the incremental contribution of those emissions may be cumulatively considerable.

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[2] See CAPCOA White Paper : "CEQA &Climate Change: *Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act* " January 2008 (http://www.capcoa.org/rokdownloads/CEQA/CAPCOA%20White%20Paper.pdf).

The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Some future uses allowed pursuant to these Amendments may generate GHG emissions; however, these uses are expected to generate less than 900 metric tons of GHG emissions based on estimates of GHG emissions for various project types included in the CAPCOA white paper[3]. In addition, all future uses allowed pursuant to these Amendments would be required to conform to the General Plan. The County's General Plan will have a significant but mitigated impact related to GHG emissions. In addition to the numerous General Plan policies aimed at reducing emissions, the County is required to prepare a Climate Action Plan that will achieve comprehensive and enforceable GHG emissions reductions of 17% from County operations from 2006 by 2020 and 9% reduction in community emissions from 2006 by 2020. Therefore, the project's GHG emissions are found to have a less than cumulatively considerable contribution to GHG emissions because the project will generate less than 900 metric tons of GHGs and will be consistent with the County's General Plan and future Climate Action Plan.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the greenhouse gas emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions.

Senate Bill 375 (SB 375), passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (ARB) to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. Development of regional targets

[3] 900 metric tons of GHG emissions are estimated to be generated by 50 Single Family Residential units, 70 apartments/condos, 35,000 sf of general commercial/office, 11,000 sf of retail, or 6,300 sf of supermarket/grocery space.

is underway and SANDAG is in the process of preparing the region's Sustainable Communities Strategy (SCS) which will be a new element of the 2050 Regional Transportation Plan (RTP). The strategy will identify how regional greenhouse gas reduction targets, as established by the ARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

To implement State mandates to address climate change in local land use planning, local land use jurisdictions are generally preparing GHG emission inventories and reduction plans and incorporating climate change policies into local General Plans to ensure development is guided by a land use plan that reduces GHG emissions. The County of San Diego recently updated its General Plan on August 3, 2011, incorporating numerous climate change policies. The proposed project is consistent with the updated General Plan and its policies. In addition, the County is preparing a Climate Action Plan that will assure the County meets its reduction targets under AB 32. This project will not impede that process. Therefore, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ Less than Significant Impact
- ☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project will not create a significant hazard to the public or the environment because it does not propose amendments to the provisions of the Zoning Ordinance or County Codes regarding the storage, use, transport, emission, or disposal of Hazardous Substances. In addition, the project does not propose to demolish any existing structures and therefore would not create a hazard related to the release of asbestos, lead based paint or other hazardous materials from demolition activities.

b) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and will not have any effect on an existing or proposed school. Future uses allowed pursuant to these Amendments may be located within one-quarter mile of an existing or proposed school however the proposed amendments do not alter the provisions which regulate uses which emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste. Therefore, the project will not result in any potentially significant impacts related to the routine transport, use, and disposal of hazardous substances within one-quarter mile of an existing or proposed school.

c) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and would not create a significant hazard to the public or environment. Some future uses allowed pursuant to these Amendments may be located on sites which are included on one of the following lists or databases: the State of California Hazardous Waste and Substances sites list compiled pursuant to Government Code Section 65962.5., the San Diego County Hazardous Materials Establishment database, the San Diego County DEH Site Assessment and Mitigation (SAM) Case Listing, the Department of Toxic Substances Control (DTSC) Site Mitigation and Brownfields Reuse Program Database ("CalSites" Envirostor Database), the Resource Conservation and Recovery Information System (RCRIS) listing, the EPA's Superfund CERCLIS database or the EPA's National Priorities List (NPL). However, these future uses would be evaluated for potential hazards at the time of discretionary permit review or prior to building permit issuance. Therefore, the project would not create a significant hazard to the public or environment.

d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development and does not propose construction of any structure equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations from an airport or heliport. Amending the Zoning Ordinance to add a requirement that owners of properties within an Airport Overflight Notification area, as shown on an adopted ALUCP, shall record an Overflight Agreement prior to issuance of a permit for any residential development would assist in implementing the requirements of the adopted ALUCP's within the unincorporated County. Some future uses allowed pursuant to these Amendments may be located within the Airport Influence Area (AIA) for a public airport or public use airport within the unincorporated County. These future projects will be reviewed for compatibility with the appropriate Airport Land Use Compatibility Plan (ALUCP) during a discretionary action or prior to issuance of any building permits. The proposed project will not result in hazards to airport safety or surrounding land uses for the following reasons:

- Future projects will comply with the California Land Use Planning Handbook's Safety Compatibility Criteria for Safety Compatibility Zones.
- The project adds provisions in the ALUCP Area Regulations of the Zoning Ordinance to require the recordation of an Avigation/Overflight easement for all required projects.
- Future projects would not be allowed to propose any distracting visual hazards including but not limited to distracting lights, glare, sources of smoke or other obstacles or an electronic hazard that would interfere with aircraft instruments or radio communications.
- The project does not propose any amendments to the Zoning Ordinance or County Code that would authorize construction of any structure equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations from an airport or heliport.
- The project does not propose amendments to existing regulations that affect any artificial bird attractor, including but not limited to reservoirs, golf courses with

water hazards, large detention and retention basins, wetlands, landscaping with water features, wildlife refuges, or agriculture (especially cereal grains).

Therefore, the project will not constitute a safety hazard for people residing or working in the project area.

e) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Future uses allowed pursuant to these Amendments may be located within one mile of a private airstrip. However, prior to approval of any discretionary permits or issuance of any building permits, sites would be evaluated for potential safety hazards to aircraft and/or operations from an airport or heliport. Therefore, the project will not constitute a safety hazard for people residing or working within the vicinity of a private airstrip.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

The following sections summarize the project's consistency with applicable emergency response plans or emergency evacuation plans.

i. OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:

Less Than Significant Impact: The Operational Area Emergency Plan is a comprehensive emergency plan that defines responsibilities, establishes an emergency organization, defines lines of communications, and is designed to be part of the statewide Standardized Emergency Management System. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan includes an overview of the

risk assessment process, identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives and actions for each jurisdiction in the County of San Diego, including all cities and the County unincorporated areas. The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project will not interfere with the Operational Area Emergency Plan because it will not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

ii. SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN

No Impact: The San Diego County Nuclear Power Station Emergency Response Plan will not be interfered with by the project due to the location of the project, plant and the specific requirements of the plan. The emergency plan for the San Onofre Nuclear Generating Station includes an emergency planning zone within a 10-mile radius. All land area within 10 miles of the plant is not within the jurisdiction of the unincorporated County and as such a project in the unincorporated area is not expected to interfere with any response or evacuation.

iii. OIL SPILL CONTINGENCY ELEMENT

No Impact: The Oil Spill Contingency Element will not be interfered with because the project does not affect areas along the coastal zone or coastline.

iv. EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN

No Impact: The Emergency Water Contingencies Annex and Energy Shortage Response Plan will not be interfered with because the project does not propose altering major water or energy supply infrastructure, such as the California Aqueduct.

v. DAM EVACUATION PLAN

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The Dam Evacuation Plans for the dams within the County of San Diego will not be interfered with because even though some future projects may be located within a dam inundation zone, the project does not propose changes to the regulations pertaining to a unique institution that would be difficult to safely evacuate in the event of a dam failure. Unique institutions, as defined by the Office of Emergency Services, include hospitals, schools, skilled nursing facilities, retirement homes, mental health care facilities, care facilities for patients with disabilities, adult and childcare facilities, jails/detention facilities, stadiums, arenas, amphitheaters, or a similar use. Since the project does not propose a unique institution

in a dam inundation zone or changes in any regulations pertaining to a unique institution, the project would not impair implementation of or physically interfere with the implementation of an emergency response plan.

g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development. Future uses allowed by these proposed amendments may be located in many areas throughout the unincorporated areas of the County that are in a variety of settings. Each will be addressed below:

Some future uses allowed by these amendments may be located in areas that are completely surrounded by urbanized areas and/or irrigated lands and there are no adjacent wildlands. Therefore, based on the location of the project, it is not anticipated that the project will expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires.

Some future uses allowed by these Amendments may be located within and served by an independent fire protection districts and may also be located adjacent to wildlands that have the potential to support wildland fires. However, the project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires because future uses will comply with the regulations relating to emergency access, water supply, and defensible space specified in the Consolidated Fire Code for the 16 Fire Protection Districts in San Diego County. Implementation of these fire safety standards will occur during the building permit process. Therefore, through compliance with the Consolidated Fire Code and through compliance with any applicable Fire Protection District's conditions on a project, it is not anticipated that the project will expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires. Moreover, the project will not contribute to a cumulatively considerable impact because projects are required to comply with the Consolidated Fire Code.

Some future uses allowed by these Amendments may be located within and served by a County service area fire protection district and may also be located adjacent wildlands that have the potential to support wildland fires. However, future projects will comply with the regulations relating to emergency access, water supply, and defensible space

specified in the County Fire Code and through compliance with the San Diego County Fire Authority conditions, therefore, the project is not anticipated to expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires. Moreover, the project will not contribute to a cumulatively considerable impact because projects in the surrounding area of these future projects are required to comply with the County Fire Code.

h) Propose a use, or place residents adjacent to an existing or reasonably foreseeable use that would substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies, which are capable of transmitting significant public health diseases or nuisances?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does propose to amend provisions which involve or support uses that allow water to stand for a period of 72 hours (3 days) or more (e.g. artificial lakes, agricultural irrigation ponds). The project does not propose amendments that involve or support uses that will produce or collect animal waste, such as equestrian facilities, agricultural operations (chicken coops, dairies, etc.), new solid waste facilities or other similar uses. The project does propose to amend provisions related to agriculture to add Agricultural Tourism as an accessory use to an existing commercial agricultural enterprise. This use is the act of visiting a commercial agricultural enterprise for the purpose of enjoyment, education or active involvement in the activities of the farm, ranch or agricultural operation and would not add or intensify existing uses that would produce or collect animal waste. The project also adds Community Gardens as an allowed use in zones where Field and Row Crops are an allowed use. Community Gardens would not involve or support uses that allow water to stand for a period of 72 hours (3 days) or more (e.g. artificial lakes, agricultural irrigation ponds) or uses that will produce or collect animal waste, since Community Gardens is land used to grow and harvest food crops by individuals or collectively by members of a group but is not intended for raising of animals. This use would be subject to all other applicable requirements of the Zoning Ordinance and any other permits required by other County Departments. Therefore, the project will not substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any waste discharge requirements?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not propose any development. Future uses allowed pursuant to these proposed amendments may require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to regional surface water and storm water permitting regulations for the County of San Diego. These future projects will be required to demonstrate compliance with all applicable regulations including: A Waste Discharge Requirement Permit, NPDES General Permit for Discharges of Storm Water Associated with Construction Activities, NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities, or Section 401 Water Quality Certification. In addition, future projects will be required to implement site design measures and/or source control BMPs and/or treatment control BMPs to reduce potential pollutants to the maximum extent practicable from entering storm water runoff. The required measures will enable future projects to meet waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the San Diego Municipal Permit (SDRWQCB Order No. R9-2007-0001), as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP).

Finally, the future projects' conformance to the waste discharge requirements listed above ensures the project will not create cumulatively considerable water quality impacts related to waste discharge because, through the applicable permits, the future projects will conform to Countywide watershed standards in the JURMP and SUSMP, derived from State regulation to address human health and water quality concerns.

b) Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, could the project result in an increase in any pollutant for which the water body is already impaired?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions,

corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Future uses allowed pursuant to these amendments may be located within various hydrologic units throughout the unincorporated areas of the County of San Diego. According to the Clean Water Act Section 303(d) list, June 2007, these watersheds are impaired for numerous pollutants. However, it is expected that future uses will be required to employ site design measures and/or source control BMPs and/or treatment control BMPs such that potential pollutants will be reduced in any runoff to the maximum extent practicable so as not to increase the level of these pollutants in receiving waters. Any proposed BMPs required for future projects will be consistent with regional surface water and storm water planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result the project will not contribute to a cumulative impact to an already impaired water body, as listed on the Clean Water Act Section 303(d). Regional surface water and storm water permitting regulation for County of San Diego, Incorporated Cities of San Diego County, and San Diego Unified Port District includes the following: Order 2001-01 (NPDES No. CAS 0108758), adopted by the San Diego Region RWQCB on February 21, 2001; County Watershed Protection, Storm Water Management, and Discharge Control Ordinance (WPO) (Ord. No. 9424); County Storm water Standards Manual adopted on February 20, 2002, and amended January 10, 2003 (Ordinance No. 9426). The stated purposes of these ordinances are to protect the health, safety and general welfare of the County of San Diego residents; to protect water resources and to improve water quality; to cause the use of management practices by the County and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the County is compliant with applicable state and federal laws. Ordinance No. 9424 (WPO) has discharge prohibitions, and requirements that vary depending on type of land use activity and location in the County. Ordinance No. 9426 is Appendix A of Ordinance No. 9424 (WPO) and sets out in more detail, by project category, what Dischargers must do to comply with the Ordinance and to receive permits for projects and activities that are subject to the Ordinance. Collectively, these regulations establish standards for projects to follow which intend to improve water quality from headwaters to the deltas of each watershed in the County. Each project subject to WPO is required to prepare a Stormwater Management Plan that details a project's pollutant discharge contribution to a given watershed and propose BMPs or design measures to mitigate any impacts that may occur in the watershed.

c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The Regional Water Quality Control Board has designated water quality objectives for waters of the San Diego Region as outlined in Chapter 3 of the Water Quality Control Plan (Plan). The water quality objectives are necessary to protect the existing and potential beneficial uses of each hydrologic unit as described in Chapter 2 of the Plan.

The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. No development is proposed as part of this project. Future uses allowed pursuant to these amendments may be located in various hydrologic units that have existing and potential beneficial uses for inland surface waters, coastal waters, reservoirs and lakes, and ground water. However, it is expected that site design measures and/or source control BMPs and/or treatment control BMPs will be employed by future projects to reduce potential pollutants in runoff to the maximum extent practicable, such that a future project will not cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Amending the Use Regulations and Development Standards of the Sensitive Resource Area Regulations regarding permitted uses in the Floodway to add that reclamation plans for extractive uses must restore a site to its natural state and not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction would not have an impact since this use is subject to a Major Use Permit and review under CEQA to mitigate any impacts. This change would not cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. In addition, the required BMPs for future projects will be consistent with regional surface water, storm water and groundwater planning and permitting process that has been established to improve the overall water quality in County watersheds. As a result, the project will not contribute to a cumulatively considerable exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Refer to Section VIII., Hydrology and Water Quality, Question b, for more information on regional surface water and storm water planning and permitting process.

d) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions,

corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. No development is proposed as part of this project and the project will not use any groundwater for any purpose, including irrigation, domestic or commercial demands. Some future uses allowed pursuant to these amendments may obtain their water supply from a Water District that obtains water from surface reservoirs or other imported water source. Those projects will not use any groundwater for any purpose, including irrigation, domestic or commercial demands. In addition, the proposed amendments do not involve regulations regarding operations that would interfere substantially with groundwater recharge including, but not limited to the following: the project does not involve regional diversion of water to another groundwater basin; or diversion or channelization of a stream course or waterway with impervious layers, such as concrete lining or culverts, for substantial distances (e.g. ¼ mile). These activities and operations can substantially affect rates of groundwater recharge. Some future projects allowed pursuant to these amendments could be located outside of the boundaries of a Water District and would rely on groundwater. However, prior to the issuance of any building permits for future facilities on sites that are groundwater dependent, the applicant will be required to demonstrate that there is adequate groundwater available to support the proposed use and would not deplete groundwater supplies or interfere substantially with groundwater recharge. Amending the Zoning Ordinance to allow Community Gardens in zones where Row and Field Crops are an allowed use would not have a significant impact since these properties are currently allowed to establish agriculture by-right. The proposed Community Gardens provisions would clarify that a property could be farmed by individuals or groups to cultivate crops for personal use, rather than an agricultural operation that raises crops for sale to a wholesaler. The raising of crops as an allowed use would be unchanged and therefore would not be an introduction of a new land use. Therefore, a less than significant impact to groundwater resources is anticipated as a result of this project.

e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. This project does not involve construction of new or expanded development that could alter the drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. Some future uses allowed pursuant to these Zoning Ordinance Amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits,

as well as other discretionary and ministerial permits which are subject to regional surface water, storm water and groundwater planning and permitted process that has been established to improve the overall water quality in County watersheds. These future projects may be required to prepare a Stormwater Management Plan (SWMP) and implement certain site design measures, source control, and/or treatment control BMPs to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff. These measures will control erosion and sedimentation and satisfy waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the San Diego Municipal Permit (SDRWQCB Order No. R9-2007-0001), as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP). The SWMP specifies and describes the implementation process of all BMPs that will address equipment operation and materials management, prevent the erosion process from occurring, and prevent sedimentation in any onsite and downstream drainage swales. The Department of Public Works will ensure that the Plan is implemented as proposed. Due to these factors, it has been found that the project will not result in significantly increased erosion or sedimentation potential and will not alter any drainage patterns of the site or area on- or off-site. In addition, because erosion and sedimentation will be controlled within the boundaries of a project, future projects will not contribute to a cumulatively considerable impact. For further information on soil erosion refer to VI., Geology and Soils, Question b.

f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. This project does not involve construction of new or expanded development that could alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Some future uses allowed pursuant to these Zoning Ordinance Amendments may propose landform alteration which could alter the existing drainage pattern of the site or area. However, if any future uses involve significant landform modification/grading, a discretionary grading permit and further environmental review would be required. In addition, the required BMPs for all future projects will be consistent with regional surface water, storm water and groundwater planning and

permitting process that has been established to improve the overall water quality in County watersheds. Amending the Use Regulations and Development Standards of the Sensitive Resource Area Regulations regarding permitted uses in the Floodway to add that reclamation plans for extractive uses must restore a site to its natural state and not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction would not have an impact since this use is subject to a Major Use Permit and review under CEQA to mitigate any impacts. Therefore, the project will not substantially alter the existing drainage pattern of a site or an area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Moreover, the project will not contribute to a cumulatively considerable alteration of a drainage pattern or increase in the rate or amount of runoff, because future projects will not substantially increase water surface elevation or runoff exiting a site, as detailed above.

g) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. This project does not involve construction of new or expanded development and does not propose to create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. Some future uses allowed pursuant to these amendments would not result in the conversion of previously permeable land to impervious surfaces as the uses will be agricultural in nature or will be conducted on existing developed sites. Therefore, the uses would not create or contribute runoff water that would exceed the capacity of existing storm water drainage systems. Some future projects could result in the conversion of previously permeable surfaces to impervious surfaces. These uses are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to regional surface water, storm water and groundwater planning and permitting process that has been established to improve the overall water quality in County watersheds as stated in e) and f) above. Due to these factors, the project will not contribute runoff water that would exceed the capacity of existing storm water drainage systems.

h) Provide substantial additional sources of polluted runoff?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Future projects allowed pursuant to these amendments must include site design measures and/or source control BMPs and/or treatment control BMPs that will be employed such that potential pollutants will be reduced in runoff to the maximum extent practicable. Refer to IX Hydrology and Water Quality Questions a, b, c, for further information.

i) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Some future uses allowed pursuant to these amendments could be located on properties that contain areas within a 100-year flood hazard area mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map. However, the proposed amendments do not amend any regulations regarding allowed uses in flood hazard areas, nor do the amendments authorize the placement of structures within a 100-year flood hazard area. Additionally, the amendments will not authorize the placement of access roads or other improvements which will limit access during flood events or affect downstream properties. Amending the Use Regulations and Development Standards of the Sensitive Resource Area Regulations regarding permitted uses in the Floodway to add that reclamation plans for extractive uses must restore a site to its natural state and not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction would not have an impact since this use is subject to a Major Use Permit and review under CEQA to mitigate any impacts. Amending the Content of Site Plan provisions of the Sensitive Resource Area Regulations to add that the location of the 100 year floodplain of the FEMA Flood Insurance Rate Maps must be shown on plans in addition to the Department of Public Works 100 year Floodplain Maps location will not authorize the placement of housing within a 100 year flood hazard area.

Therefore, the project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps.

j) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Some future uses allowed pursuant to these amendments could be located on properties that contain areas within a 100-year flood hazard area mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map. However, the proposed amendments do not amend any regulations regarding allowed uses in flood hazard areas. Additionally, the amendments will not authorize the placement of access roads or other improvements which will impede or redirect flood flows in these areas. Therefore, this project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows

k) Expose people or structures to a significant risk of loss, injury or death involving flooding?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Some future uses allowed pursuant to these amendments could be located within a special flood hazard area as identified on a Flood Insurance Rate Map (FIRM), County Flood Plain Map or Alluvial Fan Map. However, future projects would be required to be located at an elevation that would prevent exposure of people or property to flooding. Therefore, the project would not expose people or structures to a significant risk of loss, injury or death involving flooding.

l) Expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Some future uses allowed pursuant to these amendments may lie within a mapped dam inundation area for a major dam/reservoir within San Diego County, as identified on an inundation map prepared by a dam owner. The San Diego County Office of Emergency Services has established emergency evacuation plans for certain areas. These Zoning Ordinance amendments to not amend any provisions related to dams or levees or to provisions related to "Unique institutions". Unique Institutions include hospitals, schools, skilled nursing facilities, retirement homes, mental health care facilities, care facilities with patients that have disabilities, adult and child care facilities, jails/detention facilities, and stadiums, arenas and amphitheaters. Therefore, the project will not expose people to a significant risk of loss, injury or death involving flooding.

m) Inundation by seiche, tsunami, or mudflow?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

i. SEICHE

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Reservoirs in San Diego County are for water storage and the land surrounding the reservoirs is owned by the agency that controls the reservoir and development cannot occur along the shore. Therefore, future uses will not be subject to inundation by seiche.

ii. TSUNAMI

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The future uses allowed pursuant to these amendments

would be located at least 1.8 miles or more from the coast; therefore, in the event of a tsunami, would not potentially expose people or structures to inundation.

iii. MUDFLOW

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Mudflow is a type of landslide. If a future use allowed by these amendments is located within a landslide susceptibility zone and involves substantial landform modification/grading that may expose people or property to inundation due to a mudflow, a discretionary grading permit would be required and would require further environmental review. Additionally, future projects involving grading would have to comply with the San Diego County Code, Title 8, Division 7, Section 87.209 and provide a soils investigation to insure that recommendations to correct weak or unstable soil conditions have been incorporated into the grading plan and specification. Therefore, it is not anticipated that the project will expose people or property to inundation due to a mudflow.

X. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ Less than Significant Impact
- ☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The uses allowed pursuant to these amendments do not propose the introduction of new infrastructure such major roadways or water supply systems, or utilities to an area. Therefore, the proposed project will not significantly disrupt or divide an established community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The uses allowed pursuant to these amendments would affect land zoned as agricultural, residential, commercial and industrial throughout the unincorporated County, which are consistent with a number of General Plan Land Use Designations. The project is consistent with the General Plan because these uses are anticipated by these land use designations that provide for agriculture, commerce, industry and residences and their accessory uses, and are consistent with their respective use regulations. A future use may be located anywhere within the unincorporated areas of the County and would be subject to the policies of the applicable community plan. The addition of Agricultural Tourism and Community Gardens provisions would conform to the applicable land use plan, policy or regulations for agricultural uses since the project would be adding these provisions to be applicable in areas where agriculture is currently allowed. Therefore, the project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

XI. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

☐	Potentially Significant Impact	☒	Less than Significant Impact
☐	Less Than Significant With Mitigation Incorporated	☐	No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development associated with this project. Some future uses allowed pursuant to these amendments may be located on lands classified by the California Department of Conservation – Division of Mines and Geology (Update of Mineral Land Classification: Aggregate Materials in the Western San Diego Production-Consumption Region, 1997) as an area where geologic information indicates no significant mineral deposits are present (MRZ-1). Some future uses allowed pursuant to these amendments may be located on lands where geologic information indicates mineral deposits are present or may be present as identified on lands classified as an area of “Identified Mineral Resource Significance” (MRZ-2), “Potential Mineral Resource Significance” (MRZ-3) or “Undetermined Resource Significance” (MRZ-4). For any future uses which involve significant development or landform modification/grading, a discretionary grading permit and further environmental review would be required which would evaluate potential impacts to mineral resources. Amending the Use Regulations and Development Standards of the Sensitive Resource

Area Regulations regarding permitted uses in the Floodway to add that reclamation plans for extractive uses must restore a site to its natural state and not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction would not have a significant impact since this use is subject to a Major Use Permit and review under CEQA to mitigate significant impacts. Therefore, no potentially significant loss of availability of a known mineral resource of value to the region and the residents of the state will occur as a result of this project. Moreover, the project would not contribute to a cumulatively considerable impact.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The proposed uses allowed pursuant to these amendments affect agricultural, residential, commercial and industrial zones which are not considered to be Extractive Use Zones (S-82). No changes are proposed to the regulations regarding extractive uses. However, amending the Use Regulations and Development Standards of the Sensitive Resource Area Regulations regarding permitted uses in the Floodway to add that reclamation plans for extractive uses must restore a site to its natural state and not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction would not have a significant impact since this use is subject to a Major Use Permit and review under CEQA to mitigate significant impacts. This amendment would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan will occur as a result of this project.

XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. No development is proposed as part of this project. Therefore, the project will not expose people to or generate any noise levels that exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations. Future uses allowed pursuant to these amendments may be located throughout the unincorporated areas of San Diego County in various settings and locations. Such uses will be required to comply with standards set by the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations. Amending the County Code Title 3, Division 6, Section 36.404 General Sound Level Limits, Table 36.404 Sound Level Limits in Decibels (dBA) would not have an impact since the only change will be to correct the reference to the noise level limitations to the density of the General Plan rather than the density of the Zoning Ordinance. This change will bring the table into compliance with the General Plan adopted by the Board of Supervisors on August 3, 2011. Therefore, the project will not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable standards.

The project's conformance to the County of San Diego General Plan and County of San Diego Noise Ordinance ensures the project will not create cumulatively considerable noise impacts, because the project will not exceed the local noise standards for noise sensitive areas; and the project will not exceed the applicable noise level limits at the property line or construction noise limits, derived from State regulation to address human health and quality of life concerns.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. As indicated in the response listed under XII. Noise, Question a., the project would not expose existing or planned noise sensitive areas in the vicinity of a future project to a substantial permanent increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance

and other applicable local, State and Federal noise regulations. Some future uses allowed pursuant to these amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to the noise standards. Prior to the issuance of these permits, future projects will be reviewed to ensure that the proposed uses are set back adequately from any public road or transit Right-of-Way with projected noise contours of 65 dB or more; any property line for parcels zoned industrial or extractive use; or any permitted extractive uses so that the projects do not have any chance of being impacted by groundborne vibration or groundborne noise levels. In addition, the project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels on a project or cumulative level.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. As indicated in the response listed under XII. Noise, Question a., the project would not expose existing or planned noise sensitive areas in the vicinity of a future project to a substantial permanent increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance and other applicable local, State and Federal noise regulations. Some future uses allowed pursuant to these amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to the noise standards. Prior to issuance of these permits, future projects will be reviewed to ensure that the proposed uses which involve permanent noise sources that may increase the ambient noise levels of an area do not exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance and other applicable local, State and Federal noise regulations.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. The project does not involve amendments to regulations for any uses that may create substantial temporary or periodic increases in ambient noise levels in the vicinity of a future project including but not limited to extractive industry; outdoor commercial or industrial uses that involve crushing, cutting, drilling, grinding, or blasting of raw materials; truck depots, transfer stations or delivery areas; or outdoor sound systems. Some future uses allowed pursuant to these amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to the noise standards. Prior to issuance of these permits, future projects will be reviewed to ensure that the proposed uses which involve permanent noise sources that may increase the ambient noise levels of an area do not exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance and other applicable local, State and Federal noise regulations. Also, general construction noise is not expected to exceed the construction noise limits of the County of San Diego Noise Ordinance (Section 36-410), which are derived from State regulations to address human health and quality of life concerns. Construction operations will occur only during permitted hours of operation pursuant to Section 36-410. Also, it is not anticipated that the project will operate construction equipment in excess of 75 dB for more than an 8 hours during a 24-hour period. Therefore, the project would not result in a substantial temporary or periodic increase in existing ambient noise levels in the project vicinity.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Some future uses allowed pursuant to these amendments could be located within an Airport Land Use Compatibility Plan (ALUCP) for County airports or within 2 mile of a public airport or public use airport. However, these uses are not considered noise sensitive uses that would be impacted by noise generated by an airport. Some

future uses allowed pursuant to these proposed amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to the noise standards and any applicable ALUCP. Prior to issuance of these permits, future projects will be reviewed to ensure that the proposed uses conform to an applicable ALUCP. Therefore, the project will not expose people residing or working in the project area to excessive airport-related noise on a project or cumulative level.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Some future uses allowed pursuant to these amendments could be located within a one-mile vicinity of a private airstrip. However, the uses proposed pursuant to these proposed amendments are not considered noise sensitive uses that would be impacted by noise generated by an airport. Some future uses allowed pursuant to these proposed amendments are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which are subject to the noise standards. Therefore, the project will not expose people residing or working in the project area to excessive airport-related noise on a project or cumulative level.

XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ Less than Significant Impact
- ☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. The uses allowed pursuant to these amendments will not induce substantial population

growth in an area because the project does not propose physical or regulatory change that would remove a restriction to or encourage population growth in an area, including, but not limited to the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family use; or regulatory changes including General Plan amendments, specific plan amendments, zone reclassifications, sewer or water annexations; or LAFCO annexation actions.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ Less than Significant Impact
- ☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. The proposed amendments allow for uses in agricultural, commercial, extractive, industrial and residential zones subject to specified standards and limitations. No changes are proposed which would displace existing housing units or would revise zoning of residential properties. Therefore, the proposed project will not displace any existing housing or necessitate the construction of replacement housing elsewhere.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ Less than Significant Impact
- ☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. The proposed amendments allow for uses on agricultural, commercial, extractive, industrial and residential zones subject to specified standards and limitations. There are no changes proposed which would eliminate existing housing units or would revise zoning of residential properties. Therefore, the proposed project will not displace a substantial number of people.

XIV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios, response times or other performance objectives for any of the public services:

i. Fire protection?
ii. Police protection?
iii. Schools?
iv. Parks?
v. Other public facilities?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. The project proposes amendments to allowed uses in agricultural, commercial, extractive, industrial and residential uses in the same zones; the proposed amendments will not result in the need for significantly altered services or facilities. In addition, the project does not involve the construction of new or physically altered governmental facilities including but not limited to fire protection facilities, sheriff facilities, schools, or parks in order to maintain acceptable service ratios, response times or other performance service ratios or objectives for any public services. Therefore, the project will not have an adverse physical effect on the environment because the project does not require new or significantly altered services or facilities to be constructed.

XV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and

clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. The project does not propose any residential use, included but not limited to a residential subdivision, mobilehome park, or construction for a single-family residence that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ Less than Significant Impact
- ☒ No Impact

Discussion/Explanation:

No Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. The project does not include any changes to regulations regarding recreational facilities or require the construction or expansion of recreational facilities. Therefore, the construction or expansion of recreational facilities cannot have an adverse physical effect on the environment.

XVI. TRANSPORTATION AND TRAFFIC -- Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of the effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation: The County of San Diego Guidelines for Determining Significance for Traffic and Transportation (Guidelines) establish measures of effectiveness for the performance of the circulation system. These Guidelines incorporate standards from the County of San Diego Public Road Standards, the Mobility Element, the County of San Diego Transportation Impact Fee Program, and the Congestion Management Program.

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning

Ordinance and County Code Amendments. There is no development proposed by this project. Some future uses allowed pursuant to these amendments could result in additional vehicle trips from certain project sites. These future uses are expected to require building permits and grading permits, as well as other discretionary and ministerial permits which are subject to the County of San Diego Public Road Standards, the Mobility Element, the County of San Diego Transportation Impact Fee Program and the Congestion Management Program. In addition, some future uses will be subject to review under CEQA. Potentially significant traffic impacts would be evaluated and mitigated as necessary. These uses would be required to conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance. The project will not have a significant impact related to a conflict with any performance measures establishing effectiveness of the circulation system because future project trips should not exceed any of the County's Guidelines for Determining Significance for impacts related to Traffic and Transportation. Project trips would not result in a substantial increase in the number of vehicle trips, volume of capacity ratio on roads, or congestion at intersections in relation to existing conditions. In addition, the project would not conflict with policies related to non-motorized travel such as mass transit, pedestrian or bicycle facilities since there are no portions of the proposed amendment that would alter the regulations regarding non-motorized travel. Therefore, the project would not conflict with any policies establishing measures of the effectiveness for the performance of the circulation system and no mitigation is required.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation: The designated congestion management agency for the San Diego region is SANDAG. SANDAG is responsible for preparing the Regional Transportation Plan (RTP) of which the Congestion Management Program (CMP) is an element to monitor transportation system performance, develop programs to address near- and long-term congestion, and better integrate land use and transportation planning decisions. The CMP includes a requirement for enhanced CEQA review applicable to certain large developments that generate an equivalent of 2,400 or more average daily vehicle trips or 200 or more peak hour vehicle trips. These large projects must complete a traffic analysis that identifies the project's impacts on CMP system roadways, their associated costs, and identify appropriate mitigation. Early project coordination with affected public agencies, the Metropolitan Transit System (MTS) and the North County Transit District (NCTD) is required to ensure that the impacts of new development on CMP transit performance measures are identified.

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions,

corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Additionally, the project does not involve construction of any new buildings, nor does it propose a new primary use. Some future uses allowed pursuant to these amendments will result in additional vehicle trips from certain project sites. Adding Agricultural Tourism as an allowed accessory use to an existing commercial agricultural enterprise would not have a significant effect since the activities would be limited to U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises. These uses are currently occurring on many existing farms within the County. Further, the addition of any structures which are primarily used for non-residential agriculture would be subject to payment of Transportation Impact Fees pursuant to Section 77.201 et seq. of the County Code. Adding Community Gardens as an allowed use in zones where Row and Field Crops are an allowed use would not generate significant additional ADTs since agriculture is an allowed use by-right. In addition, these gardens are typically located near existing residential areas and the cultivation of agricultural products is for personal use rather than for sale at wholesale which is typical of other agricultural uses. Some future uses are expected to require building permits and grading permits, as well as other discretionary and ministerial permits which are subject to the CMP if the project exceeds 2400 ADTs (or 200 peak hour trips). In addition, some future projects will be subject to review under CEQA. Any potential traffic impacts would be evaluated and mitigated as necessary. These uses would be required to conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance. Therefore the project will not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Additionally, the project does not involve construction of any new buildings, nor does it propose a new primary use. The main compatibility concerns for the protection of airport airspace are related to airspace obstructions (building height, antennas, etc.) and hazards to flight (wildlife attractants, distracting lighting or glare, etc.). Some future uses allowed pursuant to these amendments could be located within an Airport Influence Area, or within 2 miles of a public airport. These sites would be required to

comply with any applicable ALUCP for an airport. Some of these future uses allowed pursuant to these amendments are expected to require building permits and/or grading permits as well as other discretionary and ministerial permits which are subject to the applicable ALUCP. These projects would be reviewed to ensure that they would not result in a change in air traffic patterns because the allowable land uses within airport safety zones are created for the purpose of ensuring ongoing airport safety, including maintenance of air traffic patterns. Furthermore, the project would not exceed the FAR Part 77 criteria related to airspace obstructions. For example, adding Agricultural Tourism as an allowed accessory use to an existing commercial agricultural enterprise would not have a significant effect since the activities would be limited to U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises. These uses are currently occurring on many existing farms within the County. Further, the addition of any structures would be subject to the applicable ALUCP. Adding Community Gardens as an allowed use in zones where Row and Field Crops are an allowed use would not result in a change in air traffic patterns since agriculture is allowed use by-right and any future structures would be subject to the applicable ALUCP. Therefore, the project would not to result in a change in air traffic patterns. Refer also to section VIII.e Hazards and Hazardous Materials. Therefore, the proposed project will not have a significant impact on air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Therefore, the proposed project will not alter traffic patterns, roadway design, place incompatible uses (e.g., farm equipment) on existing roadways, or create or place curves, slopes or walls which impede adequate site distance on a road. Some future uses allowed pursuant to these amendments may be located on developed sites which will not alter traffic patterns, roadway design, place incompatible uses (e.g., farm equipment) on existing roadways. Some future projects are expected to require building permits and/or grading permits as well as other discretionary and ministerial permits which would be required to provide safe and adequate site distances at all driveways and intersections to the satisfaction of the Director of the Department of Public Works. All road improvements will be constructed according to the County of San Diego Public and Private Road Standards. Roads used to access the future project sites would be required to meet County standards. In addition the proposed project will not place

incompatible uses on existing roadways since the proposed uses allowed pursuant to these amendments do not introduce new uses in any zones that are incompatible with existing uses and the amendments to agricultural uses would not authorize the placement of incompatible uses (e.g., farm equipment) on existing roadways. Therefore, the proposed project will not significantly increase hazards due to design features or incompatible uses.

e) Result in inadequate emergency access?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. Some future projects are expected to require building permits and/or grading permits as well as other discretionary and ministerial permits which would be reviewed by the local Fire Protection District that would require adequate emergency fire access prior to the approval of any permits. Some permits will require additional review under CEQA and any identified significant impacts would be mitigated. Therefore, the project will not result in inadequate emergency access.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Some future uses allowed pursuant to these amendments may be located on developed sites. If these uses do not generate any additional ADTs, project implementation will not result in the construction of any road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities. Some future projects are expected to require building permits and/or grading permits as well as other discretionary and ministerial permits which may

generate additional ADTs. These projects will be reviewed for compliance with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Any construction of any road improvements or new road design features would be reviewed to ensure that they do not interfere with the provision of public transit, bicycle or pedestrian facilities. Therefore, the project will not conflict with policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

- ☐ Potentially Significant Impact
- ☒ Less than Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Some future projects are expected to require building permits, grading permits, on-site wastewater systems (OSWS), also known as septic systems, and well permits, as well as other discretionary and ministerial permits. Discharged wastewater must conform to the Regional Water Quality Control Board's (RWQCB) applicable standards, including the Regional Basin Plan and the California Water Code. California Water Code Section 13282 allows RWQCBs to authorize a local public agency to issue permits for OSWS "to ensure that systems are adequately designed, located, sized, spaced, constructed and maintained." The RWQCBs with jurisdiction over San Diego County have authorized the County of San Diego, Department of Environmental Health (DEH) to issue certain OSWS permits throughout the County and within the incorporated cities. DEH would review the OSWS lay-out pursuant to DEH, Land and Water Quality Division's, "On-site Wastewater Systems: Permitting Process and Design Criteria" prior to issuance of any building permits for a site. Some future uses would discharge domestic waste to a community sewer system that is permitted to operate by the Regional Water Quality Control Board (RWQCB). Prior to issuance of any building permits, a project facility availability form would be required from the appropriate district which will serve the project. Therefore, because future projects will be discharging wastewater to a RWQCB permitted on-site wastewater system (OSWS) or a community sewer system and will be required to satisfy any required conditions, the proposed project is consistent with the wastewater treatment requirements of the RWQCB, including the Regional Basin Plan and the proposed project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐ Potentially Significant Impact ☒ Less than Significant Impact

☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Therefore, the project will not require any construction of new or expanded facilities, which could cause significant environmental effects. Some future projects are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which would be required to demonstrate that adequate water and/or wastewater treatment facilities would be available to the project from the appropriate agencies/districts prior to issuance of building permits. No future uses under these amendments are expected to exceed existing capacity and availability of water and wastewater utilities. Therefore, the project will not require any construction of new or expanded facilities, which could cause significant environmental effects.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐ Potentially Significant Impact ☒ Less than Significant Impact

☐ Less Than Significant With Mitigation Incorporated ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Some future uses allowed pursuant to these amendments may be located on existing developed sites and would not include new or expanded storm water drainage facilities, would not involve any landform modification or require any source treatment or structural Best Management Practices for stormwater. Some future projects are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which

could involve new or expanded storm water drainage facilities. However, these future projects would be reviewed and conditioned to ensure that they will not result in any adverse physical effect on the environment. Therefore, the project will not result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

- ☐ Potentially Significant Impact
- ☒ Less than Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ No Impact

Discussion/Explanation:

The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Some future uses allowed pursuant to these amendments may be located on existing developed sites and would be served by existing available water supplies. Some future projects are expected to require building permits, grading permits, on-site wastewater system permits and well permits, as well as other discretionary and ministerial permits which would require evidence from the appropriate Water District, indicating adequate water resources and entitlements are available to serve the requested water resources prior to the issuance of any building permits for a future project. Therefore, the project will not require expanded entitlements.

e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

- ☐ Potentially Significant Impact
- ☒ Less than Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Some future uses allowed pursuant to these amendments may be located on existing developed sites and would be served by existing available wastewater treatment provider's service capacity or by an existing on-site wastewater system.

Some future projects are expected to require building permits and/or grading permits, as well as other discretionary and ministerial permits which would require evidence from the appropriate wastewater treatment provider that it has adequate capacity to serve a project's projected demand in addition to the provider's existing commitments, prior to the issuance of any building permits for a future project. Therefore, the project will not interfere with any wastewater treatment provider's service capacity.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Some future uses allowed pursuant to these amendments may generate solid waste. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the California Integrated Waste Management Board (CIWMB) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440et seq.). There are five, permitted active landfills in San Diego County with remaining capacity. Therefore, there is sufficient existing permitted solid waste capacity to accommodate the project's solid waste disposal needs.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes Amendments to the County of San Diego Zoning Ordinance and County Code to make minor revisions, additions, corrections and clarifications to various sections, as described in the attached Zoning Ordinance and County Code Amendments. There is no development proposed by this project. Some future uses will generate solid waste and will be required to deposit all solid waste at a permitted solid waste facility. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, the County

Department of Environmental Health, Local Enforcement Agency issues solid waste facility permits with concurrence from the California Integrated Waste Management Board (CIWMB) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440et seq.). Future projects will be required to deposit all solid waste at a permitted solid waste facility and therefore, will comply with Federal, State, and local statutes and regulations related to solid waste.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Per the instructions for evaluating environmental impacts in this Initial Study, the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in sections IV and V of this form. In addition to project specific impacts, this evaluation considered the projects potential for significant cumulative effects. There is no substantial evidence that there are biological or cultural resources that are affected or associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

☐ Potentially Significant Impact
☐ Less Than Significant With Mitigation Incorporated
☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Per the instructions for evaluating environmental impacts in this Initial Study, the potential for adverse cumulative effects were considered in the response to each question in sections I through XVIII of this form. In addition to project specific impacts, this evaluation considered the projects potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there is no substantial evidence that there are cumulatively considerable effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

- ☐ Potentially Significant Impact
- ☐ Less Than Significant With Mitigation Incorporated
- ☒ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in sections I. Aesthetics, III. Air Quality, VI. Geology and Soils, VIII. Hazards and Hazardous Materials, IX Hydrology and Water Quality XII. Noise, XIII. Population and Housing, and XVI. Transportation and Traffic. As a result of this evaluation, there is no substantial evidence that there are adverse effects on human beings associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

XIX. REFERENCES USED IN THE COMPLETION OF THE INITIAL STUDY CHECKLIST

All references to Federal, State and local regulation are available on the Internet. For Federal regulation refer to http://www4.law.cornell.edu/uscode/. For State regulation refer to www.leginfo.ca.gov. For County regulation refer to www.amlegal.com. All other references are available upon request.

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ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO DEFINITIONS, USE REGULATIONS, PROCEDURES AND OTHER MISCELLANEOUS TOPICS

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

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending or adding various sections regarding Definitions, Use Classifications, Animal Regulations, Development Regulations, Special Area Regulations, Temporary Use Regulations, Accessory Use Regulations, Sign Regulations, Performance Standards, Fencing and Screening Regulations, Parking Regulations, Enclosure Regulations, Miscellaneous General Regulations, Procedures and Fallbrook Village Zones. In addition, the Board finds that miscellaneous sections should be amended to clarify or correct language. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. The TABLE OF CONTENTS in the Zoning Ordinance is amended to read as follows:

PART ONE - PART FOUR [no changes]

PART FIVE: SPECIAL AREA REGULATIONS

5000	General Provisions
5100	Agricultural Preserve Area Regulations
5200	Scenic Area Regulations
5250	Airport Land Use Compatibility Plan Area Regulations
5300	Sensitive Resource Area Regulations
5400	Fault Displacement Area Regulations
5450	Flood Channel Area Regulations
5500	Flood Plain Area Regulations
5700	Historic/Archaeological Landmark & District Area Regulations
5750	Community Design Review Area Regulations
5800	Planned Development Area Regulations
5850	Vernal Pool Area Regulations
5900	Design Review Area Regulations
5950	Coastal Resource Protection Regulations
5960	Unsewered Area Regulations

PART SIX: GENERAL REGULATIONS

6000	General Provisions

6100 Temporary Use Regulations
6150 Accessory Use Regulations
6200 Off-Premise Sign Regulations
6250 On-Premise Sign Regulations
6300 Performance Standards
6350 Density Bonus Program
6400 Resort Services Regulations
6450 Recreational Vehicle Park Regulations
6500 Mobilehome (Manufactured Home) Regulations
6550 Extractive Use Regulations
6600 Planned Development Standards
6700 Fencing & Screening Regulations
6750 Parking Regulations
6800 Enclosure Regulations
6850 Nonconformity Regulations
6900 Miscellaneous General Regulations

- 6900 Ambulance Service
- 6901 Cemeteries
- 6902 Animal Waste Processing
- 6903 Lot Line Locations
- 6904 Explosive Storage
- 6905 Fire Protection and Law Enforcement Services
- 6906 Requirements for Farm Labor Camps
- 6907 Crematoriums
- 6908 Columbaria
- 6909 Mini-Warehouses
- 6910 Wholesale Limited, Boutique and Small Wineries
- 6911 Emergency Shelters
- <u>6912</u> <u>Community Gardens</u>
- 6920 Cottage Industries
- 6930 Adult Entertainment Establishments
- 6935 Medical Marijuana Collective Facilities
- 6940 Trailer Coaches Outside Mobilehome Parks
- 6950 Wind Turbine System
- 6952 Solar Energy System
- 6960 Nudist Facilities
- 6970 Recycling Collection Facility
- 6976 Marijuana Dispensaries -Non-Medical (Not Authorized Under State Law)
- 6975 Recycling Processing Facility
- 6980 Wireless Facilities

PART SEVEN - PART EIGHT [no changes]

Section 3. Section 1110 DEFINITIONS (A) of the Zoning Ordinance is amended to amend the term “Accessory Use” and to add the term “Agricultural Tourism” in its appropriate alphabetical location to read as follows:

Accessory Use: A use customarily incidental and accessory to the principal use of the land or ~~building site~~lot, or to a building or other structure located on the same ~~building site~~lot as the accessory use.

Agricultural Tourism (also Agri-tourism or Ag-tourism): The act of visiting a commercial agricultural enterprise for the purpose of enjoyment, education or active involvement in the activities of the farm, ranch or agricultural operation.

Section 4. Section 1110 DEFINITIONS (C) of the Zoning Ordinance is amended to add the terms "Community Garden" and "Construction and/or Use of the Property In Reliance on a Permit" in the appropriate alphabetical locations to read as follows:

Community Garden: An area of land used to grow and harvest food crops by individuals or collectively by members of a group, and may be arranged into multiple plots.

Construction and/or Use of the Property In Reliance on a Permit: The establishment of a use or structure pursuant to an approved discretionary permit as used in Section 7000, et seq. A use or structure shall be considered established when any of the following apply:

a. All required construction permits have been obtained, grading work and structural foundations are completed and substantial progress has been made on the above-grade construction without ceasing for a period greater than 12 months;

b. Partially Completed Projects. When an approved multiple building project has been partially completed, its discretionary permit shall remain valid unless work ceases for a period greater than twelve months, and no schedule for phased construction was authorized by the discretionary permit;

c. Significant investment has been made toward off-site improvements, infrastructure or on-site improvements in preparation for project construction;

d. A certificate of occupancy has been issued and bonds guaranteeing site improvements have been released; or

e. A use not requiring any building permits is operating in compliance with all conditions of approval.

Section 5. Section 1110 DEFINITIONS (F) of the Zoning Ordinance is amended to amend the terms "Flood, 10-Year" and "Flood, 100-year" to read as follows:

Flood, 10-Year: A flood estimated to occur at an average of once in 10 years (the flood having a 10 percent ~~frequency of occurrence~~ chance of being equaled or exceeded in any given year) ~~which is determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Standard approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of Supervisors as Document NO. 427201~~.

Flood, 100-year: A flood estimated to occur at an average of once in 100 years (the flood having a one percent ~~frequency of occurrence~~ chance of being equaled or exceeded in any given year)~~,~~

~~determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Standard approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of Supervisors as Document No. 427201~~.

Section 6. Section 1110 DEFINITIONS (G) of the Zoning Ordinance is amended to amend the term "Groundwater Extraction Operation" to read as follows:

Groundwater Extraction Operation: Any property containing a well, spring box or other device through which groundwater is collected or extracted for sale. Groundwater Extraction Operations includes all appurtenant structures and facilities associated with the collection, extraction, storage, transfer and transportation of the groundwater, whether or not such appurtenant structures and facilities are located on the same legal lot as that from which the groundwater is collected or extracted. Groundwater Extraction Operation does not include the following:

1. Incidental and occasional sale or transport of water in amounts up to 5,000 gallons per any consecutive seven day period, except when in the residential zones and the S80 Open Space and S81 Ecological Resource Area zones.

2. Water vending by machine, as allowed by Section 6156 ee.

3. Wells serving public water supply systems, as permitted by the County Department of Environmental Health or the State Department of Health Services, which distribute water through pipelines for domestic purposes.

4. Wells providing water only to public agencies to protect the public welfare for emergency uses such as for fire suppression and during temporary drought conditions, and/or for otherwise exempt uses.

5. Wells and springs providing water only to irrigate any agricultural ~~enterprise~~use, ~~as defined in Section 63.403(d) of the San Diego County Code of Regulatory Ordinances,~~ that would not require transport on any public street or highway, and/or for otherwise exempt purposes.

6. Wells providing water exclusively to four or fewer contiguous residential parcels.

Section 7. Section 1110 DEFINITIONS (L) of the Zoning Ordinance is amended to amend the term "Living Area" to read as follows:

Living Area: The floor area under the roof of a dwelling unit that is contained within the interior surface of its perimeter walls, except as follows: Living area does not include garages~~;~~ or ~~appurtenant structures accessible only from the outside;~~ attics~~,~~ and basements~~, and enclosed patios~~ not designed, intended, and constructed for human habitation~~; and any room or area primarily devoted to any accessory or secondary use~~.

Section 8. Section 1110 DEFINITIONS (M) of the Zoning Ordinance is amended to add the term "Minor Deviation" in its appropriate alphabetical location to read as follows:

Minor Deviation. A slight increase or decrease in size, height or scope of a proposed project from the original approved permit decision and associated plans of an Administrative Permit, Variance, Site Plan or Use Permit which is considered in substantial conformance with the original approved project or latest approved modification.

Section 9. Section 1110 DEFINITIONS (P) of the Zoning Ordinance is amended to add the term "Plot Plan" in its appropriate alphabetical locations to read as follows:

Plot Plan: A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting and use of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements. The purpose of a plot plan is to establish a clear record of the development and use of the property.

Section 10. Section 1110 DEFINITIONS (S) of the Zoning Ordinance is amended to amend the terms "Site Plan" and "Street, Centerline of" to read as follows:

Site Plan Permit: ~~A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.~~ A permit which may be granted by the appropriate County officer or body to provide a review procedure for development proposals which is concerned with physical design, siting, interior vehicular and pedestrian access, and the interrelationship of these elements.

Street, Centerline of: The centerline of a street as established in accordance with the provisions of Chapter ~~5~~ 3 of Division 1 of Title 5 of the San Diego County Code.

Section 11. Section 1110 DEFINITIONS (U) of the Zoning Ordinance is amended to add the terms "U-Pick or Pick-Your-Own Operations" and "Use of the Property In Reliance on a Permit" in their appropriate alphabetical locations to read as follows:

U-Pick or Pick-Your-Own Operations: A Commercial Agriculture operation such as a farm, orchard or grove where the customers themselves harvest the products grown on-site.

Use of the Property In Reliance on a Permit: (See "Construction and/or Use of the Property In Reliance on a Permit)

Section 12. Section 1350 of the Zoning Ordinance is amended to read as follows:

1350 MAJOR IMPACT SERVICES AND UTILITIES.
The Major Impact Services and Utilities use type refers to public or private services and utilities which have substantial impact. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical

places or uses are schools, sanitary landfills, public and private airports, public park/ playground/recreational areas (other than public passive park/recreational areas), hospitals, psychiatric facilities, cemeteries, nursing homes, detention and correction institutions, trade schools (with outdoor training facilities)~~,~~ or security, law enforcement, military, ~~or~~ paramilitary type training facilities, or field medical training uses.

Section 13. Section 1425 of the Zoning Ordinance is amended to read as follows:

1425 ANIMAL SALES AND SERVICES.

Animal Sales and Services refers to establishments or places of business primarily engaged in animal related sales and services. The following are animals sales and services use types:

a. Animal Sales and Services: Auctioning. Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding 48-hour periods. The auctioning of miscellaneous related items may be conducted in conjunction with animal auctioning, if the auctioning of miscellaneous related items is conducted by the same operator as the animal auction, the number of days and hours of operation do not exceed those in which animal auctions are held, and the impacts resulting from the miscellaneous items auction activity do not exceed those of the animal auction. Typical uses include animal auctions or livestock auction yards.

b. Animal Sales and Services: Grooming. Grooming of dogs, cats and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.

c. Animal Sales and Services: Horse Stables. Boarding, breeding or raising of horses for commercial purposes. This does not include the non-commercial use of horses owned by the occupants of the premises. Typical uses include boarding stables or public stables.

d. Animal Sales and Services: Kennels. Kennel services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, dog daycare or dog training centers.

e. Animal Sales and Services: Stockyards. Stockyard services involving the temporary keeping of transient livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales yards.

f. Animal Sales and Services: Veterinary (Large Animals). Veterinary services for large animals. Typical uses include animal hospitals (large animals) or veterinary hospitals (large animals). Boarding of animals or grooming of animals may be allowed as accessory to the veterinary use.

g. Animal Sales and Services: Veterinary (Small Animals). Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals or animal hospitals (small animals). Boarding of animals or grooming of animals may be allowed as accessory to the veterinary use.

Section 14. Section 1490 of the Zoning Ordinance is amended to read as follows:

1490 GASOLINE SALES.

The Gasoline Sales use type refers to establishments or places of business primarily engaged in the retail sales, from the premises, of petroleum products, alternative vehicle fuels (including but not limited to natural gas (CNG) or biodiesel) and includes the sale of tires, batteries, and replacement items, lubricating services and minor repair services. Typical uses include automobile service stations, filling stations or truck stops.

Section 15. Section 2990 (pages 1 through 6) of the Zoning Ordinance is amended to read as follows:

USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of The Zoning Ordinance, the provisions of The Zoning Ordinance shall apply.

USE TYPES	1250	RESIDENTIAL 1260 Family Residential	1265 Group Residential	1280 Mobilehome Residential	1300	CIVIC See Section 6816 Enclosed	Open	Drive-in	1310 Administrative Services	1315 Ambulance Services (see Sec. 6900)	1320 Clinic Services	1325 Community Recreation	1330 Cultural Exhibits and Library Services	1332 Child Care Center	1334 Emergency Shelters (see Sec. 6911)	1335 Essential Services	1340 Fire Protection Services (see Sec. 6905)	1345 Group Care	1346 Law Enforcement Services	1348 Civic, Fraternal or Religious Assembly	1350 Major Impact Services and Utilities	1355 Minor Impact Utilities	1360 Parking Services	1365 Postal Services	1375 Small Schools	1380 Wind Turbine System, Med. (see Sec 6950)	Use Regulations	
RESIDENTIAL																												
RS		●		18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RS	Single-Family Residential
RD		●		18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RD	Duplex/Two-Family Residential
RM		●		18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RM	Multi-Family Residential
RV		●		18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RV	Variable Family Residential
RU		●	●	18		●	●		M	M	M	M	m	M		●	S	M		M	M	m	M	M	m	A	RU	Urban Residential
RMH				18		●	●		M		M	M	M	M		●	S	M		M	M	m	M	M	m	A	RMH	Mobilehome Residential
RR		●	M	18		●	●	m	M	M	M	M	M	M		●	S	M	M	M	M	m	M	M	m	A	RR	Rural Residential
RRO*		●	M	18		●	●	m	M	M	M	M	M	M		●	S			M	M	m	M	M	m	A	RRO*	Recreation-Oriented Residential
RC		●	●	18		●	●		M	M	●	M	●	●		●	S	●		●	M	m	M	M	●	A	RC	Residential-Commercial
COMMERCIAL																												
C30						●	●		●	●	●	M	●	●		●	S		●	M	M	m	●	M	●	A	C30	Office-Professional
C31		●	●			●	●		●	●	●	M	●	●		●	S	●	M	M	M	m	●	M	●	A	C31	Residential/Office Professional
C32		1				●	●		M	M	M	M	M	●		●	S		●	M	M	m	M	M	●	A	C32	Convenience Commercial
C34*		●	●			●	●		●	●	●	●	●	●		●	S	●	●	●	M	m	●	●	●	A	C34*	Gen. Commercial/Residential
C35		M				●	●		●	●	●	●	●	●		●	S	●	●	●	M	m	●	●	●	A	C35	Gen. Comm.//Ltd. Residential
C36		1	M			●	●		●	●	●	●	●	●		●	S		●	●	M	●	●	●	●	A	C36	General Commercial
C37		1	M			●	●	●	●	●	●	●	●	●		●	S	●	●	●	M	●	●	●	●	A	C37	Heavy Commercial
C38		1				●	●	●	●	●	M	●	●	●		●	S		●	M	M	●	●	●	●	A	C38	Service Commercial
C40		1				●	●	●	●	●	●	●	●	●		●	S		●	●	M	m	●	●	●	A	C40	Rural Commercial
C42*		20				●	●									●						m	●			A	C42*	Visitor Serving Commercial
C44						●	●	●	M	M	M	M	M	●		●	S		●	M	M	m	M	M	●	A	C44	Freeway Commercial
C46*						●	●		M	M	●	M	M	●		●	S	●	●	M	M	m	●	M	●	A	C46*	Medical Center
INDUSTRIAL																												
M50						●	●		M	●	M	●	M	M	●	●	S		●	M	M	m	●	●	m	A	M50	Basic Industrial
M52						●	●		M	●	M	●	M	M	●	●	S		●	M	M	m	●	●	m	A	M52	Limited Impact Industrial
M54						●	●		M	●	M	●	M	M	●	●	S		●	M	M	●	●	●	m	A	M54	General Impact Industrial
M56+									M	●	M		M	M		●	S		●	M	M	●	●	●	m	A	M56+	Mixed Industrial
M58						●	●		M	●	M	●	M	M	●	●	S		●	M	M	●	●	●	m	A	M58	High Impact Industrial
AGRICULTURAL																												
A70		●	M	18		●	●	m	M	M	M	M	M	M		●	S	M	m	M	M	m	M	M	m	A	A70	Limited Agriculture
A72		●	M	18		●	●	m	M	M	M	M	M	M		●	S	M	S	M	M	m	M	M	m	A	A72	General Agriculture
SPECIAL PURPOSE																												
S80*		●				●	●		M	M	M	M	M	M		●	S			M	M	m	M	M	m	A	S80*	Open Space
S81													O			O											S81	Ecological Resource Area
S82						●	●		M	M	M	M	M			●	S		m	M	M	m	M	M		A	S82	Extractive
S86						●	●									●	S		m			m	●			A	S86	Parking
~~S87+~~		~~●~~	~~M~~	~~M~~		~~●~~	~~●~~	~~m~~	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~		~~●~~	~~S~~	~~M~~	~~m~~	~~m~~	~~M~~	~~m~~	~~M~~	~~M~~	~~m~~	~~A~~	~~S87+~~	~~Limited Control~~
S88+		●				●	●	●								●	S		m			m				A	S88+	Specific Plan Area
S90+		●	M			●	●	m	M	M	M	M	M	M		●	S	M	m	M	M	m	M	M	m	A	S90+	Holding Area
S92		●	M			●	●	m	M	M	M	M	M	M		●	S	M	S	M	M	m	M	M	m	A	S92	General Rural
S94+						●	●	m	M	M		M	M			●	S		m		M	m	m	M		A	S94+	Transportation & Utility Corridor
SWF																					●						SWF	Solid Waste Facility

MATRIX LEGEND

- ● Permitted
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- S Permitted by Site Plan
- m Permitted by Minor Use Permit
- M Permitted by Major Use Permit
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- + Other Uses Not Shown on Matrix May Be Permitted (See Text of Use Regulations)
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USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of The Zoning Ordinance, the provisions of The Zoning Ordinance shall apply.

USE TYPES / COMMERCIAL	Enclosed	Semi-Enclosed	Open	Drive-In	Administrative and Professional Services	Adult Entertainment Establishments	Agricultural & Horticultural Sales	a) Agricultural Sales	b) Horticultural Sales	Agricultural Services [E]	Animal Sales and Services:	a) Auctioning	b) Grooming	c) Horse Stables	d) Kennels	e) Stockyards	f) Veterinary [Large Animal]	g) Veterinary [Small Animal]	Automotive and Equipment:	a) Cleaning	b) Fleet Storage	c) Parking [E]	d) Repairs [Heavy Equipment]	e) Repairs [Light Equipment]	f) Sales/Rentals [Heavy Equipment]	g) Sales/Rentals [Farm Equipment]	h) Sales/Rentals [Light Equipment]	i) Storage [Nonoperating Vehicles]	j) Storage [Recreation Vehicles & Boats]	Use Regulations
1400	See Section 6816				1410	6930	1415			1420	1425								1430											
RESIDENTIAL																														
RS					P			P	P					16	16							P								RS Single-Family Residential
RD					P			P	P					16	16							P								RD Duplex/Two-Family Residential
RM					P			P	P					16	16							P								RM Multi-Family Residential
RV					P			P	P					16	16							P								RV Variable Family Residential
RU					P			P	P					16	16							P								RU Urban Residential
RMH					P			P	P													P								RMH Mobilehome Residential
RR	●	●	●											16	16															RR Rural Residential
RRO*	●	●	●		P			P	P					16	16			P				P								RRO* Recreation-Oriented Residential
RC	●	m	m		4			m	m				m	16	16			P				P								RC Residential-Commercial
COMMERCIAL																														
C30	●			m	●									16	16							m								C30 Office-Professional
C31	●			m	●									16	16							m								C31 Residential/Office Professional
C32	●			m										16	16							m								C32 Convenience Commercial
C34*	●	m	M	m	●			●	●				●	16	16			M				●				m	●		M	C34* Gen. Commercial/Residential
C35	●	m	M	m	●			●	●				●	16	16			M				●				m	●		M	C35 Gen. Comm.//Ltd. Residential
C36	●	m	M	●	●			●	●	9			●	16	16			●		M		●	8	●		●	●		M	C36 General Commercial
C37	●	●	●	●	●			●	●	●			●	16	16			●		●	●	●	●	●	●	●	●	M	●	C37 Heavy Commercial
C38	●	●	●	●	●			●	●	●				16	16		●	●		●	●	●		●	●	●	●	M	●	C38 Service Commercial
C40	●	●	●	●	●			●	●	●		M	●	16	16	M	●	●		●	●	●	●	●	●	●	●	M	●	C40 Rural Commercial
C42*	●	●	●	●	20																									C42* Visitor Serving Commercial
C44	●	●	●	●										16	16														M	C44 Freeway Commercial
C46*	●													16	16															C46* Medical Center
INDUSTRIAL																														
M50	●	m	M	m	5	19								16	16							●								M50 Basic Industrial
M52	●	m	M	m	●	19		8	8					16	16					8		●	8	8	9	9	9			M52 Limited Impact Industrial
M54	●	●	●	●	●	19		●	●	14				16	16		●			●	●	●	●	●	●	●	●	M	●	M54 General Impact Industrial
M56+																					●	●	●	●	●	●	●			M56+ Mixed Industrial
M58	●	●	●	●	●	19		●	●	14				16	16	M	●			●	●	●	●	●	●	●	●	9	●	M58 High Impact Industrial
AGRICULTURAL																														
A70	●	●	●					M	M					16	16		6	6												A70 Limited Agriculture
A72	●	●	●					M	M			M		16	16		6	6												A72 General Agriculture
SPECIAL PURPOSE																														
S80*	●	S	M											16	16							M								S80* Open Space
S81																														S81 Ecological Resource Area
S82	●	●	●											16	16													M		S82 Extractive
S86	●	●	●	●										16	16							●								S86 Parking
~~S87+~~	●	●	●	●	~~M~~			~~M~~	~~M~~	~~M~~		~~M~~	~~M~~	~~16~~	~~16~~	~~M~~	~~6~~	~~6~~		~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~M~~	~~S87+ Limited Control~~
S88+	●	●	●	●										16	16															S88+ Specific Plan Area
S90+	●	●	●	●				M	M	M																				S90+ Holding Area
S92	●	●	●					M	M					16	16		6	6												S92 General Rural
S94+	●	●	●	●				M	M	M												m								S94+ Transportation & Utility Corridor
SWF																														SWF Solid Waste Facility

Commercial continued on next page

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USE & ENCLOSURE MATRIX

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USE TYPES / COMMERCIAL (cont.)	Enclosed	Semi-Enclosed	Open	Drive-in	Building Maintenance Services	Business Equipment Sales and Services	Business Support Services	Communications Services	Construction Sales and Services (See Sec. 6300)	Convenience Sales and Personal Services	Cottage Industries (See Sec. 6920)	Eating and Drinking Establishments	Explosive Storage (See Sec. 6904)	Financial, Insurance and Real Estate	Food and Beverage Retail Sales E	Funeral and Interment Services: a) Cremating	b) Interring	c) Undertaking	Gasoline Sales E	Laundry Services	Medical Services	Use Regulations
1400	See Section 6816				1435	1440	1445	1450	1455	1460	1463	1465	1470	1475	1480	1485				1490	1495	1500	
																						RESIDENTIAL
RS							P			P		P		P	P							P	RS Single-Family Residential
RD							P			P		P		P	P							P	RD Duplex/Two-Family Residential
RM							P			P		P		P	P							P	RM Multi-Family Residential
RV							P			P		P		P	P							P	RV Variable Family Residential
RU							P			P		P		P	P							P	RU Urban Residential
RMH							P			P		P		P	P							P	RMH Mobilehome Residential
RR	●	●	●								17												RR Rural Residential
RRO*	●	●	●				P			M		M		P	M							P	RRO* Recreation-Oriented Residential
RC	●	m	m				P	P		m		m		11	m					P		4	RC Residential-Commercial
																						COMMERCIAL
C30	●			m			●	m		10		10		●	10				M			●	C30 Office-Professional
C31	●			m			●	m		10		10		●	10				M			●	C31 Residential/Office Professional
C32	●			m						●		●			●					M			C32 Convenience Commercial
C34*	●	m	M	m		7	●	●	8	●		●		●	●		M	M	M	12	13	●	C34* Gen. Commercial/Residential
C35	●	m	M	m		7	●	●	8	●		●		●	●		M	M	M	12	13	●	C35 Gen. Comm.//Ltd. Residential
C36	●	m	M	●		7	●	●	8	●		●		●	●		M	M	●	12	13	●	C36 General Commercial
C37	●	●	●	●	●	●	●	●	●	●		●		●	●		M	M	●	●	●	●	C37 Heavy Commercial
C38	●	●	●	●	●	●	●	●	●	m		m			10		M			●	●		C38 Service Commercial
C40	●	●	●	●	●	●	●	●	9	●		●		●	●		M	M	●	●	●	●	C40 Rural Commercial
C42*	●	●	●	●			20			●		●		20						M			C42* Visitor Serving Commercial
C44	●	●	●	●								●								12			C44 Freeway Commercial
C46*	●									10		10			10							●	C46* Medical Center
																						INDUSTRIAL
M50	●	m	M	m						m		m			m								M50 Basic Industrial
M52	●	m	M	m	8	●	●	●	8	m		m			10		M			12	●		M52 Limited Impact Industrial
M54	●	●	●	●	●	●	●	●	●	m		m	M		10		M			●	●		M54 General Impact Industrial
M56+					●				●			10			10								M56+ Mixed Industrial
M58	●	●	●	●	●	●	●	●	●	m		m	M		10		M			●	●		M58 High Impact Industrial
																						AGRICULTURAL
A70	●	●	●								17		M										A70 Limited Agriculture
A72	●	●	●								17		M							M			A72 General Agriculture
																						SPECIAL PURPOSE
S80*	●	S	M										M										S80* Open Space
S81																							S81 Ecological Resource Area
S82	●	●	●										M										S82 Extractive
S86	●	●	●	●																			S86 Parking
~~S87+~~	●	●	●	●	M	M	M	M	M	M	17	M	M	M	M		M	M	M	M	M	M	~~S87+ Limited Control~~
S88+	●	●	●	●																			S88+ Specific Plan Area
S90+	●	●	●	●							17		M										S90+ Holding Area
S92	●	●	●								17		M										S92 General Rural
S94+	●	●	●	●																			S94+ Transportation & Utility Corridor
SWF																							SWF Solid Waste Facility

Commercial continued on next page

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USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

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USE TYPES / COMMERCIAL (cont.)	Enclosed	Semi-Enclosed	Open	Drive-In	Participant Sports and Recreation a) Indoor	b) Outdoor	Personal Services [General]	Recycling Collection Facility (See Sec. 6970) a)Small [E]	b) Large [E]	Recycling Processing Facility (See Sec. 6975) a) Light	b) Heavy	c) Wood and Green Materials	Repair Services [Consumer]	Research Services	Retail Sales a) General	b) Specialty	Scrap Operations (See Section 6300)	Spectator Sports and Entertainment: a) Limited	b) General	Swap Meets	Use Regulations
1400	See Section 6816				1505		1510	1512			1513				1515	1520	1525			1530	1535			1540	
RESIDENTIAL																									
RS						P	P	P		2									P	P			P			RS Single-Family Residential
RD						P	P	P		2									P	P			P			RD Duplex/Two-Family Residential
RM						P	P	P		2									P	P			P			RM Multi-Family Residential
RV						P	P	P		2									P	P			P			RV Variable Family Residential
RU						P	P	P		2									P	P			P			RU Urban Residential
RMH						P	P	P		2									P	P			P			RMH Mobilehome Residential
RR	●	●	●				M			2																RR Rural Residential
RRO*	●	●	●			P	M	P		2									P	P			P			RRO* Recreation-Oriented Residential
RC	●	m	m			P	P	P		2									m	m			P			RC Residential-Commercial
COMMERCIAL																									
C30	●			m				●		2	2		3	M			M									C30 Office-Professional
C31	●			m				●		2	2		3	M			M									C31 Residential/Office Professional
C32	●			m		m				2	2		3	M												C32 Convenience Commercial
C34*	●	m	M	m		m		●		2	2		3	M		●	M		●	●			M	M		C34* Gen. Commercial/Residential
C35	●	m	M	m		m		●		2	2		3	M		●	M		●	●			M	M		C35 Gen. Comm.//Ltd. Residential
C36	●	m	M	●		●		●		2	2		3	M		●	M		●	●			●	M		C36 General Commercial
C37	●	●	●	●		●		●		2	2		3	3	15	●	●		●	●			●	●	M	C37 Heavy Commercial
C38	●	●	●	●		M				2	2		3	3	15	●	●				M			M	M	C38 Service Commercial
C40	●	●	●	●		●		●		2	2		3	3	15	●	●		●	●	M		●	M	M	C40 Rural Commercial
C42*	●	●	●	●		●	●													●			M	M		C42* Visitor Serving Commercial
C44	●	●	●	●						2			3	M												C44 Freeway Commercial
C46*	●									2			3	M												C46* Medical Center
INDUSTRIAL																									
M50	●	m	M	m						2	2		3	M	●		●									M50 Basic Industrial
M52	●	m	M	m		●	M			2	2		3	M	●		●									M52 Limited Impact Industrial
M54	●	●	●	●		●	M			2	2		3	3	●		●				M				M	M54 General Impact Industrial
M56+										2	2		3	M	●		●									M56+ Mixed Industrial
M58	●	●	●	●		●	M			2	2		3	3	●		●				M				M	M58 High Impact Industrial
AGRICULTURAL																									
A70	●	●	●				M			A					m											A70 Limited Agriculture
A72	●	●	●				M			A					m											A72 General Agriculture
SPECIAL PURPOSE																									
S80*	●	S	M				M			2	m				m											S80* Open Space
S81																										S81 Ecological Resource Area
S82	●	●	●				M			2	m				m						M					S82 Extractive
S86	●	●	●	●						2	m				m											S86 Parking
~~S87+~~	●	●	●	●		~~M~~	~~M~~	~~M~~		~~2~~	~~m~~				~~m~~	~~M~~	~~M~~		~~M~~	~~M~~	~~M~~		~~M~~	~~M~~	~~M~~	~~S87+ Limited Control~~
S88+	●	●	●	●						2	m				m											S88+ Specific Plan Area
S90+	●	●	●	●			M			2	m				m											S90+ Holding Area
S92	●	●	●				M			2	m				m											S92 General Rural
S94+	●	●	●	●			M			2	m				m											S94+ Transportation & Utility Corridor
SWF																										SWF Solid Waste Facility

Commercial continued on next page

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USE TYPES	COMMERCIAL (cont.)													INDUSTRIAL						Use Regulations
	Enclosed	Semi-Enclosed	Open	Drive-In	Transient Habitation:	a) Campground (See Section 6450)	b) Lodging	c) Resort (See Section 6400)	Wholesaling, Storage and Distribution	a) Mini Warehouse (See Section 6909)	b) Light	c) Heavy		Enclosed	Semi-Enclosed	Open	Custom Manufacturing	General Industrial	Heavy Industrial	
1400	See Section 6816				1545				1550				1600	See Section 6816			1610	1620	1630	
																				RESIDENTIAL
RS																				RS Single-Family Residential
RD																				RD Duplex/Two-Family Residential
RM										M										RM Multi-Family Residential
RV										M										RV Variable Family Residential
RU																				RU Urban Residential
RMH																				RMH Mobilehome Residential
RR	●	●	●			M		M		M										RR Rural Residential
RRO*	●	●	●			M		M												RRO* Recreation-Oriented Residential
RC	●	m	m				m			M				●			m			RC Residential-Commercial
																				COMMERCIAL
C30	●			m																C30 Office-Professional
C31	●			m																C31 Residential/Office Professional
C32	●			m										●			m			C32 Convenience Commercial
C34*	●	m	M	m		M	●							●			●			C34* Gen. Commercial/Residential
C35	●	m	M	m		M	●							●			●			C35 Gen. Comm.//Ltd. Residential
C36	●	m	M	●		M	●			M	M			●			●			C36 General Commercial
C37	●	●	●	●		M	●			●	8	M		●	●	●	●	15		C37 Heavy Commercial
C38	●	●	●	●						●	8	M		●	●	●	●	15		C38 Service Commercial
C40	●	●	●	●		M	●			●	8	M		●	●	●	●	15		C40 Rural Commercial
C42*	●	●	●	●		●	●	●												C42* Visitor Serving Commercial
C44	●	●	●	●		M	●													C44 Freeway Commercial
C46*	●																			C46* Medical Center
																				INDUSTRIAL
M50	●	m	M	m							8	M		●	m	M	●	14		M50 Basic Industrial
M52	●	m	M	m		M				●	8	M		●	m	M	●	14		M52 Limited Impact Industrial
M54	●	●	●	●		M				●	8	14		●	●	●	●	14		M54 General Impact Industrial
M56+										●	●	●					●	●		M56+ Mixed Industrial
M58	●	●	●	●						●	8	14		●	●	●	●	14	M	M58 High Impact Industrial
																				AGRICULTURAL
A70	●	●	●			M		M						●	●	m				A70 Limited Agriculture
A72	●	●	●			M		M						●	●	m				A72 General Agriculture
																				SPECIAL PURPOSE
S80*	●	S	M																	S80* Open Space
S81																				S81 Ecological Resource Area
S82	●	●	●																	S82 Extractive
S86	●	●	●	●																S86 Parking
~~S87+~~	●	●	●	●		~~M~~	~~M~~	~~M~~		~~M~~	~~M~~	~~M~~		●	●	●	~~M~~	~~M~~	~~M~~	~~S87+ Limited Control~~
S88+	●	●	●	●										●	●	●				S88+ Specific Plan Area
S90+	●	●	●	●		M		M						●	●	●				S90+ Holding Area
S92	●	●	●			M		M						●	●	m				S92 General Rural
S94+	●	●	●	●		M								●	●	●				S94+ Transportation & Utility Corridor
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USE TYPES	AGRICULTURAL																					EXTRACTIVE			Use Regulations	
	Enclosed	Semi-Enclosed	Open	Horticulture	(a) Cultivation	(b) Storage	Tree Crops	Row & Field Crops	Animal Raising	Animal Waste Processing (see Section 6902)	Packing and Processing	a) Limited	b) General	c) Support	d) Winery	e) Small Winery (see Section 6910)	f) Boutique Winery (see Section 6910)	g) Wholesale Limited Winery (See 6910)	Agricultural Equipment Storage	Farm Labor Camp		Mining and Processing (See Section 6550)	Site Preparation			
1700	See Section 6816			1710			1715	1720	1725	1730	1735								1740	1750	1800	1810	1820			
																										RESIDENTIAL
RS	m	m	●		●		●	●	16														M	RS	Single-Family Residential
RD	m	m	●		●		●	●	16														M	RD	Duplex/Two-Family Residential
RM	m	m	●		●		●	●	16														M	RM	Multi-Family Residential
RV	m	m	●		●		●	●	16														M	RV	Variable Family Residential
RU	m	m	●		●		●	●	16														M	RU	Urban Residential
RMH	m	m	●		●		●	●	16														M	RMH	Mobilehome Residential
RR	●	●	●		●	●	●	●	16			M			M					m		M		RR	Rural Residential
RRO*	m	m	●		●		●	●	16			M			M								M	RRO*	Recreation-Oriented Residential
RC	m	m	●		●		●	●	16						M								M	RC	Residential-Commercial
																										COMMERCIAL
C30									16														M	C30	Office-Professional
C31									16														M	C31	Residential/Office Professional
C32	A	A	●		●	m	●	●	16														M	C32	Convenience Commercial
C34*	A	A	●		●	●	●	●	16														M	C34*	Gen. Commercial/Residential
C35	A	A	●		●	●	●	●	16														M	C35	Gen. Comm.//Ltd. Residential
C36	A	A	●		●	●	●	●	16														M	C36	General Commercial
C37	A	A	●		●	●	●	●	16													M		C37	Heavy Commercial
C38	A	A	●		●	●	●	●	16														M	C38	Service Commercial
C40	A	A	●		●	●	●	●	16														M	C40	Rural Commercial
C42*	A	A	●		●	●	●	●															M	C42*	Visitor Serving Commercial
C44	A	A	●		●	●	●	●	16														M	C44	Freeway Commercial
C46*	A	A	●		●		●	●	16														M	C46*	Medical Center
																										INDUSTRIAL
M50	A	A	●		●	●	●	●	16			●	●		●								M	M50	Basic Industrial
M52	A	A	●		●	●	●	●	16			●	●		●								M	M52	Limited Impact Industrial
M54	A	A	●		●	●	●	●	16			●	●		●								M	M54	General Impact Industrial
M56+												●	●	●	●									M56+	Mixed Industrial
M58	A	A	●		●	●	●	●	16	M		●	●		●							M	M	M58	High Impact Industrial
																										AGRICULTURAL
A70	●	●	●		●	●	●	●	16			●	M	M	M	22	22	22	M	m		M		A70	Limited Agriculture
A72	●	●	●		●	●	●	●	16	M		●	M	M	M	22	22	22	M	m		M		A72	General Agriculture
																										SPECIAL PURPOSE
S80*	A	A	●		●	●	●	●	16			●								m		M		S80*	Open Space
S81									M														M	S81	Ecological Resource Area
S82	●	●	●		●	●	●	●	16													M		S82	Extractive
S86																							M	S86	Parking
~~S87+~~	●	●	●		●	●	●	●	~~16~~	~~M~~		●	~~M~~	~~M~~	~~M~~					~~m~~		~~M~~	~~M~~	~~S87+~~	~~Limited Control~~
S88+	●	●	●		●	●	●	●	16			●	M	M	M					m			M	S88+	Specific Plan Area
S90+	●	●	●		●	●	●	●	16			●								m		M		S90+	Holding Area
S92	●	●	●		●	●	●	●	16	M		●	M	M	M					m		M		S92	General Rural
S94+	●	●	●		●	●	●	●	16													M		S94+	Transportation & Utility Corridor
SWF																								SWF	Solid Waste Facility

MATRIX LEGEND

- ● Permitted
- A Permitted by Administrative Permit
- S Permitted by Site Plan
- m Permitted by Minor Use Permit
- M Permitted by Major Use Permit
- P Permitted Only Within Planned Developments of 20 Acres or Larger
- 1-22 Subject to Limitations (See Section 2980)
- * May Be Subject to Site Plan Approval
- + Other Uses Not Shown on Matrix May be Permitted (See Text of Use Regulations)
- O Subject to Limitations (See Sections 2812 and 2818)
- [E] Exceptions to Enclosure Matrix (See Section 6814)

Section 16. Section 3110 of the Zoning Ordinance is amended to read as follows:

Animal Schedule

(Part of Section 3100)

ANIMAL USE TYPE (*See Note 4*)	**Restrictions and Density Range**	**DESIGNATOR**																							
		A	**B**	**C**	**D**	**E**	**F**	**G**	**H**	**I**	**J**	**K**	**L**	**M**	**N**	**O**	**P**	**Q**	**R**	**S**	**T**	**U**	**V**	**W**	**X**
ANIMAL SALES AND SERVICES: HORSE STABLES																									
(a) Boarding or Breeding	Permitted							X	X	X						X								X	X
	MUP required										X		X	X	X							X	X		
	ZAP required				X	X	X																		
(b) Public Stable	Permitted															X								X	
	MUP required				X	X	X				X		X	X	X							X	X		X
	ZAP required							X	X	X															
ANIMAL SALES AND SERVICES: KENNELS (*see Note 1*)	Permitted															X			X		X				
	Permitted provided fully enclosed							X	X	X															
	MUP required												X	X	X								X	X	
	ZAP required				X	X	X	X	X	X															
	One acre + by MUP	X	X	X																					
ANIMAL RAISING (*see Note 6*)																									
(a) Animal Raising Projects (*see Section 3115*)	Permitted							X	X	X															X
	½ acre+ by ZAP				X	X	X				X		X	X	X	X	X						X	X	
	1 acre+ by MUP	X	X	X																					
(b) Small Animal Raising (includes Poultry) (*see Note 8*)	Permitted													X	X	X	X							X	
	½ acre+ permitted							X	X	X															
	100 maximum											X													
	25 maximum				X	X	X				X		X					X	X				X		X
	½ acre+: 10 max	X	X	X																					
	Less than ½ acre: 100 Maximum							X	X	X															
	½ acre+ 25 max by ZAP	X	X	X																					
	100 max by ZAP				X	X	X																		X
Chinchillas (*See Note 5*)	MUP required												X												
(c) Large Animal Raising (Other than horsekeeping)	4 acres + permitted															X								X	
	8 acres + permitted							X	X	X															
	2 animals plus 1 per ½ acre over 1 acre				X	X	X																		X

ANIMAL USE TYPE (*See Note 4*)	Restrictions and Density Range	DESIGNATOR																							
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
(*See Note 2*)	4 animals plus 4 for each ½ acre over ½ acre							X	X	X															
	1 ½ acres or less: 2 animals											X	X	X	X	X								X	
	1 ½ to 4 acres: 1 per ½ acre											X	X	X	X	X								X	
	4 acres+, 8 animals + 1 animal per 1 acre over 4 acres											X	X	X	X										
	2 animals										X						X	X	X				X		X
	4 acres plus by MUP											X			X										
	½ acre plus 2 animals per ½ acre by ZAP	X	X	X																					X
	Grazing Only																			X	X				
(d) Horse keeping (other than Animal Sales and Services: Horse Stables)	Permitted							X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X
	2 horses + 1 per ½ acre over 1 acre				X	X	X																		
	ZAP required				X	X	X																		
	½ acre plus by ZAP	X	X	X																					
(e) Specialty Animal Raising: Bees (*See Title 6, Division 2, Chapter 9, County Code*)	Permitted				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(See Note 7)	ZAP Required	X	X	X																					
(f) Specialty Animal Raising: Wild or Undomesticated (*See Note 3*)	ZAP Required				X	X	X	X	X	X			X	X	X	X	X			X	X	X		X	
(g) Specialty Animal Raising: Other (Excluding Birds)	25 maximum				X	X	X				X	X	X				X	X	X	X	X		X		X
	25 maximum by ZAP	X	X	X																					
	25 plus by ZAP				X	X	X				X	X	X	X			X			X	X	X	X		X
	Permitted							X	X	X					X	X								X	
(h) Specialty Animal Raising: Birds	25 maximum				X	X	X						X					X	X	X	X	X			
	100 maximum							X	X	X	X	X					X						X		
	Additional by ZAP	X	X	X				X	X	X	X	X	X				X					X	X		
	Permitted													X	X	X								X	X
(i) Racing Pigeons	100 Maximum										X	X											X		
	100 Max 1/acre plus																	X							
	Permitted												X	X	X	X	X							X	X
ANIMAL ENCLOSURE SETBACKS (*See Section 3112*)																									
Most Restrictive		X			X			X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Moderate			X			X			X																
Least Restrictive				X			X			X															X

MUP = Major Use Permit + = plus ZAP = Minor Use Permit

Notes:

1. Dogs and cats not constituting a kennel and up to two pot-belly pigs are accessory uses subject to the Accessory Use Regulations commencing at Section 6150 and are not subject to the animal enclosure setbacks.
2. On land subject to the "S" and "T" Animal Designators, grazing of horses, bovine animals and sheep permitted provided no buildings, structure, pen or corral shall be designated or used for housing or concentrated feeding of animals, and the number of such animals shall not exceed 1 animal per ½ acre of land.
3. One wild or undomesticated animal, kept or maintained in conformance with State and local requirements, is an accessory use subject to the Accessory Use Regulations commencing at Section 6150, and is not subject to the Animal Schedule. (Amended by Ordinance Number 7432 (N.S.) adopted January 6, 1988.)
4. The Animal Schedule does not apply to small animals, specialty animals, dogs or cats which are kept for sale in zones where the Retail Sales, General Use type is permitted provided that all activities are conducted entirely within an enclosed building, the building is completely soundproof, there are no outside runs or cages, no boarding of animals, no outside trash containers and no offensive odors.
5. Chinchillas are considered small animals except that a MUP may be approved for more than 25 chinchillas on property with the "L" Designator.
6. The number of animals allowed is per legal lot. This number shall not apply to the keeping of earthworms.
7. Beekeeping must be located at least 600 feet from any habitable dwelling unit, other than such dwelling unit owned by the person owning the apiary.
8. Additional regulations are applicable to the keeping of roosters, see County Code Section 62.690 et seq.

Section 17. Section 3112 of the Zoning Ordinance is amended to read as follows:

3112 ANIMAL ENCLOSURE SETBACK TABLE.
Notwithstanding the provisions of an applicable setback designator, enclosures containing the animal-related use types listed in Section 3110 shall have the minimum setbacks specified in the Animal Enclosure Setback Table. The Animal Enclosure Setback Table is incorporated into this section, and all references to this section shall include references to it. Animals subject to the Animal Setback Table must be confined within the appropriate enclosure.

ANIMAL ENCLOSURE LOCATION	ANIMAL ENCLOSURE SETBACKS (a)		
	MOST RESTRICTIVE (b)	MODERATE (b)	LEAST RESTRICTIVE (b)
Distance from Street Center Line	Same as for main building(c)	Same as for main building	Zero (0) feet (from street line)
Distance from Interior Side Lot Line	15 feet	Five (5) feet	Zero (0) feet for open enclosure. Five (5) feet for roofed enclosure.
Distance from Rear Lot Line	10 feet	Zero (0) feet for open enclosure. Five (5) feet for roofed enclosure.	Zero (0) feet

NOTES:

a. Animal enclosure includes pens, coops, aviaries, hutches, stables, barns, corrals, and similar structures used for the keeping of poultry or animals. See County Code Section 62.692 (b) for additional enclosure setback requirements for the keeping of roosters.

b. A fenced pasture containing a minimum of 2 acres, with no building used for human habitation and having no interior cross-fencing, is exempt from the animal enclosure setback requirements.

c. Refer to applicable setback designator and setback schedule at Section 4810.

Section 18. Section 3114 of the Zoning Ordinance is amended to read as follows:

3114 KENNELS.
In addition to the regulations contained in the Animal Enclosure Setback Table, Section 3112, all kennels shall be subject to the following regulations:

1. Restrictions On Use:

   a. The premises shall be kept in a clean and sanitary manner by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease or offensive odor.

   b. Kennels shall conform to all the regulations contained in the County Code related to kennels, including but not limited to ~~Division 6, Sections 36.401 - 36.414 of the County Code (~~Noise Abatement and Control~~)~~, Animal Control and Permit Fees and Procedures.

   c. Animal odors shall not be detectable beyond the lot lines of the property wherein the kennel is located.

   d. Dust and drainage from the kennel enclosure shall not create a nuisance or a hazard to adjoining property or uses.

   e. The kennel enclosure shall be screened by a nontransparent fence of a minimum six feet in height.

   f. Grooming services for the animals being boarded may be allowed as an incidental use provided the grooming services are conducted indoors and the grooming area is limited to 500 square feet in area.

2. Additional Setback Requirements:

   a. Notwithstanding the provisions of Section 3112 of this Ordinance, no kennel located on property with Animal Schedule Designators (see Section 3100) "L", "M", "N", "V", "W" shall be erected and maintained:

      1. Within 50 feet of any interior side lot line.

      2. Within 25 feet of any rear lot line; provided, however, where the rear lot line is parallel with and contiguous to an alley, such structures may be erected, placed or maintained up to such rear lot line.

   b. A kennel located on property with the Animal Schedule Designators (see Section 3100) "O", "R", and "T" shall comply with the provisions of Section 3112; provided,

however, that where a kennel in said designator abuts a residential use regulation, setbacks shall be maintained in accordance with subsection 2a.1 and 2a.2 above.

Section 19. Section 4505 of the Zoning Ordinance is amended to read as follows:

4505 FLOOR-AREA RATIO DESIGNATOR NOTATION.
Floor-area ratio shall be indicated by an Arabic numeral indicating the actual maximum permitted floor-area ratio. A dash ("-") shall indicate that floor-area ratio is not regulated by this ordinance except as may otherwise be limited by required setbacks and height restrictions. However, a floor-area ratio pursuant to the Land Use Element of the General Plan may be applicable to a property.

Section 20. Section 4615 of the Zoning Ordinance is amended to read as follows:

4615 ADDITIONAL STORY PERMITTED.

a. Where the average slope of a lot is greater than one foot rise or fall in 7 feet in the area of the lot bounded by a line drawn 5 feet outside the building perimeter or, where closer, along property lines, an additional story may be permitted in a residential building which is located on the downhill side of a street, provided that in no case shall such a building have a height measured in feet greater than that permitted by the applicable height designator. Basements or cellars within such buildings will only be permitted if the grade elevation at all points adjacent to the basement perimeter is not more than 2 feet below the finished floor elevation directly above. This subsection (a) shall not apply to through lots or corner lots.

b. An additional story may be permitted in a main dwelling with a primary residential use upon issuance of an Administrative Permit, provided that in no case shall the main dwelling have a height measured in feet greater than that permitted by the applicable height designator. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice of the administrative permit application shall be ~~given to all property owners within a distance of 300 feet from the applicant's property.~~ provided pursuant to Section 7060.c. The Director may approve said administrative permit provided the following findings are made:

1. The additional story will be in harmony with scale and bulk of dwellings on adjacent properties in the same zone, and will be compatible with the existing neighborhood character in the vicinity of the property; and

2. The additional story will not create a safety hazard, obstruct, interrupt or detract from existing views or be detrimental to surrounding properties in the same zone.

This subsection (b) shall not apply to basements proposed or existing within the main dwelling as basements are not considered a story.

Section 21. Section 4630 of the Zoning Ordinance is amended to read as follows:

4630 HEIGHT OF FENCES.
The height of fences shall be regulated by the Fencing and ~~Landscaping~~ Screening Regulations commencing at Section 6700.

Section 22. Section 5205 of the Zoning Ordinance is amended to read as follows:

5205 SITE PLAN REQUIRED.
No permit of any type shall be issued for any development, nor shall any outdoor commercial or industrial use be established, in areas subject to the Scenic Area Regulations until a Site Plan has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150 unless a ~~waiver~~Site Plan permit exemption is granted pursuant to section 5214. The following projects are exempt from the Site Plan requirements of the Scenic Area Regulations:

a. A one or two family dwelling on a single lot.

b. Attached accessory structures associated with a. above.

c. Detached accessory structures associated with a. above which are both 1,000 square feet or less in area and 12 feet or less in height.

d. Alterations to the interior of a structure which are not visible from the outside provided that there is no change in use.

e. Electrical, gas or other utility improvements where no associated discretionary permits are required, provided that any visible portion of such improvement does not exceed 24 inches in any dimension. The Director may require the applicant to submit an affidavit stating that the proposed utility improvement will not serve a use other than those uses presently occurring legally on the site.

f. Temporary improvements associated with construction activities authorized by building permit. Said improvements shall include, but not be limited to, trailers, fences, and signs which do not require discretionary approval by other applicable sections of The Zoning Ordinance.

g. Temporary special purpose off-premise signs pursuant to Section 6207.

h. Exterior alteration or new construction not otherwise exempt under this section, which is not visible from any street, excluding alleys, within the designated scenic area. Eliminating said visibility through screening techniques such as landscape, walls, fences or grading shall not qualify such exterior alterations or new construction for this exemption. The Director shall determine if a project meets this exemption standard and may require any necessary information including drawings, photographs and/or other graphic exhibits.

i. Small antennas (i.e., satellite earth station receiving antennas or similar antennas for video programming and television signals) exempted by Federal Communications Commission rules from local design review regulations. This exemption applies to antennas that are one meter (39 inches) or less in diameter or diagonal measurement.

Such antennas mounted on masts exceeding 12 feet in height are not included in this exemption.

Any decision by the Director to exempt a project pursuant to this section shall be final.

Section 23. Section 5214 of the Zoning Ordinance is amended to read as follows:

5214 ~~WAIVER OF A~~ SITE PLAN PERMIT EXEMPTION
An exemption from the requirement to process a~~The~~ Site Plan permit ~~requirement of~~ pursuant to this section may be ~~waived~~granted by the Director under either of the following circumstances:

a. If it is determined, based upon substantial evidence, that the proposed project is not visible from any scenic highway corridors designated by the San Diego County General Plan, critical viewshed and prime viewshed areas as designated on the Local Coastal Program Land Use Plan, and from any areas adjacent to significant recreational, historic or scenic resources, including but not limited to Federal and State parks and if it is determined that the Site Plan review process would not materially contribute to the attainment of the stated purpose or objectives of the Scenic Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such ~~a waiver of~~ a Site Plan permit exemption, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. ~~Waiver~~Site Plan permit exemption requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation.

b. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

No building permit or grading permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the Scenic Area Regulations to the subject property shall be permitted without prior recommendation of the appropriate Community Planning or Sponsor Group.

Section 24. Section 5250 of the Zoning Ordinance is amended to read as follows:

AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS

5250 TITLE AND PURPOSE.
The provisions of Section 5250 through Section 5270, inclusive, shall be known as the Airport Land Use Compatibility Plan Area Regulations. The purpose of these provisions is to regulate land uses within portions of the unincorporated territory of the County of San Diego located in Airport Influence Areas (AIAs) surrounding airports for which the San Diego County Regional

Airport Authority (Authority) has adopted Airport Land Use Compatibility Plans (ALUCP or ALUCPs).

Section 25. Section 5257 is added to the Zoning Ordinance to read as follows:

5257 AIRPORT OVERFLIGHT NOTIFICATION REQUIREMENTS
All owners of properties within an Airport Overflight Notification Area, as shown on an adopted ALUCP, shall record an Overflight Agreement prior to issuance of a building permit for any new residential development, including new single-family dwellings, duplexes, multi-family dwellings and second dwelling units, Note: not all properties within an Airport Influence Area (AIA) are within an Airport Overflight Notification Area.

Section 26. Section 5304 of the Zoning Ordinance is amended to read as follows:

5304 CONTENT OF SITE PLAN
The Site Plan shall include such maps, plans, drawings and sketches as are necessary to show:

a. The placement and size of all existing and proposed buildings and structures located on the development site;

b. The dimensions of the following: exterior boundary, structures, setbacks of structures to property lines and between structures, parking areas and driveways;

c. The existing vegetation to be removed or retained and all proposed landscaping. Any existing non-agricultural trees with trunk dimensions of six inches (6") or greater shall be shown, and those that are proposed to be removed shall be labeled;

d. The location and dimensions of existing and proposed ingress and egress points, interior road and pedestrian walkways, parking and storage areas, contiguous streets and all easements;

e. The location of the 100 year floodplain ~~using the~~as shown on both Department of Public Works 100 year Floodplain Maps and FEMA Flood Insurance Rate Maps;

f. The location of any natural drainage (including intermittent streams) and any proposed drainage systems;

g. All preliminary grading, including incidental grading related to site preparation; and

h. The slope categories for the entire property in acres, based on a slope analysis prepared pursuant to Section 5305.

Section 27. Section 5307 of the Zoning Ordinance is amended to read as follows:

5307 USE REGULATIONS AND DEVELOPMENT STANDARDS

In addition to any applicable use regulations, development standards and review criteria contained in The Zoning Ordinance or other County ordinances, the following regulations shall apply to development subject to the Sensitive Resource Area Regulations:

[a. no changes]

b. Floodway. The development of permanent structures for human habitation or as a place of work shall not be permitted in a floodway.

1. In the floodway, permitted uses shall be limited to:

i. 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; and

ii. Mineral extraction subject to an approved major use permit and reclamation plan, provided that mitigation measures were required which produce any net gain in functional wetlands and riparian habitat, and that the reclamation plan restores the site to its natural state, which would not create any increase in flood depths or velocities or changes in the boundary from those of the floodway prior to the mineral extraction.

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

i. 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 enactment of this ordinance shall not be the basis for permitting such channels.

ii. 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.

iii. In high velocity streams where it is necessary to protect existing houses or other structures, minimize stream scour, or avoid 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.

c. Floodplain Fringe. All uses permitted by zoning and those that are allowable in the floodway are allowed in the floodplain fringe. Prior to granting a site plan required by this section for development, including permanent structures, grading, fill, deposit of soil or other material, or removal of natural vegetation within a 100-year floodplain fringe, all of the following criteria shall be met:

1. Fill shall be limited to that necessary to elevate the structure above the elevation of the floodway and to permit minimal functional use of the structure (e.g., fill for

access ramps and drainage). If fill is placed in the floodplain fringe, the new bank of the creek shall be landscaped to blend with the natural vegetation of the stream and enhance the natural edge of the stream.

2. Any development below the elevation of the 100-year flood shall be capable of withstanding periodic flooding.

3. The design of the development incorporates the findings and recommendations of a site-specific hydrologic study to assure that the development (a) will not cause significant adverse water quality impacts related to quality or quantity of flow or increase in peak flow to downstream wetlands, lagoons and other sensitive habitat lands; and (b) neither significantly increases nor contributes to downstream bank erosion and sedimentation of wetlands, lagoons, or other sensitive habitat lands.

4. The proposed development shall be set back from the floodway boundary a distance equal to 15 percent of the floodway width (but not to exceed 100 feet) in order to leave an appropriate buffer area adjacent to the floodway. The setback may be greater if required by Paragraph 5.

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

   i. Practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Ordinance would result from application of the setback; and

   ii. The reduction in setback will not increase flood-flows, siltation and/or erosion, or reduce long term protection of the floodway, to a greater extent than if the required setback were maintained; and

   iii. The reduction in setback will not have the effect of granting a special privilege not shared by other property in the same vicinity; and

   iv. The reduction in setback will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity in which the property is located; and

   v. The reduction in setback will not be incompatible with the San Diego County General Plan.

5. In areas where the Director of Public Works has determined that the potential for erosion or sedimentation in the floodplain is significant, all proposed development shall be set back from the floodway so that it is outside the Erosion/Sedimentation Hazard Area shown on County Floodplain Maps. Development will be allowed in the Erosion/Sedimentation Hazard Area only when the Director of Public Works approves a special study demonstrating that adequate protection can be achieved in a manner that is compatible with the natural characteristics of the river.

6. Where appropriate, flowage and/or open space easements shall be used to ensure future development will not occur in the floodplain.

7. If the subject floodplain fringe land also constitutes wetlands, wetland buffer areas, sensitive habitat lands or significant prehistoric or historic site lands, the use restrictions herein applicable to such areas shall also apply.

[d. through f. no changes]

Section 28. Section 5710 of the Zoning Ordinance is amended to read as follows:

5710 ~~WAIVER OF~~ SITE PLAN PERMIT EXEMPTION- HISTORIC/ARCHAEOLOGICAL LANDMARKS AND DISTRICTS.

An exemption from the requirement to process a~~The~~ Site Plan ~~requirement of~~ pursuant to Sections 5709, 5721 or 5724 may be ~~waived~~granted by the Director under either of the following circumstances:

a. If it is determined that the nature of the proposed project is such that subjecting it to the Site Plan review process would not materially contribute to district or landmark preservation objectives. In making a decision on such ~~a waiver of a~~ Site Plan permit exemption due consideration shall be given to the recommendation of the applicable Historic District Review Board or the San Diego County Historic Site Board or both, as is specified in Section 5745. Such recommendation shall be in writing, signed by the Chairperson of said Advisory Board, and shall be accompanied by a copy of the project plans upon which the recommendation was based. ~~Waiver~~Site Plan permit exemption requests shall be transmitted by the applicant to the Advisory Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Advisory Board within 45 days following the Advisory Board's receipt of the request, the Director may make a decision without the Advisory Board's recommendation.

b. If all of the purposes and requirements of the ~~s~~Site ~~p~~Plan have been or will be fulfilled by another required discretionary permit which has been or will be reviewed by the Historic Site Board or other applicable Historic District Board.

No building, grading or clearing permit shall be issued for a project for which the ~~s~~Site ~~p~~Plan permit exemption ~~requirement~~ has been ~~waived~~granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to historic and/or archaeological preservation, such as materials, colors, architectural details, grading, excavation, paving, landscaping, and site design, shall be permitted without prior recommendation of the appropriate Board and approval of the Director.

Section 29. Section 5757 of the Zoning Ordinance is amended to read as follows:

5757 ~~WAIVER OF~~ SITE PLAN PERMIT EXEMPTION - COMMUNITY DESIGN REVIEW.

An exemption from t~~T~~he Site Plan Permit requirement of Section 5756 may be ~~waived~~granted by the Director under either of the following circumstances:

a. If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the community design objectives and guidelines as set forth in the applicable Design Guidelines Manual or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such ~~a waiver of a~~ Site Plan permit exemption due consideration shall be given to the recommendation of the applicable Community Design Review Board. Such recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign ~~waiver recommendations~~Site Plan permit exemption requests, and shall be accompanied by a copy of the project plans upon which the recommendation was based. ~~Waiver~~Site Plan permit exemption requests shall be transmitted by the Director to the Review Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation. Notwithstanding the above, the Review Board may recommend ~~waiver~~a Site Plan permit exemption of entire classes of projects, in which case the Director may ~~waive~~exempt projects within these classes without obtaining recommendations from the Review Board on each individual case.

b. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to the Design Guidelines, such as materials, colors, architectural details, landscaping, and site design, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

Section 30. Section 5799 of the Zoning Ordinance is amended to read as follows:

5799 COMMUNITY DESIGN REVIEW AREAS.

a. Applicability. The requirements of Section 5750 through 5799, inclusive, apply to the areas that are designated Design Review Areas (Special Area Designator "B"), and to that property within the community of Fallbrook to which the Village 1 (V1), Village 2 (V2), Village 3 (V3), Village 4 (V4), or Village 5 (V5) Zone has been applied. (see Section 8000)

b. Design Criteria. Site Plans and concurrent applications shall conform to criteria set forth in the applicable Design Guidelines Manual approved by the Board of Supervisors.

c. Design Review Boards. Site Plans concerning property within designated Design Review Areas shall be referred to the Community's Design Review Board for recommendation~~ pursuant to Section 5766~~, if such a board exists for the area. The Design Review Board shall advise the Director as to the site plan's conformance with the Community's Design Guidelines Manual. The Review Board's evaluation shall be limited

to the design guidelines set forth in the manual, and the Review Board shall cite the specific guideline(s) in instances where a project may be inconsistent with the adopted design manual. The Director may consider the input of the applicable planning or sponsor group in areas where no design review board exists.

Section 31. Section 5905 of the Zoning Ordinance is amended to read as follows:

5905 SITE PLAN REQUIRED.

a. No permit of any type shall be issued for any development in areas subject to the Design Review Area Regulations until a Site Plan has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150. A Site Plan is not required if the Director determines that the proposed project is of such type or character that the stated objectives or review criteria contained in the ordinance applying the design review designator would not be applicable to the proposed project. A Site Plan is also not required if said ordinance applying the design review designator specifically ~~waives or~~ exempts the Site Plan requirement for the proposed project, and such an ordinance ~~waiver or~~ exemption shall be final.

b. The Site Plan shall not be required to contain more information than required to satisfy the stated concerns of the Board of Supervisors at the time the design review area designator was applied.

c. An exemption from the requirement to process a~~The~~ Site Plan ~~requirement of~~ pursuant to this section may be ~~waived~~granted by the Director under either of the following circumstances:

1. If it is determined that the nature of the proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the stated purpose or objectives of the ordinance which applied the Design Review Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a ~~waiver of~~ a Site Plan permit exemption, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. ~~Waiver~~Site Plan permit exemption requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation. Notwithstanding the above, the Community Planning or Sponsor Group may recommend ~~waiver~~a Site Plan permit exemption of entire classes of projects, in which case the Director may ~~waive~~grant an exemption for projects within these classes without obtaining recommendations from the Planning or Sponsor Group on each individual case.

2. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

No building permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the ordinance which applied the Design Review Area Regulations to the subject property shall be permitted without prior recommendation of the appropriate Community Planning or Sponsor Group.

Section 32. Section 6106 of the Zoning Ordinance is amended to read as follows:

6106 CIRCUS, CARNIVAL, OR OTHER OUTDOOR ENTERTAINMENT EVENT.
The temporary gathering of people for a circus, carnival, or other outdoor entertainment event may be permitted by the Sheriff pursuant to Title 2, Division 1, Chapter 8 and Chapter 24 of the County Code through the issuance of a license pursuant to the Uniform Licensing Procedure of the County Code and in compliance with the following provisions:

a. Location. A circus, carnival or other outdoor entertainment event may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations. Notwithstanding this subsection, a circus, carnival or other public outdoor assembly event may be permitted in any zone, including the RS, RD, RM and RV Use Regulations on properties with a valid Major Use Permit subject to the requirements of this section.

b. Duration. The period of operation of the circus, carnival or other outdoor entertainment event shall not exceed five consecutive days, no more than six events per year on the same property. There shall be a minimum of 14 consecutive days between events. Events exceeding these limitations shall be considered Participant Sport and Recreation Use type.

c. Noticed Hearing Not Required. The Sheriff may issue a license pursuant to this section without notice or public hearing.

d. Community Events pursuant to Title 2, Division 1, Chapter 2 of the County Code shall be under the authority of the Department of Environmental Health. Community Events may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations and are permitted on properties with a valid Major Use Permit subject to the Department of Environmental Health requirements.

Section 33. Section 6108 of the Zoning Ordinance is amended to read as follows:

6108 CIVIC, FRATERNAL OR RELIGIOUS ASSEMBLY.
The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization may be permitted in compliance with the following provisions:

a. Location. An assembly may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.

b. Duration. The period of operation of the assembly shall not exceed 8 consecutive days. There shall be a minimum of 14 consecutive days between events.

c. Recurrence. Events recurring more than four times in a calendar year are not considered temporary.

Section 34. Section 6116 of the Zoning Ordinance is amended to read as follows:

6116 USES IN NEW SUBDIVISIONS.
Certain temporary uses as specified herein may be established within a subdivision for which a final map has been recorded, or in a proposed subdivision for which a tentative map has been approved and a final map thereof filed for approval by the Director of Public Works; or in conjunction with an individual multiple dwelling or multiple dwelling complex; solely for the marketing of dwellings, and/or lots, in the same residential development.

a. Permitted Uses. The following temporary uses may be permitted in conformance with the following standards:

1. Model homes in a number not to exceed that necessary to provide one example of each dwelling type being offered in the residential development. Reversed floor plans and exterior facade variations will not be considered as separate dwelling types. Each model home shall be erected on an individual site which conforms to a lot shown on the recorded final map or on the final map filed for approval with the Director of Public Works; meet all setback requirements of the applicable zone or, in the case of provisional reclassification, of the zone to which the property has been provisionally reclassified; and qualify in all respects for sale and residential occupancy upon termination of its use as a model home.

2. Real estate sales office facilities for the purpose of promoting the sale or rental of dwellings and/or lots, which are located only within the same residential development or proposed subdivision. The foregoing provisions of this section notwithstanding, a temporary real estate sales office facility may be located adjacent to the residential development to which it is incidental in compliance with all other provisions of this section.

3. Off-street parking facilities.

4. Children's play areas, landscaping and landscape features such as walkways, pools, benches, walls, fencing, and similar appurtenant features of a noncommercial nature.

NOTE: See Section 6268 (c.2. & e.) for related temporary on-site signage allowances and requirements, and ~~Section 6717 (c.) for water management plan requirements~~ County Code Section 86.701 et seq. for Water Conservation in Landscaping.

b. No use authorized by this section will be located, installed or operated in a manner that will have an unnecessarily adverse effect on the use and enjoyment of any property on which an occupied dwelling is located, or may be located during the duration of such authorized use.

c. Building Permits. Prior to the issuance of building permits for the temporary uses in "a" above, the following conditions shall be met:

1. When the residential development for which such temporary uses are to be constructed would constitute a subdivision, a tentative subdivision map must be approved and the final map thereof recorded; or if a final map has not been recorded, a final map must be filed with the Director of Public Works for approval and approved by said Director as to conformance to the tentative subdivision map and mathematical accuracy.

2. Appropriate zoning must be in effect for the property encompassed by the subdivision or proposed subdivision or other residential development, to accommodate the lot sizes shown on the final map and the proposed uses thereof; provided, however, that where subject property has been provisionally reclassified, lot sizes and proposed uses may conform to the zone to which such property has been provisionally reclassified.

3. Necessary sanitary facilities must be provided as required by the Director of Environmental Health.

4. The property owners shall execute and file with the County and acknowledged agreement (notarized) assuming all risks inherent in construction prior to recordation of a final map and agreeing to abide by all conditions set forth in this Section prior to the sale of any model home; further agreeing that all temporary uses permitted by this section shall be terminated not later than 30 months after issuance of building permits therefore, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said 30 months, and within 30 days of the expiration of said 30 months or extension thereof, all temporary uses and related improvements other than model homes, shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including reconversion of any garage to a condition suitable for the storage of private vehicles or the provision by other means of required off-street parking spaces. In the case where the final subdivision map has not been recorded, the property owner shall further agree that in the event of a final map which includes the property whereon uses authorized by this section are located is not recorded prior to expiration of the Tentative Map, all uses and related improvements, including model homes, shall be completely removed from the premises and the site restored to a clean and safe condition within 90 days from the date of expiration of the Tentative Map. Each agreement shall also contain a statement signed by the property owner agreeing that if all uses and related improvements are not removed as herein required, they may be removed or demolished, and the site restored by the County without further notice. Prior to the erection of any model home, the property owner shall post with the Director a bond in an amount satisfactory to the Director sufficient to defray any expense incurred by the County in either the restoration or conversion of the model homes to a condition suitable for sale for residential occupancy, or in the complete removal or demolition of said uses and improvements and site restoration. The bond shall be released to the property owner or person legally entitled thereto upon satisfactory removal or conversion of the concerned facilities.

Section 35. Section 6118 of the Zoning Ordinance is amended to read as follows:

6118 USE OF A TRAILER COACH.

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

a. Business Uses.

1. Business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the State or a public agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.

2. Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.

3. Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently ~~prosecuted~~pursued.

4. Construction office on or adjacent to any site on which a building or construction project is being diligently ~~prosecuted~~pursued; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.

5. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.

6. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.

7. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.

8. Government service uses in accordance with the provisions of Section 6120.

b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.

2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling-provided that the trailer coach shall maintain all setbacks required for

the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.

3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require physical care.

   The following are requirements for health care trailer approval:

   a) The health care unit shall be a trailer or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls

   b) The trailer shall meet main building setbacks.

   c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible.

   d) Prior to issuance of a building permit for a health care trailer a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually.

   e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a $1,000 fine per day or six months jail sentence or both.

   f) ~~The applicant shall furnish security in the amount of $1,000 in a form satisfactory to the Director for health care trailers exceeding 320 square feet.~~

   ~~g)~~ If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of <u>any previously furnished</u> deposit shall be refunded or security released.

4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently ~~prosecuted~~<u>pursued</u> and for which security personnel are employed.

5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which

security personnel are employed pending construction of permanent dwelling facilities for such security personnel.

6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock rushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.

7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of an officially declared disaster or emergency relating to fire, wind, flood, earthquake or other similar circumstance. An emergency temporary occupancy permit (ETOP) for such a temporary dwelling shall expire at such time as a building permit for the repair or replacement of the principal dwelling has been issued (at which time the ETOP shall be converted to a temporary occupancy permit (TOP) pursuant to subsection b.2), or one year after the declaration date of the event causing the damage or destruction of the principal dwelling, whichever is earlier.

   Prior to the expiration of the ETOP, the Director may grant one or more extensions of up to one year each upon making all of the following findings:

   a) That the granting of the extension will not be detrimental to the public health, safety and welfare;

   b) That there is a special circumstance or a hardship to the displaced residents;

   c) That the special circumstance or hardship is not the result of the residents own actions.

c. Termination of Use.

1. When use of a trailer coach is related to a use authorized by a use permit or Administrative Permit, occupancy or use of the trailer coach shall terminate with the expiration, abandonment or revocation of the related use permit and thereafter said trailer coach shall be removed from subject property.

2. When use of a trailer coach is related to the construction of a related permanent facility, occupancy or use of the trailer coach shall terminate upon completion of construction of the permanent facility and thereafter said trailer coach shall be removed from subject property.

d. Compliance with County Code. The use and occupancy of any trailer coach shall comply with the provisions of Chapter 2, of Division 5, Title 5, of the County Code or Regulatory Ordinances relating to trailer coaches.

Section 36. Section 6123 of the Zoning Ordinance is amended to read as follows:

6123 METEOROLOGICAL TESTING FACILITY

The temporary use of a Meteorological Testing (MET) Facility is permitted if the following requirements are met:

a. An Administrative Permit must be obtained in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:

1. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

i. Harmony in scale, bulk, coverage and density;

ii. The availability of public facilities, services and utilities;

iii. The harmful effect, if any, upon desirable neighborhood character;

iv. The generation of traffic and the capacity and physical character of surrounding streets;

v. The suitability of the site for the type and intensity of use or development which is proposed; and to

vi. Any other relevant impact of the proposed use; and

2. That the impacts, as described in paragraph "a.1." of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and

3. That the requirements of the California Environmental Quality Act have been complied with; and

4. That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the MET Facility is authorized to use the property for a MET Facility, unless the operator owns the land upon which the MET Facility will be located.

b. Location. A MET Facility is prohibited on property subject to the S81 Use Regulations.

c. Notification. Notice shall be ~~given to owners of property within 300 feet of the exterior boundaries of the property where the MET Facility is located and a minimum of 20 different owners shall be notified~~ provided pursuant to Section 7060c.

d. Setback. The MET Facility shall be set back from property lines and roads the height of the tower or other tallest piece of equipment extended above the ground. The MET Facility shall meet the applicable setback requirements of the zone. The setback requirements of the zone shall apply to all components of the MET Facility

including, but not limited to, a tower, guy wires, guy wire anchors and any other necessary equipment.

e. Minimum Spacing. The MET Facility shall be spaced at least 500 feet apart from any other MET Facility.

f. Area of Disturbance. The MET Facility shall not disturb an area more than is necessary for the base of a tower, the guy wire anchors, other authorized equipment for the Facility and/or an access road. The equipment may include sonar equipment. It is preferred that the Facility be located as close as possible to an existing access road. The area of disturbance shall be clearly shown on the plans.

g. Size. The MET Facility is allowed one temporary structure other than a tower or a sonar equipment trailer. The temporary structure is limited to a size of 120 square feet and may be used for storage of equipment for the MET Facility.

h. Illumination. There shall be no outdoor light emissions associated with a MET Facility except as required by the Director, the Federal Aviation Administration or other government agency.

i. Height. The MET Facility shall be less than 200 feet in height.

j. Duration. The period of operation of the MET Facility shall not exceed three years from the date of approval of the Administrative Permit unless the Director grants an extension. The MET Facility shall be removed within 30 days of the expiration date of the permit. The Director may grant an extension of time upon the applicant submitting written justification for the continued use of the facility and filing for a modification pursuant to Section 7072. A time extension is no longer needed if the MET Facility is approved by a Use Permit. Once the MET Facility is a part of an approved Use Permit it is no longer considered a Temporary Use.

k. Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the MET Facility. The security shall be provided to DPLU prior to building permit issuance. Once the MET Facility has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the MET Facility.

Section 37. Section 6124 of the Zoning Ordinance is amended to read as follows:

6124 TEMPORARY OUTDOOR SALES.
Temporary outdoor sales, incidental to the existing commercial uses on the site, may be allowed in compliance with all of the following provisions:

a. Seasonal sales of pumpkins or Christmas trees. The establishment of a temporary sales lot for the seasonal sale of pumpkins or Christmas trees associated with a recognized holiday is allowed subject to all of the following:

1. Location. The sales lot area shall be located on a paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, C42, M52, M54, M58 Use Regulations, or in designated commercial developments in planned developments or specific plans, unless otherwise prohibited. Sales lots are not allowed on vacant properties.

2. Duration. The period of operation shall be between October 1 and October 31 for the sale of pumpkins and between Thanksgiving and December 26 for Christmas trees. The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the sales event within 10 days after the required end of the sale.

3. Size. The sales lot area shall not exceed 10 percent of the parking area or 10,000 square feet, whichever is less and shall be located most distant from the existing commercial buildings on the property when feasible, to maintain customer parking closest to the buildings. No handicap accessible parking spaces shall be obstructed.

4. Fencing. Temporary fencing up to six feet in height around the sales lot area is allowed, providing the fencing location complies with the Section 6708.

5. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.

6. Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.

7. Site Plan Modification, Minor Deviation or ~~Waiver~~Site Plan Permit Exemption Not Required. For properties that are subject to Sections 5200, 5750, 5800 or 5900, a Site Plan Modification, Minor Deviation or a Site Plan ~~Waiver~~ permit exemption will not be required for temporary outdoor sales that comply with all provisions of this subsection.

8. Additional Limitations.

   a) The seller shall obtain any required licenses or permits from the Sheriff pursuant to the Uniform Licensing Procedure of the County Code.

   b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.

   c) Temporary sanitation facilities shall be provided.

   d) The temporary sales lot area shall not be used for the sale of any merchandise not directly associated with pumpkins or with Christmas trees and holiday decorations.

   e) The sale of food and beverages is prohibited.

This subsection shall not authorize activities otherwise regulated pursuant to Section 6106.

b. Vehicles, Trailers or Boats. The establishment of a temporary sales lot for the sale of motorized vehicles (including new or used automobiles and recreational vehicles), trailers or boats is allowed, subject to all of the following:

1. Location. The sales lot may be located on any paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, M54, M56 and M58 Use Regulations, or in designated commercial developments in planned developments or specific plans where Automotive and Equipment: Sales and Rentals, Light Equipment are a permitted use. Sales lots are not allowed on vacant properties.

2. Duration. The period of operation of the temporary outdoor sales shall not exceed three consecutive days every 3 months, not to exceed 12 days in a calendar year. Facilities for the temporary sale may be set up one day prior to, and taken down one day following, the three day sales period.

3. Size. The sales lot area shall occupy only the parking spaces that are in excess of the minimum number required for the existing uses on the property and shall be located most distant from the existing commercial buildings on the property, when feasible. No handicap accessible parking spaces shall be obstructed.

4. Temporary Power. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.

5. Temporary Lighting. All outdoor lighting, including temporary lighting, shall be in compliance with Section 6300 and with the Outdoor Lighting Regulations of the County Code.

6. Site Plan Modification or Minor Deviation Required. For properties that are subject to the provisions of Section 7150, a Modification or Minor Deviation to an existing Site Plan will be required for temporary outdoor sales pursuant to this subsection, unless a ~~waiver~~ Site Plan permit exemption is granted pursuant to Section 7156.

7. Additional Limitations.

   a) The temporary outdoor sales event shall conform to all applicable provisions of state law, including all requirements of the Department of Motor Vehicles.

   b) The sales lot area shall comply with the fire prevention standards as approved and enforced by the local Fire Protection District.

   c) Temporary sanitation facilities shall be provided.

d) Sales of vehicle parts or accessories, food and beverages, or any other items are prohibited.

Section 38. Section 6152 of the Zoning Ordinance is amended to read as follows:

6152 ACCESSORY USES ENCOMPASSED BY PRINCIPAL USE.
In addition to the principal uses expressly included in the Use Regulations, each zone subject to such Use Regulations shall be deemed to include such accessory uses which are specifically identified by these Accessory Use Regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Such determinations which are made by the Director shall be subject to the Administrative Appeal Procedure commencing at Section 7200. It shall be unlawful to establish or maintain any accessory use and/or structure on any lot where there is no lawfully established principal use on the same lot.

Section 39. Section 6156 of the Zoning Ordinance is amended to read as follows:

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.
Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses.

1. On lots of less than one acre gross, the total area shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of one acre gross or larger but less than 2 acres, the area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 2 acres or larger but less than 4 acres, the area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 4 acres or larger, the area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

2. If the portion of the structure in which the attached garage or carport is located is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as an integral part of the principal residence or approved habitable use such as guest living quarters.

3. Additional area may be permitted by issuance of an Administrative Permit with notice ~~to contiguous property owners~~provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6.

4. For properties on which more than one detached residence is allowed per legal lot pursuant to Section 4310 (not including a Second Dwelling Unit pursuant to subsection x.), the total attached garage area, based upon lot size, per a.1 above, shall be allowed for each residence.

[b. through f. no changes]

g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses (non business or non agricultural purposes). Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The combined area of all such structures, together with the structures authorized by paragraph b above, shall be limited as follows:

1. On lots of less than one acre gross, the combined area of all such structures shall not exceed 1,000 sq. ft. or 25% of the living area of the principal residence, whichever is greater. (Note that detached accessory structures which exceed 120 sq. ft. are subject to setbacks specified in Section 4842.)

2. Provided a setback pursuant to Section 4842 is maintained:

   i. On lots of one acre gross or larger but less than 2 acres, the combined area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater.

   ii. On lots of 2 acres or larger but less than 4 acres, the combined area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater.

   iii. On lots of 4 acres or larger, the combined area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.

   Buildings not meeting the setback requirement of Section 4842 are limited to a combined area of 1000 square feet.

3. Limited to one story not to exceed 12 feet maximum height. May have 2 stories and a height not exceeding 24 feet if the accessory structure meets the main building setbacks. If the structure is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as habitable space defined by Section 6156.b or other approved use such as a guest living quarters.

4. Additional area, height and story may be permitted by issuance of an Administrative Permit with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator. The Administrative Permit shall not authorize reductions to required setbacks. Reductions to setbacks shall be subject to Section 7100, Variances.

h. Barns and Agricultural Storage Buildings shall be limited as follows:

1. In zones subject to a Residential Use Regulation (except RR Use Regulations requiring a 1 acre or larger lot area), and in the S88 Use Regulations where residential uses occur, a maximum floor area of 450 square feet and one story not to exceed 12 feet in height. Such buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

   Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. When on same lot as a detached private garage, workshop and/or storage building, the combined area of all such structures shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater.

2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.

3. Additional area, height and story may be permitted by issuance of an Administrative Permit, with notice ~~to contiguous property owners~~provided pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator.

[i. through p. no changes]

q. Roadside Sales of Agricultural Products. Operation of an agricultural stand for the display and sale of agricultural products produced on the premises shall be permitted only as follows:

1. Agricultural stands are permitted only in the RR Use Regulations on lots one acre or larger, and in the A70, A72, S90 and S92 Use Regulations.

2. Said stand shall be located no nearer than 15 feet from the edge of any street or highway right-of-way.

3. Said stand shall be operated by the owner or tenant of the property upon which the stand is located,

4. Agricultural products produced on other premises within the County of San Diego, owned or leased by the same property owner or tenant, may be displayed and sold from said stand.

5. The total roofed area of said stand, including all areas used for display or storage for all products, shall not exceed 300 square feet.

6. No agricultural produce shall be sold from a motorized vehicle.

7. Cold storage shall be allowed only when accessory to the on-site farming operation and used only for storage of crops grown by the person(s) farming the parcel.

8. Incidental sale of items related to the sale or use of agricultural products (not to exceed 10% of the stand area), including horticultural products, may also take place provided any applicable health regulations are complied with.

9. No commodities other than those listed above may be sold from a produce stand <u>except as allowed by Food and Agricultural Code section 47050</u>.

10. A produce stand may sell only those ornamental plants that are grown on the same lot as such stand is located.

[r. through t. no changes]

u. Farm Employee Housing. In the RR, A70, A72, S80, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:

1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.

2. Consideration shall be given to surrounding land uses when determining the location, size and design of Farm Employee Housing.

3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor and shall not be otherwise occupied or rented.

4. If Commercial Agriculture is not in progress at the time of application for an Administrative Permit, the Permit shall be conditioned to require review to ensure that bona-fide commercial agriculture commences within a reasonable time.

5. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months-following the date of occupancy on the building permit issued for the farm employee housing.

6. Contract. For any application for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval issuance of the Administrative Permit, the property owner shall enter into a contract with the

County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.

7. On an annual basis, the property owner must file a certificate with the Director of the Department of Planning and Land Use stating that the commercial agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the certificate will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.

8. Contract. Prior to the issuance of a Building Permit, the property owner shall enter into a contract with the County agreeing to specific terms and conditions limiting farm employee housing to bona-fide farm employees and their families in conjunction with on-going agricultural operations. The form of the contract shall have been approved by the Board of Supervisors.

9. Evidence of Commercial Agriculture. Prior to submittal of the Building Permit application for Farm Employee Housing the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.

10. In the RS, RD, RM, RV, RU, RMH, RRO, RC, C32, C34, C35, C36, C37, C38, C40, C42, C44, C46, M50, M52, M54, M58, S82, S86, and S94 Use Regulations, farm employee housing is allowed upon issuance of an Administrative Permit, provided that it complies with the provisions of 6156 u. 1 through 8, and before an Administrative Permit may be granted or modified, it shall be found:

    a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

        1) Harmony in scale, bulk and coverage;

        2) The availability of public facilities, services and utilities;

        3) The harmful effect, if any, upon desirable neighborhood character;

        4) The generation of traffic and the capacity and physical character of surrounding streets;

        5) The suitability of the site for the type and intensity of use or development which is proposed; and to

        6) Any other relevant impact of the proposed use.

    b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

c. That the requirements of the California Environmental Quality Act have been complied with.

d. That notice shall be ~~given to owners of property within 300 feet of the exterior boundaries of the legal lot with the proposed farm employee housing and a minimum of 20 different owners~~provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

[v. through w. no changes]

x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is allowed on a legal lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:

1. The second dwelling unit shall be either ~~be~~ attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units or other accessory buildings specified in paragraph 4, 5 or 6 below.

2. Applicable requirements of the building and other codes and of The Zoning Ordinance shall apply to second dwelling units. No Variances shall be granted in order to provide for the second unit.

3. A lot shall contain at least the minimum net area as required by the applicable zoning to qualify for a second dwelling; however, no second dwelling unit shall be permitted on a lot with a net area of less than 20,000 square feet, except pursuant to paragraph 12 below. If a legal lot is at least 1 net acre in size and does not contain at least the minimum net area as required by the applicable zoning, a second dwelling unit may be permitted pursuant to paragraph 12 below.

However, if the lot proposed for a second dwelling is groundwater dependent the minimum size must be twice that required by the residential density controls of Section 67.722 A~~.1.~~ of the County Groundwater Ordinance ~~(Ord. 7994 N.S.)~~ unless an exception is granted pursuant to Section 67.750 (c) of that Ordinance.

4. Second dwelling units shall not be allowed on a lot or parcel with a guest living quarter, accessory living quarter, or accessory apartment. Conversion of such quarters into a second dwelling unit is allowed provided all applicable zoning and other code requirements are met, and subject to the following procedures:

i. Application for modification of the Administrative Permit or Minor Use Permit that authorized the accessory unit proposed for conversion to a second dwelling unit (if an Administrative Permit is required to establish the Second Dwelling Unit pursuant to paragraph 12 below) and application for any other applicable permits; or

ii. If no Administrative Permit is required to establish a second dwelling unit, and an Administrative or Minor Use Permit was approved to authorize the accessory unit proposed for conversion to a second dwelling unit, a request to rescind the existing Administrative or Minor Use Permit may be submitted in addition to an application for building permit and any other applicable permits; or

iii. If no Administrative or Minor Use Permit was required to authorize the accessory unit proposed for conversion (Guest Living Quarters in certain use regulations), by application for a building permit and any other applicable permits; or

~~iii~~ iv. If the accessory unit proposed for conversion was established illegally, by application pursuant to this subsection "4" as if a new second dwelling unit was being proposed.

5. Second dwelling units with a living area exceeding 640 square feet shall comply with the parking requirements for Family Residential under Section 6758. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. A garage or carport attached to the second dwelling unit shall not exceed 480 square feet of gross floor area. Additional garage area attached to the second dwelling unit may be permitted pursuant to paragraph 12 below. No other structures defined by Section 6156.b shall be attached to a second dwelling unit. No other structures defined by Section 6156.h shall be attached to a second dwelling unit unless approved pursuant to paragraph 12 below.

6. The living area of a second dwelling unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12 below. However, a second dwelling unit of up to 400 square feet is permitted (even if that figure exceeds 30 percent of the size of the primary dwelling). No other habitable space shall be attached to a detached second dwelling unit.

7. Applicants are required to provide evidence satisfactory to the Director of the following:

   i. Adequate sewer service or approval by the Department of Environmental Health for use of a septic system;

   ii. Adequate potable water supply; and

   iii. That applicable school district fees have been paid.

8. The architectural design, building materials, colors and, if provided, covered parking shall be substantially the same as those of the primary dwelling. Color photographs of the street-facing sides of the existing primary dwelling shall be submitted with the second unit application.

9. No entrance to the second dwelling unit shall face an abutting street unless the entrance is shielded so as not to be apparent when viewed from the abutting street. Plant materials shall not qualify for shielding purposes.

10. Separate sale or ownership of a second dwelling unit from the primary dwelling located on a single lot is prohibited, unless a subdivision is created pursuant to the County Subdivision Ordinance.

11. Application for and issuance of a discretionary permit for a second dwelling shall be limited to the owner-occupant of the primary dwelling or his/her authorized agent. Owner-occupancy of either the primary dwelling or the second dwelling is required for the duration of the use of the second unit for residential purposes, except both units may be rented or leased for a period of up to one year upon written request to, and approval of, the Director. Said request shall state the change in life circumstances of the owner which necessitates interruption of continuous owner occupancy. Rental or leasing of both units may be extended by the Director for one additional period not exceeding six months upon further request of the owner.

12. a. A second dwelling unit may be authorized upon the issuance of an Administrative Permit with all findings per 12.b. and with notice to property owners per 12.c, below, to allow the following:

i. Location on a legal lot of less than 20,000 square feet in net area, but not less than the minimum net area required by the applicable zoning; or on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.

ii. A living area greater than 30 percent of the living area of the primary dwelling, not to exceed 50 percent thereof or 1,200 square feet, whichever is less.

iii. Conversion to a second dwelling unit of an existing legal accessory living unit, or legalization as a second dwelling unit of an illegal accessory living unit which existed on July 1, 1994, when such existing living unit does not conform to one or more of the following requirements of this subsection x:

- minimum lot size: however, no conversion shall be permitted on a lot of less than the minimum net lot area required by the applicable zoning; except on a legal lot that is at least one net acre in size and does not meet the minimum net area required by the applicable zoning.

- maximum living area: however, a maximum living area of greater than 1200 square feet shall not be authorized;

- off-street parking;

- architectural design;

- location of entrance;

- height and/or setback: to the extent that a variance for height or setback was granted in connection with the establishment of a legal accessory living unit that existed on July 1, 1994, said variance shall be valid and applicable to the conversion of such accessory living unit to a second dwelling unit.

No other exceptions to this subsection or other provisions of this Ordinance shall be authorized by the Administrative Permit.

b. Before any Administrative Permit may be granted or modified, it shall be found:

i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

(a). Harmony in scale, bulk, and coverage;

(b). The availability of public facilities, services and utilities;

(c). The harmful effect, if any, upon desirable neighborhood character;

(d). The generation of traffic and the capacity and physical character of surrounding streets;

(e). The suitability of the site for the type and intensity of use or development which is proposed; and to

(f). Any other relevant impact of the proposed use; and

ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

iii. That the requirements of the California Environmental Quality Act have been complied with.

c. Notice shall be ~~given to owners of property within 300 feet of the exterior boundaries of the property proposing the second dwelling unit and a minimum of 20 different owners~~provided pursuant to Section 7060 c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060 d.

13. Prior to issuance of a building permit for a second dwelling unit, the owner of the property upon which the second dwelling unit is to be located shall submit a notarized and recorded copy of an agreement between the owner and the County of San Diego on a form supplied by the Department. Said agreement shall state that the owner understands and will abide by the requirements of this subsection, other applicable provisions of this Ordinance, and that said agreement is binding on all successors in interest to the subject property as long

as the second dwelling unit is used or maintained for use as a separate dwelling unit.

See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:

1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.

2. The plot plan for a family day care home for children shall show sufficient information to determine the following:

   i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.

   ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.

   iii. There exists an adequate area on-site for temporary parking of a least two automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain ~~fee~~ free and clear of parked cars during hours of operation of the large family day care home.

   iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.

3. ~~Owners of property within 300 feet of the exterior boundaries of the proposed large family day care home shall be notified by mail or delivery of the receipt of the application not less than 10 days prior to the date on which the decision will be made.~~Notice shall be provided pursuant to Section 7060 c. Notwithstanding the Administrative Permit Procedures at Section 7060.d, no hearing is required unless requested by the applicant or other affected person.

The applicant or other affected person may appeal the decision as provided by the Administrative Appeal Procedure commencing at Section 7200. The appellant shall pay the cost, if any, of the appeal.

4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.

5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.

6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.

z. Wind Turbine Systems, Small. A small wind turbine system, shall be permitted on a parcel of at least one acre and in compliance with the following conditions:

1. Setback. The system shall be set back from property lines and roads at least two times the height of the wind system (to the top of the blade in vertical position) and shall meet the applicable setback requirements of the zone. No part of the system, including guy wire anchors, shall extend closer than 30 feet to the property boundary. The system must also meet fire setback requirements.

2. Fencing. Public access to the wind turbines shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.

3. Signs. Suitable warning signs containing a telephone number for emergency calls shall face all approaches to the system. Individual signs shall be between 5 and 16 square feet.

4. Noise. The wind turbine shall be operated in such manner that it does not exceed the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).

5. Height. For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. Height of a small wind turbine system shall not exceed 60 feet. <u>For a wind turbine mounted on the roof of a structure, the height calculation shall be the sum of the height of the structure (at the location of the mounting of the turbine) plus the distance from the roof surface where the turbine is mounted to the top of the blade in vertical position.</u>

6. Any non-operational wind turbines shall be removed within 12 months after becoming non-operational.

Any waiver or modification of the above requirements shall be allowed only in accordance with the Variance Procedure commencing at Section 7100.

[aa. no changes]

bb. Host Home. A host home is a permitted accessory use upon issuance of an Administrative Permit.

1. Criteria. An application for a host home permit shall meet all of the following criteria:

   a) A maximum of two bedrooms may be made available for rent.

   b) The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.

   c) One off-street parking space for each room rented shall be provided in addition to the parking required for single-family occupancy.

   d) Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.

   e) Signs shall be limited to one on-premise sign not to exceed two square feet.

   f) An adequate water well and sewage disposal system satisfactory to the County Department of Environmental Health shall be available, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.

   g) The primary access to the host home shall be via a publicly maintained road.

2. Affidavit Required. On a form provided by the Director, the owner shall file an affidavit agreeing to the conditions a. through g. above. The affidavit shall include provisions stating that 1) the owner consents to inspection of the premises by the Code Enforcement Officer in order to verify compliance with said conditions, and 2) that the owner shall furnish a new affidavit to said Enforcement Officer upon request.

3. Notice Required. Notice ~~of an Administrative Permit application~~ shall be ~~given to contiguous property owners or property owners within 300 feet, whichever provision would assure that the greatest number of property owners is noticed~~ provided pursuant to Section 7060 c.

4. Findings Required. The Director may grant the Administrative Permit if the above criteria are complied with, and a finding is made that establishment of the host home will not adversely affect or be materially detrimental to existing neighborhood character, with consideration given to the generation of traffic and the suitability of the site for the type and intensity of the proposed use.

[cc through jj no changes]

kk. Agricultural Tourism. Agricultural Tourism may be allowed as an accessory use to a Commercial Agriculture operation in the RR, A70, A72, S90 and S92 Use Regulations provided the following criteria are met:

1. Allowed activities. U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises.

2. Parking. Adequate off street parking shall be provided to accommodate all employee and customer parking needs on the premises, entirely outside of public rights-of-way other than designated parking spaces. No parking on private roads is allowed.

3. No amplified sound is permitted.

4. Agricultural tourism does not include uses that are otherwise regulated by this Ordinance or for which a temporary special event permit is required by the Department of Environmental Health or Sheriff Department.

[zz. no changes]

Section 40. Section 6158 of the Zoning Ordinance is amended to read as follows:

6158 CIVIC, COMMERCIAL, INDUSTRIAL, OR EXTRACTIVE USE TYPES. Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where the principal civic, commercial, industrial or extractive uses are permitted. As provided for in Section 6152, the Director shall determine whether proposed accessory uses and structures conform to the Accessory Use Regulations, and said determinations are subject to appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

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

a. Outdoor Café Seating and Sidewalk Cafés.

1. Outdoor Café Seating. Outdoor café seating accessory to the Eating and Drinking Establishments use type is permitted in the Fallbrook Village

Regulations, C32, C34, C35, C36, M50 and M52 use regulations, and outdoor café seating accessory to the Food and Beverage Retail Sales use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36 and M50 use regulations, subject to the following conditions:

i. The outdoor seating area shall be limited in size as follows:

(a) In Eating and Drinking Establishments to no more than 200 square feet or 25 percent of the establishment's indoor floor area, whichever is greater.

(b) In Food and Beverage Retail Sales uses (e.g., bakeries, markets, etc.) to no more than 25 percent of the establishment's indoor floor area or 1000 square feet, whichever is less. However, any such Food and Beverage Retail Sales use that otherwise qualifies under Section 6158 a.1. may have an outdoor seating area of 200 square feet.

ii. The outdoor seating area shall be located at least 50 feet from areas zoned with the RS, RR, RMH, or A70 use regulations.

iii. Required zone setbacks shall be observed. Required parking and parking lot landscaping shall be provided for the outdoor seating area.

iv. The outdoor seating area shall not be used as an entertainment area. Sound amplification devices shall be limited to devices that are necessary to provide low-level background music. Noise levels shall comply with the County Noise Ordinance. Any outdoor lighting shall comply with Section 6324 of The Zoning Ordinance.

v. If the seating area is proposed within the public right-of-way, then the requirements of Section 6158a.2. below shall also be met.

vi. When located in an area subject to the Community Design Review Area Regulations, or other applicable special area regulations, the Site Plan review and all other requirements of those regulations shall apply to outdoor café seating.

vii Required Minor Use Permits, where applicable, shall be obtained and shall provide for accessory outdoor seating.

viii Outdoor café seating areas located adjacent to pedestrian thoroughfares shall leave a minimum width of eight feet completely open at all times between the outdoor seating area and the edge of the pedestrian thoroughfare to accommodate pedestrian traffic.

Proposed outdoor seating for an Eating and Drinking Establishment or Food and Beverage Retail Sales use type in the Fallbrook Village Regulations, C32, C34, C35, C36 or M50 use regulations or an Eating and Drinking Establishment use

type in the M52 use regulations not qualifying under these provisions may apply for a Major Use Permit for an open enclosure pursuant to the Enclosure Regulations found in Section 6816.

2. Sidewalk Cafés Within the Public Right-of-Way. Sidewalk cafés within public right-of-way shall be a permitted accessory use upon issuance of an Administrative Permit provided the conditions listed below in this subsection are complied with. If the sidewalk café is proposed within the commercial and industrial zones listed in Section 6158a.1. above, then the conditions of that section shall also apply.

   i. The sidewalk café shall be conducted accessory to a legally established Food and Beverage Retail Sales or Eating and Drinking Establishment use type.

   ii. An encroachment permit for a sidewalk café shall be obtained from the Department of Public Works.

   iii. The operation of a sidewalk café shall meet applicable requirements of the Department of Environmental Health.

   iv. ~~Contiguous property owners shall be notified in accordance with paragraph c. of Section 7060.~~Notice shall be provided pursuant to Section 7060 c.

   v. The hours of operation shall be limited to the hours of operation of the associated Eating or Drinking Establishment or Food and Beverage Retail Sales use.

   vi. Notwithstanding Section 6158 a.1., no sound amplification device, musical instrument or sound reproduction device shall be operated or used with a sidewalk cafe within the public right-of-way and any outdoor lighting shall comply with Section 6324.

   vii. A finding shall be made that the sidewalk cafe will not adversely affect the neighborhood nor be detrimental to persons residing, visiting or working in the area.

[b. through e. no changes]

Section 41. Section 6207 of the Zoning Ordinance is amended to read as follows:

6207 SPECIAL PURPOSE OFF-PREMISE SIGNS.
Special purpose off-premise signs may be constructed, placed and maintained in any location in accordance with the following regulations:

a. General Standards Applicable to Special Purpose Off-Premise Signs.

1. Spacing. Signs shall be located no closer than 300 feet from any other off-premise sign; said distance to be measured on a direct line between signs on the same street and measured along right-of-way lines for signs on intersecting streets.

2. Setbacks. No portion of any sign shall extend beyond private property lines into the street right-of-way, except as permitted pursuant to subsection b.2.

3. Prohibitions. Signs are prohibited in any zone subject to Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations, except scenic or historic site directional signs or community identification signs subject to Site Plan review.

4. Building Permits. Building permits shall be obtained for sign construction pursuant to the County Building Code.

b. Special Purpose Off-Premise Sign Types.

1. Temporary Real Estate Directional Signs.

Off-premise signs providing direction to new residential, commercial or industrial development are allowed if the following requirements are met:

i. Size. Signs located within the California Coastal Zone and all Residential Zones shall be limited to 16 square feet. The maximum size in all other areas/zones shall be 32 square feet.

ii. Height. Signs shall not exceed the following heights:

0 to 16 square feet = 8 feet
17 to 32 square feet = 12 feet

iii. Location. Signs shall not be permitted upon, projected over, or supported in whole or in part, by or painted onto, any portion of a building; or situated on or attached in any manner to a wall or fence.

iv. Grouping. Not more than two temporary real estate directional signs may be permitted on a lot or parcel, each relating to a different development. Each sign shall have an area of 32 square feet or less, and shall be grouped so as to present a unified appearance (i.e., uniform height and configuration). No signs shall be less than five feet apart. No sign in such group shall be located within 300 feet of any other off-premise sign that is not part of the group, said distance to be measured in the manner specified in Section 6207(b)5.

v. Number of Signs. The maximum number of signs shall be limited to 4 for each development.

vi. Distance from Development. Signs shall not be located more than three air miles from the advertised development within the Coastal Zone and 5

miles in all other unincorporated areas. Signs located within the Coastal Zone may only advertise developments within the Coastal Zone.

vii. Construction. Double-faced signs shall be so constructed that the area and perimeter of both faces coincide and are back to back in parallel planes at a distance not to exceed 24 inches apart.

viii. Sign Copy. Copy shall be limited to name of the development and the developer; size, type, address, telephone number and price range of properties being offered and directional information.

ix. Lighting. Signs shall not be illuminated.

x. Appearance and Maintenance. Signs shall be maintained as required to assure a well-kept appearance free from graffiti and cracking or peeling paint. The back of single faced signs visible from adjacent property or a public road shall be solid painted or stained in subdued colors or shall be screened from view.

xi. Movement. No sign shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

xii. Time Limit. Temporary Real Estate Directional Signs are allowed for a period not to exceed 2 years.

2. Community Identification Signs. Community Identification Signs are permitted to identify a community, its civic, fraternal, and religious organizations, and its community slogan or motto, if the following requirements are met:

i. Number and Location. Not more than one sign may be located along any principal approach route to a community. A sign may be allowed within a County road right-of-way subject to all required permits and approvals by the Department of Public Works.

ii. Area and Height. Each sign may be single-faced or double-faced with no face to exceed an area of 100 square feet except as allowed pursuant to subsection (a) below. No sign shall exceed a height of 20 feet except as allowed pursuant to subsection (b) below.

(a) A sign located over a public road may be single-faced or double-faced with no face to exceed an area of 225 square feet.

(b) A sign located a public road may be allowed up to a height of 25 feet in order to provide a 16 foot minimum clearance between the lowest extremity of the sign and the highest ground elevation directly below, as required by the Department of Public Works.

iii. Movement. With the sole exception of a clock, no part of any sign shall move or rotate, nor display any moving and/or rotating parts. The sign shall not include changeable copy or lights used to convey any messages

or convey the effect of movement, or flashing, intermittent or variable intensity lighting.

~~iii~~ iv. The applicable community or sponsor group shall review the location to ensure that it is placed at the entrance of the community.

~~iv.~~ v. Site Plan. Obtain any required Site Plan or ~~waiver of~~ Site Plan permit exemption.

No commercial advertising messages, including business or corporate names, shall be allowed on Community Identification Signs.

3. Directional Signs. Upon issuance of an Encroachment Permit, signs may be authorized in public rights of way for traffic safety purposes to identify and provide directional information to facilities generating large numbers of vehicles or destinations for emergency vehicles in accordance with Board of Supervisors Policy J-5 and Section 4-04.13 of the CalTrans Traffic Manual.

4. Temporary Open House Directional Signs. Temporary Open House Directional Signs are off-premise signs providing directions to an existing individual dwelling that is offered for resale. Such signs are permitted if the following conditions are met:

   i. Display shall be limited to daylight hours, after which time the signs shall be removed.

   ii. Placement shall be only on private property, not in public road rights-of-way, and shall be subject to the property owner's permission.

   iii. Signs shall be limited to no larger than four square feet in area.

   iv. No more than one such sign shall be placed on any parcel, except for corner lots which may have one such sign on each street frontage.

   v. Sign copy shall state "Open House" and, in addition shall be limited to the name and phone number of the person and/or agency offering the property for sale, the address of or direction to the property, and a directional arrow.

   vi. Signs must be related to an individual dwelling that is offered for resale only.

5. Commercial or Industrial Center Identification Signs. Upon issuance of an Administrative Permit, freestanding or monument signs may be authorized to identify a multi-tenant commercial or industrial center, and/or its tenants which are on more than one contiguous lot or parcel. If the sign is proposed in an area having zoning that requires Site Plan review of such signs, then no Administrative Permit is required. The following requirements shall be met:

i. Location. Commercial or Industrial Center Identification Signs may be located within the boundaries of a commercial or industrial center that can visually and functionally be identified as a unified development.

ii. Number, Area, Height and other standards. Commercial or Industrial Center Identification Signs may be substituted for on-premise signs normally permitted by Section 6263, provided they comply with the sign standards that would apply to such on-premise signs.

iii. Site Plan. Obtain any required Site Plan, or ~~waiver of~~ Site Plan permit exemption.

Section 42. Section 6261 of the Zoning Ordinance is amended to read as follows:

6261 ON-PREMISE SIGNS REGULATED.
Except for the signs specified in Sections 6252, 6259, 6268 and 6269, on- premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated or maintained provided that a building permit has been issued subject to the following provisions:

a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:

1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.

2. On premises in any zone where a nonconforming commercial or industrial use type exists.

3. Fallbrook Village Zones.

b. Restricted Locations. Locations subject to Special Area Regulations and to use permits shall be additionally subject to the following limitations:

1. On-premise signs are permitted in zones subject to the Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations in accordance with an approved Site Plan. The aggregate area of all signs for any premises shall not exceed one square foot for each linear foot of street frontage. The aggregate sign area for each establishment shall not exceed one square foot for each linear foot of building. No establishment shall have an aggregate sign area greater than 100 square feet.

2. On premise signs are permitted on sites subject to use permits in accordance with the terms and conditions of the use permit or modification. Signs may be altered, relocated or added upon the issuance of a minor use permit provided that such change is not specifically prohibited by the use permit condition.

c. Setbacks. Freestanding and projecting signs may be located in or project into any portion of the premises in a commercial or industrial zone.

d. Permitted Combinations of Sign Types.

1. Roof signs shall be permitted in combination only with wall signs, except no roof signs shall be permitted within the California Coastal Zone or in conjunction with an adult entertainment establishment.

2. Projecting signs are permitted in combination only with wall signs and one freestanding sign, except no projecting signs shall be permitted in conjunction with an adult entertainment establishment.

3. Two freestanding signs, where permitted, shall be permitted in combination with wall signs. A projecting sign may be substituted for one freestanding sign, except no projecting sign shall be permitted in conjunction with an adult entertainment establishment.

e. Lighting. Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Neon signs are permitted provided they do not flash. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted, except as allowed herein. Electronic or electrically controlled signs that contain a moving message, or a message that appears to move, shall be allowed only upon issuance of an Administrative Permit, and shall be additionally subject to the following limitations:

1. The characters incorporated into the message shall not change in intensity, hue or size as they move across the sign.

2. Such signs shall be limited to the C36, C37, M52, M54, and M58 zones within the Village Regional Category of the Land Use Element of the General Plan, and to properties abutting streets that are categorized in the Mobility Element of the General Plan as Community, Light or Minor Collector Roads, Boulevard, Major Roads, Prime Arterial or Expressway.

3. Such signs shall not be allowed in areas subject to the S Scenic Special Area Regulations Designator.

4. The Site Plan ~~waiver~~ permit exemption provisions of Section 7156(b). shall not be applied to any Site Plan proposing such signs.

5. The Administrative Permit application shall be provided to the Director of Public Works for review and recommendation, including appropriate limits on the intensity of lights allowed and that the location and design of the sign shall not create a traffic hazard, prior to final action.

f. Movement. No signs shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

Section 43. Section 6268 of the Zoning Ordinance is amended to read as follows:

6268 OTHER SIGN TYPES.

In addition to the foregoing types of signs, the following signs shall be permitted in any location. The area of these signs shall be in addition to the aforesaid maximum sign areas.

a. Directional Signs. Signs to direct or control on-premise traffic or parking provided such signs do not exceed an area per face of 8 square feet nor a height of 8 feet.

b. Accessory Signs-Drive-In and Drive-Through Businesses. Such signs shall not be designed to be viewed from beyond the premises and each shall not exceed 25 square feet per frontage.

c. Banners, Pennants and Similar Devices. Strings or individual banners, streamers, inflatables, pennants and similar devices; provided that one of the following holds:

1. Such signs are for the purpose of calling attention to a grand opening of a new business. Any required Site Plan, or ~~waiver of~~ Site Plan permit exemption, shall be obtained from the Department. Such temporary signs may be displayed for a maximum of 60 days and then must be removed from display.

2. Such signs are for the purpose of calling attention to a temporary use accessory to residential construction pursuant to the Temporary Use Regulations at Section 6116. Such signs are permitted along both sides of the interior street affording principal access to the model homes and within that portion of the subdivision or other residential development devoted to display of model homes, provided:

i. Except as hereinafter specified, each flag, banner, or pennant must be affixed to a separate standard implanted in the ground.

ii. Said standards are to be spaced at least 10 feet apart and, except as hereinafter specified, are not to exceed 12 feet in height.

iii. One flagpole not exceeding the height limit of the applicable zone may be provided within the area devoted to display of model homes and may be used only to display flags.

d. Service Station Signs. One sign relating to grades and prices of gasoline and diesel fuel shall be permitted per station frontage.

e. Temporary Real Estate Signs. The following temporary signs for the purpose of promoting initial residential sales are permitted pursuant to the Temporary Use Regulations at Section 6116 and 7156 and are in addition to the banners, pennants and similar devices permitted at Section 6268 (c):

1. Unlighted freestanding signs identifying the residential development provided that the aggregate area of all signs shall not exceed 800 square feet. One such sign may have a maximum area of 200 square feet provided no other sign exceeds an area of 100 square feet. One sign may be adjacent to each street which provides access to the residential development.

2. One unlighted sign not exceeding 16 square feet in area for each model home and sales office.

f. Mobilehome and Recreation Vehicle Park Signs. Signs located within mobilehome or recreational vehicle parks may be permitted subject to the following

1. One wall sign or freestanding sign identifying the mobilehome or recreational vehicle park is permitted adjacent to each street which provides primary access to the park. No freestanding sign shall exceed a height of 8 feet. No sign shall exceed 32 square feet in area.

2. One directional sign without any advertising at each driveway. Each sign shall not exceed 8 square feet or 8 feet in height. Directional signs may be lighted.

Section 44. Section 6268 of the Zoning Ordinance is amended to read as follows:

6324 LIGHTING PERMITTED IN REQUIRED YARDS.
Lighting permitted in required yards by the provisions of Section 4835, shall be subject to the following regulations:

a. Illumination Only. Lights shall be used for the purpose of illumination only, and not designed for or used as an advertising display.

b. Horizontal Cutoff. Luminaires shall be so designed and shielded by horizontal cutoff to eliminate all light directed above the horizontal. The lower edge of the luminaire's housing shall extend below the entire light source and all glassware so that any light emitted above the horizontal is eliminated. Light-directing refractors shall be considered to be light sources.

c. Light Trespass. The illumination of adjacent premises by spill light shall not exceed a value of 0.2 foot candles measured in the horizontal or vertical plane at a point three feet above grade level and five feet inside the adjacent property. This measurement shall be taken15 minutes after the initial start up of the fixture.

d. Minimum Height. Lights illuminating vehicular areas shall be mounted at least 12 feet above the ground.

e. Minimum Spacing. Lighting poles shall be spaced at least 50 feet apart; provided, however, that at least 2 poles may be located on each building site.

f. Removal. Poles and lights shall be removed at the owner's expense when property on which they are located is taken for street widening.

g. Dark Skies Ordinance. All outdoor lighting shall comply with the requirements specified in the County Light Pollution Code, which commences at Section ~~59.101~~ 51.201 of the County Code of Regulatory Ordinances.

Section 45. Section 6708 of the Zoning Ordinance is amended to read as follows:

6708 PERMITTED FENCES, WALLS, GATES AND ENTRY STRUCTURES.
No fence, wall, gate or entry structure shall be permitted unless it conforms to the criteria set forth below, except that the Board of Supervisors, the Planning Commission, or the Director, as

a condition of approval of a matter under their jurisdiction, may require that a fence, wall or entry structure be constructed to a height greater than otherwise permitted by this section in order to mitigate against potential adverse effects.

[a. through b. no changes]

c. Tennis Court Fencing and Lighting. Tennis court fencing ~~and lighting standards~~ exceeding the height otherwise allowed by this Section, but not greater than twenty (20) feet in height, and lighting standards not greater than twenty (20) feet in height may be permitted on lots of one (1) gross acre or larger in size upon granting an exception in accordance with Section 6708h.

[d. through g. no changes]

h. Exceptions.

1. Fences, Walls and Gate Entry Structures on Individual Lots. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for fences (including tennis court fences and light standards), walls and gate entry structures on individual lots. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice ~~of the administrative permit application~~ shall be ~~given to all property owners within a distance of 300 feet from the applicant's property~~provided pursuant to Section 7060 c. The Director may approve said administrative permit provided the following findings are made:

   i. The structure will be compatible with the community character and will not be detrimental to the health, safety or general welfare of the surrounding properties or the neighborhood; and

   ii. The structure will not interfere with traffic circulation, create a safety hazard or obstruct future road widening.

2. Gate Entry Structures and Gate Houses on Private Easements. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for gate entry structures and gate houses on a private easement. The applicant shall provide notice materials in accordance with Section 7060c. and shall provide a list of ~~in order to notify~~ all property owners having legal access to the easement upon which the gate entry structure or gate house will be located. The Director shall notify all property owners in accordance with Section 7060c. and all property owners on said legal access list. The Director may approve said administrative permit provided the following findings are made:

   i. The structure will be compatible with the community character and will not have a harmful effect upon the neighborhood; and

   ii. The structure will not be detrimental to the health, safety or general welfare of the surrounding properties or improvements.

3. Lighting. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for lighting provided a finding is made that said lighting will be compatible with the community character and will not have a harmful effect upon the neighborhood.

[i. through j. no changes]

Section 46. Section 6799 of the Zoning Ordinance is amended to read as follows:

6799 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL, AGRICULTURAL AND CERTAIN SPECIAL PURPOSE ZONES.
No person shall park any "commercial vehicle~~" as defined by the California Vehicle Code~~ in excess of one ton capacity on private property in Residential, Agricultural and the S90 and S92 Special Purpose Zones except as follows:

a. When loading or unloading property, or

b. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on property in the block in which such vehicle is parked.

Notwithstanding the above provisions, no vehicle shall remain parked in excess of five consecutive hours. Section 6799 does not apply to recreational vehicles or farm vehicles or equipment, including maintenance equipment, necessary for agricultural production on the property where the vehicles and equipment are parked. In Agricultural Zones and the S90 and S92 Special Purpose Zones, a maximum of two vehicles of up to two tons capacity may be parked by a person owning said vehicles and the property where they are parked and who is conducting an agriculturally-related service or activity located elsewhere.

Section 47. Section 6816 of the Zoning Ordinance is amended to read as follows:

ENCLOSURE MATRIX (Part of Section 6816)

Use or Special Area Regulations	TYPE OF ENCLOSURE												
	Civic Use Types			Commercial Use Types				Industrial Use Types			Agricultural Use Types		
	Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Enclosed	Semi-Enclosed	Open
R-S	●	●									m	m	●
R-D	●	●									m	m	●
R-M	●	●									m	m	●
R-V	●	●									m	m	●
R-U	●	●									m	m	●
RMH	●	●									m	m	●
R-R	●	●	m	●	●	●					●	●	●

Use or Special Area Regulations	TYPE OF ENCLOSURE												
	Civic Use Types			Commercial Use Types				Industrial Use Types			Agricultural Use Types		
	Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Drive-in	Enclosed	Semi-Enclosed	Open	Enclosed	Semi-Enclosed	Open
R-RO	●	●	m	●	●	●					m	m	●
R-C	●	●		●	m	m		●			m	m	●
C-30	●	●		●			m						
C-31	●	●		●			m						
C-32	●	●		●			m	●			A	A	●
C-34	●	●		●	m	M	m	●			A	A	●
C-35	●	●		●	m	M	m	●			A	A	●
C-36	●	●		●	m	M	●	●			A	A	●
C-37	●	●	●	●	●	●	●	●	●	●	A	A	●
C-38	●	●	●	●	●	●	●	●	●	●	A	A	●
C-40	●	●	●	●	●	●	●	●	●	●	A	A	●
C-42	●	●		●	●	●	●				A	A	●
C-44	●	●	●	●	●	●	●				A	A	●
C-46	●	●		●							A	A	●
M-50	●	●		●	m	M	m	●	m	M	A	A	●
M-52	●	●		●	m	M	m	●	m	M	A	A	●
M-54	●	●		●	●	●	●	●	●	●	A	A	●
M-58	●	●		●	●	●	●	●	●	●	A	A	●
A-70	●	●	m	●	●	●		●	●	m	●	●	●
A-72	●	●	m	●	●	●		●	●	m	●	●	●
S-80	●	●		●	S	M					A	A	●
S-82	●	●		●	●	●					●	●	●
S-86	●	●		●	●	●	●						
~~S-87~~	~~●~~	~~●~~	~~m~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~	~~●~~
S-88	●	●	●	●	●	●	●	●	●	●	●	●	●
S-90	●	●	m	●	●	●	●	●	●	●	●	●	●
S-92	●	●	m	●	●	●		●	●	m	●	●	●
S-94	●	●	m	●	●	●	●	●	●	●	●	●	●
Scenic Area	●	m	m	●	S	m	m	●	S	M	S	S	●

LEGEND:

- ● **Permitted**
- **A Permitted by Administrative Permit**
- **S Permitted by Site Plan**
- **m Permitted by Minor Use Permit**
- **M Permitted by Major Use Permit**

Section 48. Section 6904 of the Zoning Ordinance is amended to read as follows:

6904 EXPLOSIVE STORAGE.

All explosive storage shall comply with the following provisions.

a. Conformance to Federal and State Law. Explosive storage shall conform to all applicable provisions of federal and state law, including the tables of quantity and distance criteria, except where requirements of this section or conditions of the Major Use Permit are more stringent, in which case such requirements and conditions shall apply.

b. Location. The area in which explosive storage is proposed shall be open in character and essentially free of development.

c. Setbacks. Explosive storage shall not be located closer than 1,000 feet from any building or structure not on the same site as the explosive storage facility and which is used continuously or intermittently for human occupancy; except that storage in Class II magazines, as authorized in state law, shall not be located closer than 400 feet from any such building or structure.

d. Buffering. Explosives storage shall be effectively screened by a natural land form or artificial barricade either surrounding the entire site or surrounding each magazine located thereon, which land form or barricade shall be of such height that:

1. A straight line drawn from the top of any side wall of all magazines to any part of the nearest building or structure will pass through said land form or barricade; and

2. A straight line drawn from the top of any side wall of all magazines to any point 12 feet above the centerline of a railroad or a street traversable by the public will pass through said land form or barricade.

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

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

Section 49. Section 6910 of the Zoning Ordinance is amended to read as follows:

6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES

[a. through b. no changes]

c. Small Winery. A Small Winery shall comply with the following provisions:

1. A Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.

2. Wine production shall be less than 120,000 gallons annually.

3. Of the total fruit used in winemaking a minimum of 50% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 50% may be grown outside of San Diego County.

4. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be approved by the County of San Diego Department of Environmental Health. Catered food service is allowed, but no food preparation is allowed at a Small Winery. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.

5. Events, including but not limited to weddings and parties, may be allowed upon the making of the findings in Section 6910.c.6.

6. An Administrative Permit is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:

i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

a) Harmony in scale, bulk, coverage and density.

b) The availability of public facilities, services and utilities.

c) The harmful effect, if any, upon desirable neighborhood character.

d) The generation of traffic and the capacity and physical character of surrounding streets.

e) The suitability of the site for the type and intensity of use or development which is proposed.

f) Any other relevant impact of the proposed use.

ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

iii. That the requirements of the California Environmental Quality Act have been complied with.

7. A Small Winery shall demonstrate compliance with the emergency travel times specified in ~~the Public Facilities~~ Safety Element, ~~Section 11~~ Table S-1.

8. Notice ~~of the Administrative Permit application~~ shall be ~~given to owners of property within 300 feet of the exterior boundaries of a proposed Small Winery and a minimum of 20 different owners~~provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

Section 50. Section 6911 of the Zoning Ordinance is amended to read as follows:

6911 EMERGENCY SHELTERS.
Emergency Shelters (See Section 1334) shall comply with the following provisions, in addition to all other applicable County codes and any requirements imposed by the State Department of Housing and Community Development:

[a. through g. no changes]

h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section ~~59.101~~ 51.201 and following of the San Diego County Code.

[i. through j. no changes].

Section 51. Section 6912 of the Zoning Ordinance is added to read as follows:

6912 COMMUNITY GARDENS

Community Gardens are allowed in all zones where Row and Field Crops are permitted, subject to the following regulations:

a. Hours of Operation. Hours of operation shall be limited to the hours between sunrise and sunset.

b. Permitted structures. Accessory structures, such as storage sheds for tools and other supplies, greenhouses and/or an Agricultural Stand, may be allowed in a community garden pursuant to Section 6156.

c. Parking. A minimum of 2 parking spaces shall be provided on the lot when there is no on-street parking allowed adjacent to the community garden property.

d. Water Use. Wasting water is prohibited pursuant to County Code Section 86.725. Water efficient irrigation techniques such as drip irrigation and timers to control watering

times are encouraged. All hoses shall be equipped with a trigger nozzle. Mulching of planted areas is encouraged to retain plant moisture.

e. Composting. Composting may be performed onsite within a composting container subject to all of the following:

1. Composted materials shall be only those materials generated onsite or contributed by active members of the community garden.

2. Composting containers shall be located a minimum of three feet from property lines.

3. Odors and/or fly-breeding shall not be greater than customarily found at a well-maintained residence.

f. Organic Gardening. Organic gardening is strongly encouraged.

g. Trash/Recycling Receptacles. Trash and recycling receptacles shall be provided onsite for the proper disposal of refuse. The receptacles shall be screened from adjacent properties by six-foot high solid fencing. Refuse shall be removed from the site regularly so that the receptacle area and the lot are kept free from litter.

h. Sale of Produce and Plants. Sale of produce or plants raised on the site is allowed only from a permitted Agricultural Stand, subject to all provisions of 6156.q. Otherwise, on-site sales of produce, plants or any other items are prohibited.

i. Prohibited plants. Planting illegal or invasive plants, as defined in County Code Section 86.701 et seq., shall be prohibited.

All other applicable codes and ordinances shall apply to Community Gardens, including but not limited to Groundwater Ordinance, Grading Ordinance and Noise Ordinance. Applicable permits from other departments or agencies may be required.

Section 52. Section 6985 of the Zoning Ordinance is amended to read as follows:

6985 APPLICATION PROCESSING
Although a tier may be assigned at project intake, a re-evaluation of the project tier may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Hearing Officer.

[A. - B. no changes]

C. General Regulations

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones.

2. All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.

3. No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director if a finding is made that co-location of more facilities is consistent with community character.

4. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).

5. No tower or equipment shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.

6. Noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.

7. The Director ~~of Planning and Land Use~~ may ~~waive~~grant an exemption from the requirement~~s for~~ to process a Site Plan permit pursuant to Section 7156 of this Ordinance if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit, or where the Director finds the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan permit would normally be required will not be harmed by ~~waiver~~granting a Site Plan permit exemption~~of said requirement~~. The Director's decision~~s~~ may be appealed pursuant to Section 7200 of ~~the Zoning~~this Ordinance.

8. All facilities located on a utility pole shall be promptly removed at the operator's expense at the time a utility is scheduled to be undergrounded.

9. Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.

10. Equipment cabinets and antenna structures shall be secured to disallow unauthorized access.

11. Use Permits for high visibility facilities shall have a maximum term of 6 years for facilities valued at less than $10,000; 10 years for facilities valued from over $10,000 to $500,000; and 15 years for facilities valued at $500,000 or more. This may be extended for an additional period of time by modifying the permit if it

is found that no smaller or less visible technology is available or feasible to replace the facility.

12. As a condition of approval, prior to use of the facility, submit evidence, such as photos, to the satisfaction of the Director of Planning and Land Use to show proof that the facility is in conformance with photo simulations provided pursuit to Section 6984 (B) of this Ordinance.

Section 53. Section 7060 of the Zoning Ordinance is amended to read as follows:

7060 DECISION AND NOTICE.

a. Action. Upon completion of his review and evaluation of an application for an Administrative Permit, the administering agency shall either:

1. Make such findings or other determination as is required by the pertinent sections of The Zoning Ordinance and approve the application, or

2. Notify the applicant of the changes and modifications required for approval of the application, or

3. Deny the Administrative Permit. The administrative agency shall deny the permit if:

i. The permit cannot be conditioned by adequate requirements to insure compliance with applicable regulations, or

ii. The application for the permit cannot reasonably be modified to conform to the applicable requirements.

b. Time Period. Within 60 days of receipt of a complete application for an administrative permit, the administering agency shall take such action as is specified in subsection a. of this section. The 60 day time period may be extended with the written consent of the applicant. Such application shall be deemed complete pursuant to Section 65943 of the Government Code, 30 days after submittal to the Department unless, prior to that date, either:

1. The applicant is notified in writing that the application is complete, in which case the 60 day processing period specified in this subsection shall begin to run from the date of such written notice, or

2. The applicant is notified in writing that the application is incomplete, which notice shall state with particularity the defects or omissions in the application, in which case the 60 day processing period specified in this subsection shall not begin to run until the date all requested information has been submitted to the Department.

c. Notice to Property Owners. ~~When required by applicable sections of the Zoning Ordinance, the~~The applicant ~~shall either obtain and submit to the Director on a form provided by the Director written consent for issuance of the administrative permit from all owners of contiguous property (including owners of parcels or lots across any street or alley from the site) or~~ shall provide notice materials (as specified by the Director) with the permit application which shall be used by the Department to notify ~~contiguous~~ property owners within 300 feet of the exterior boundaries of the subject lot, with a minimum of 20 different owners, of the receipt of said application. ~~If required by applicable sections of the Zoning Ordinance, notice shall be given beyond such owners of contiguous property to any additional owners within the specified distance of the subject property.~~ Additional notification is required by subsections e., g. and h. below.

d. Public Hearing. A public hearing shall not be held unless the administering agency determines that such hearing would be in the best interest of the County, or, if required by applicable sections of the Zoning Ordinance, where a hearing is requested by the applicant or other affected person.

e. Referral to Immigration and Naturalization Service. Applications filed pursuant to Section 4830 requesting to reduce the 150 foot setback along the International Border shall be referred to the local office of the Immigration and Naturalization Service. In the event the INS expresses an intent to acquire all or part of the subject property the administering agency shall defer final action on the application for six months or until such time as the INS completes acquisition or abandons acquisition proceedings, whichever time period is less.

f. Defense of Lawsuits. As a condition of approval of an Administrative Permit, for which an application was filed (as defined in Zoning Ordinance Section 1019b. before January 3, 2003), the applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers or employees to attack, set aside, void or annul the Administrative Permit or any of the proceedings, acts or determinations taken, done or made prior to such decision granting such permit; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. Each applicant seeking approval of any Administrative Permit, for which an application was filed (as defined in Zoning Ordinance Section 1019 b.) on or after January 4, 2003, shall be subject to the defense and indemnification provisions found at Chapter 2 (commencing at section 86.201) of Division 6 of Title 8 of the San Diego County Code.

g. Notwithstanding the above, Administrative Permits for Adult Entertainment Establishments shall be governed by the requirements specified in Section 6930.

h.. Notwithstanding the above, Administrative Permits for Gate Entry Structures and Gate Houses on Private Easements shall be governed by the requirements specified in Section 6708.h.2.

Section 54. Section 7156 of the Zoning Ordinance is amended to read as follows:

7156 ~~WAIVER OF~~ SITE PLAN PERMIT EXEMPTION.

a. The Director may ~~waive~~grant an exemption from the requirement ~~for~~to process a Site Plan permit if he or she finds that all of the purposes and requirements of the Site Plan permit have been or will be fulfilled by another discretionary permit; or

b. Where the Director finds the proposed development or improvement is minor in nature and the public purpose for which the Site Plan permit would normally be required will not be harmed by ~~waiver of~~ granting an exemption from said requirement. For purposes of this subsection, “minor in nature” may mean the proposed improvement is not visible from any street; there is no active code enforcement action on the property; no additional parking spaces will be required by the proposed improvements; an addition not exceeding 500 square feet in area; the replacement of an existing permitted sign(s) (like for like, and no increase in sign area); replacement of windows/doors; re-stucco, re-roof or minor improvements to the façade of an existing permitted building(s); or other similar improvements. This shall be determined on a case-by-case basis.

The Director may forward a ~~waiver~~ request for a Site Plan permit exemption to the applicable Community Planning or Sponsor Group for a recommendation prior to granting a Site Plan permit exemption ~~waiver~~ request.

This subsection "b" shall not apply to land falling with the coastal zone, as defined by the California Coastal Act of 1976.

c. ~~Waiver of~~ An exemption from the requirement to process a Site Plan permit does not constitute a waiver ~~of~~ or exemption from any other requirement of this Zoning Ordinance or any other law, ordinance or other regulation applicable to the project.

No building permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~ granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~ exemption. No deviation from aspects of such plans pertinent to the purposes for which a Site Plan review would otherwise have been required shall be permitted without prior approval of the Director.

This Section shall not apply to those Site Plans required by a special area regulations designator where there are specific ~~waiver~~ exemption criteria established under the special area regulations designator sections.

Section 55. Section 7168 of the Zoning Ordinance is amended to read as follows:

7168 EXPIRATION AND EXTENSION.

a. Any approval of a Site Plan shall expire within two years of such approval except where construction or use of the property in reliance on such Site Plan approval has commenced prior to its expiration. Any Minor Deviation pursuant to Section 7609, or

any modification pursuant to Section 7169, shall not extend the expiration and extension dates otherwise specified in this section.

b. If prior to the expiration of such Site Plan the applicant files a written application with the Department of Planning and Land Use for an extension of time, the period within which construction or use of the property in reliance on the Site Plan must be commenced, may be extended by the Director at any time within 90 days of the date of expiration. The Director may grant one or more such extensions not to exceed a total of ~~12~~24 months each, subject to specified conditions and upon a finding that unusual circumstances have delayed such completion, creating a substantial hardship on the applicant.

c. Notwithstanding the above, if the Site Plan is issued to satisfy a condition of approval of a subdivision map pursuant to the County Subdivision Ordinance, the Site Plan shall remain in full force and effect for the duration of the tentative approval for that subdivision map, and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the Site Plan shall expire one year after recordation of the Final or Parcel Map unless construction and/or use of the property in reliance of the Site Plan has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7168.

Section 56. Section 7600 of the Zoning Ordinance is amended to read as follows:

SUPPLEMENTARY ADMINISTRATIVE PROCEDURES

7600 TITLE AND PURPOSE.
The provisions of Section 7600 through 7649, inclusive, shall be known as the Supplementary Administrative Procedures. The purpose of these provisions is to provide additional procedures for the administration of amendments of the Zoning Ordinance, Variances, Use Permits, Site Plan~~s~~ Permits, Planned Development Permits, Administrative Permits and Administrative Appeals.

Section 57. Section 7609 of the Zoning Ordinance is amended to read as follows:

7609 MINOR DEVIATION FROM PLAN.
~~If~~ A Minor Deviation to an Administrative Permit, Variance, Site Plan Permit or Use Permit ~~allows or requires land to be used or developed in accordance with a plan, or plans that are referred to in the Administrative Permit, Variance, Site Plan, or Use Permit, Minor Deviations from said plan~~ may be authorized in accordance with the following provisions:

a. Intent. This section provides for situations where it is necessary to deviate from ~~a plan~~ an approved permit decision and associated approved plans in a minor way which is ~~consonant~~ in substantial conformance with the purpose and intent of the related Administrative Permit, Variance, Site Plan Permit or Use Permit and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. ~~The intent of t~~This section ~~is to~~ provides for flexibility in the ~~operation~~implementation of an Administrative Permit, Variance, Site Plan Permit or Use Permit by permitting a Minor Deviation to be administratively granted by the Director. It is

not the intent of this section to ~~permit~~allow a deviation from the plan which would violate the intent and purpose of the related Administrative Permit, Variance, Site Plan Permit or Use Permit or any of its conditions, or to allow any action or use for which an Administrative Permit, Variance, Site Plan Permit or Use Permit would otherwise be required by The Zoning Ordinance and which is not specifically allowed by the approved decision.

b. Jurisdiction. The Director may authorize a Minor Deviation from a plan referred to in an Administrative Permit, Variance, Site Plan Permit or Use Permit granted by the Board of Supervisors, the Planning Commission, or the Director.

c. Required Findings. A Minor Deviation from ~~a plan~~ an approved permit shall be authorized only after findings that:

1. The requested deviation does not constitute a substantial change in the Administrative Permit, Variance, Site Plan Permit, or Use Permit, as allowed pursuant to the permit decision; ~~and~~

2. The requested deviation will not adversely affect adjacent property or property owners; and

3. A summary table and complete description of all proposed changes has been added to the project file, prepared and signed by the property owner(s), indicating the total cumulative percent change of area, size, height or other deviation from the original permit approval. Any subsequent deviation shall include a revised summary and calculation pursuant to this subsection.

d. ~~Prohibited Deviations~~Limitations. ~~No~~A deviation from ~~a plan~~ an approved permit, or deviations having a cumulative effect, ~~shall~~may be ~~authorized which would permit one or more of the following~~ allowed in accordance with the following limitations:

1. A~~n~~ cumulative increase or decrease from the original approved plan of ~~more than~~ up to 10 percent of the following:

i. the gross area of any yard, open space, working area, ~~or~~ parking area~~,~~ or other area regulated by the permit, provided that no decrease may be permitted in any required yard for which an exception pursuant to Section 4813 or a Variance is required;

~~2. An increase or decrease from the original approved plan of more than 10 percent of~~

ii. the size of any building or structure or of the total land area covered by any building or structure;

~~3. An increase or decrease from the original approved plan of more than 10 percent of~~

iii. the height of any building or structure or of any part thereof, or of the depth or area of an excavation, slope or working area;

~~4.~~ iv. In the cases of Use Permits and Site Plans, ~~an increase in~~ the number of buildings or structures shown on the original approved plan ~~so as to increase~~

~~by more than 10 percent~~ provided the total land area covered by all buildings and structures does not increase or decrease more than 10 percent; or

~~5.~~ v. A sign~~, if signs are not regulated by the approved Administrative Permit, Variance, Site Plan or Use Permit except that a Minor Deviation for a sign~~ or sign program subject to a Community Design Review, Historic Landmark, Historic District or Design Review special area regulations designator may be approved upon due consideration of the recommendation of the applicable Design Review Board, Historic Site Board, Historic District Review Board, or Community or Subregional Planning Group. However, a change of copy, colors or print type, without a change to the overall size of the sign is not subject Design Review Board or Community or Subregional Planning Group review.

2. A change to the size and the type of windows, openings or doors, the colors or materials on the elevations or roof of a structure, or other similar changes may be allowed provided the approved architectural style is maintained. However, architectural or design elements specified in the permit conditions of approval will require a modification of the permit to authorize a change, pursuant to Section 7072, 7126, 7169 or 7378, as applicable.

e. Application Form, Filing and Fee. An application requesting a minor deviation from a plan shall be made on the form prescribed by the Director, shall be signed by the property owner(s) or their agent(s) as required by Section ~~7107~~ 7017, shall be filed with the authority having jurisdiction as provided by paragraph "b" of this section, and shall be accompanied by the fee referenced in Section 7602.

f. Hearing Not Required. Any action of the Director pursuant to this section may be taken without notice or public hearing.

g. Decision is Final. Any decision by the Director pursuant to this section shall be final; provided, however, that the denial by the Director of a request for a minor deviation from a plan shall not prevent the applicant from applying for a new Administrative Permit, Variance, Site Plan Permit, or ~~u~~Use ~~p~~Permit or modification thereof pursuant to the Zoning Ordinance.

Section 58. Section 7703 of the Zoning Ordinance is amended to read as follows:

7703 VIOLATIONS AND PENALTIES

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

[a. through h. no changes]

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

Section 59. Section 8203 of the Zoning Ordinance is amended to read as follows:

8203 PERMITTED USES SUBJECT TO LIMITATIONS

The following use types are permitted by the V2 Zone subject to the limitation stated after the use type.

a. Residential Use Types.

Family Residential

Limited to dwellings that are located in conjunction with a second principal use that is primarily used for business purposes within or on the same structure, lot or parcel. All residential uses in the V2 Zone shall require Site Plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

1. Site Plan Review Required. Prior to the issuance of any building permit, grading permit or construction of any structure or conversion of any existing structure for use as a Family Residential Use Type in the V2 Zone, a Site Plan of the proposed structure shall be submitted to the Director for review, evaluation and approval.

2. Content of the Site Plan. Application for Site Plan review shall be submitted to the Director and shall be accompanied by such data and information as he may require including maps, plans, drawings, sketches and documented material as is necessary to show:

a) Boundaries and existing topography of the property, and adjoining or nearby streets;

b) Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;

c) Location, height, building elevations, and proposed use of all proposed or existing structures, including lighting, walls, fences and freestanding signs, and location and extent of the building site;

d) Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;

e) Location and treatment of important drainage ways, including underground drainage systems;

f) Proposed grading and removal of natural materials, including finished topography of the site;

g) Proposed landscaping plan including the location of exterior lighting fixtures and underground fuel storage facilities and aboveground pumps, if proposed.

3. Site Plan Review Criteria. The Site Plan shall be reviewed and evaluated by the Director for conformance with the following criteria.

a) Residential uses shall be located and designed so they are buffered from potentially adverse impacts created by adjacent, commercial and industrial uses.

b) Impacts to be addressed shall include noise, odors, lighting, air quality, visual quality and vibration.

c) Building and structures shall use construction methods such as windows and building materials that will reduce noise generated by the business and will reduce noise that may impact the residential use.

d) Landscape buffers shall be utilized where appropriate to screen views from the residential use to visually undesirable portions of adjacent businesses. Landscaping shall be capable of reaching a height that will provide screening of views within one year of installation. To reduce fire hazards, plant material used shall not be on the North County Fire Protection District's Undesirable Plant List.

e) Lighting of the business use shall not excessively spill over into the residential use.

4. ~~Waiver of~~ Site Plan Permit Exemption. An exemption from ~~T~~the Site Plan permit requirement of Section 8203.a.1 may be ~~waived~~ granted by the Director under either of the following circumstances:

a) If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the intent of the criteria listed in Section 8203.a.3 or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a ~~waiver of~~ a Site Plan permit exemption due consideration shall be given to the recommendation of the appropriate Design Review Board. Such recommendation shall be in writing, signed

by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign ~~waiver~~ Site Plan permit exemption recommendations, and shall be accompanied by a copy of the project plans upon which the recommendation was based. ~~Waiver~~ Site Plan permit exemption requests shall be transmitted by the applicant to the Review Board using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation.

b) If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the appropriate Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~ granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to the criteria listed in Section 8203.a.3, such as materials, landscaping, site design and lighting, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

Group Residential – Allowed in conjunction with a school where housing facilities are used by registered students of the school. The associated school facility does not have to be located on the same lot.

b. Civic Use Types.

Child Care Center – 24 children or less

c. Commercial Use Types.

Business Equipment Sales and Services – The area devoted to storage shall not be greater than the area devoted to sales and administrative offices

Convenience Sales and Personal Services – Not to exceed 1,500 square feet

Eating and Drinking Establishments – No drive-through

Food and Beverage Retail Sales – Not to exceed 2,000 square feet

Laundry Services – Limited to drycleaning plants and laundries that provide retail services only, use only non-flammable solvents and employ not more than 10 people.

Participant Sports and Recreation: Indoor – Not to exceed 2,000 square feet

Transient Habitation: Lodging – Not to exceed 20 bedrooms. Uses exceeding 20 bedrooms allowed pursuant to Section 8204.

d. Industrial Use Types.

Custom Manufacturing – The square footage, horsepower and kiln size restrictions imposed by Section 1610 do not apply. Kiln sizes shall be limited to 20 cubic feet and equipment to 25 horsepower at any one time.

Section 60. Section 8303 of the Zoning Ordinance is amended to read as follows:

8303 PERMITTED USES SUBJECT TO LIMITATIONS

The following use types are permitted by the V3 Zone subject to the limitation stated after the use type.

a. Residential Use Types

Family Residential

All residential uses in the V3 Zone shall require Site Plan review in accordance with the Site Plan Review Procedure commencing at Section 7150 and the following guidelines.

1. Site Plan Review Required. Prior to the issuance of any building permit, grading permit or construction of any structure or conversion of any existing structure for use as a Family Residential Use Type in the V3 Zone, a Site Plan of the proposed structure shall be submitted to the Director for review, evaluation and approval.

2. Content of the Site Plan. Application for Site Plan review shall be submitted to the Director and shall be accompanied by such data and information as he may require including maps, plans, drawings, sketches and documented material as is necessary to show:

   a) Boundaries and existing topography of the property, and adjoining or nearby streets;

   b) Location and height of all existing buildings and structures, existing trees and the proposed disposition or use thereof;

   c) Location, height, building elevations, and proposed use of all proposed or existing structures, including lighting, walls, fences and freestanding signs, and location and extent of the building site;

   d) Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways;

   e) Location and treatment of important drainage ways, including underground drainage systems;

f) Proposed grading and removal of natural materials, including finished topography of the site;

g) Proposed landscaping plan including the location of exterior lighting fixtures and underground fuel storage facilities and aboveground pumps, if proposed.

3. Site Plan Review Criteria. The Site Plan shall be reviewed and evaluated by the Director for conformance with the following criteria.

a) Residential uses shall be located and designed so they are buffered from potentially adverse impacts created by adjacent, commercial and industrial uses.

b) Impacts to be addressed shall include noise, odors, air quality, lighting, visual quality and vibration.

c) Building and structures shall use construction methods such as windows and building materials that will reduce noise generated by the business and will reduce noise that may impact the residential use.

d) Landscape buffers shall be utilized where appropriate to screen views from the residential use to visually undesirable portions of adjacent businesses. Landscaping shall be capable of reaching a height that will provide screening of views within one year of installation. To reduce fire hazards, plant material used shall not be on the North County Fire Protection District's Undesirable Plant List.

e) Lighting of the business use shall not excessively spill over into the residential use.

4. ~~Waiver of~~ Site Plan Permit Exemption. An exemption from ~~T~~the Site Plan permit process requirement of Section 8303.a.1 may be ~~waived~~ granted by the Director under either of the following circumstances:

a) If it is determined that the nature of a proposed project is such that subjecting it to the Site Plan review process would not materially contribute to the attainment of the intent of the criteria listed in Section 8303.a.3 or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such ~~a waiver of~~ a Site Plan permit exemption due consideration shall be given to the recommendation of the appropriate Design Review Board. Such recommendation shall be in writing, signed by the Chairperson or other member of the Review Board who has been authorized by the Review Board to sign ~~waiver~~ Site Plan permit exemption recommendations, and shall be accompanied by a copy of the project plans upon which the recommendation was based. ~~Waiver~~Site Plan permit exemption requests shall be transmitted by the applicant to the Review Board using a form approved by the Director for that purpose.

If no recommendation is received by the Director from the Review Board within 45 days following the Review Board's receipt of the request, the Director may make a decision without the Review Board's recommendation.

b) If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the appropriate Design Review Board.

No building permit shall be issued for a project for which the Site Plan permit exemption ~~requirement~~ has been ~~waived~~granted except pursuant to plans bearing the Director's stamp granting such ~~waiver~~exemption. No deviation from aspects of such plans pertinent to the criteria listed in Section 8303.a.3, such as materials, landscaping, site design and lighting, shall be permitted without prior recommendation of the appropriate Design Review Board and approval of the Director.

Group Residential – Allowed in conjunction with a school where housing facilities are used by registered students of the school. The associated school facility does not have to be located on the same lot.

b. Civic Use Types.

Child Care Center – 24 children or less

c. Commercial Use Types.

Animal Sales and Services: Veterinary (Large Animals) – except that large animals are not allowed to be kept overnight unless required in preparation for or recovery from surgery

Automotive and Equipment: Cleaning – Not to exceed 4 self-serve stalls

Convenience Sales and Personal Services – Not to exceed 1,500 square feet

Eating and Drinking Establishments – No drive-through

Food and Beverage Retail Sales – Not to exceed 2,000 square feet

Laundry Services – Limited to drycleaning plants and laundries which provide retail services only, use only non-flammable solvents, and employ not more than 10 people.

Participant Sports and Recreation: Indoor – Not to exceed 2,000 square feet

Transient Habitation: Lodging – Not to exceed 20 bedrooms. Uses exceeding 20 bedrooms allowed pursuant to Section 8304.

Wholesaling, Storage and Distribution: Mini-Warehouses – The Mini-Warehouse Use may not occupy more than 50% of the building area. For the purposes of calculation,

common areas including interior courtyards, restrooms and hallways would not be included. All storage units shall be accessed by an interior corridor and shall not be accessed externally. The Mini-Warehouse Use shall be located within a single building on the parcel.

d. Industrial Use Types.

Custom Manufacturing – The square footage, horsepower and kiln size restrictions imposed by Section 1610 do not apply. Kiln sizes shall be limited to 60 cubic feet and equipment to 40 horsepower at any one time.

Section 61. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the _____ a newspaper of general circulation published in the County of San Diego.

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ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING SECTION 650 OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO HEARING OFFICERS AND AMENDING AND ADDING SECTIONS TO THE SAN DIEGO COUNTY CODE RELATING TO PROCEDURES TO RECORD ORDERS AS LIENS; RECORDATION OF NOTICES OF VIOLATION; SOUND LEVEL LIMITS; ABANDONED VEHICLE ABATEMENT; GRADING OR CLEARING WITHIN OPEN SPACE EASEMENTS AND ADOPTION OF CHAPTER 1, DIVISION II, OF THE CALIFORNIA BUILDING CODE

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

Section 1. The Board of Supervisors finds and determines that the San Diego County Code should be updated by adding Chapter 3 to Division 8 of Title 1 to provide provisions for Recordation of Notices of Violation against a property with a violation, by amending Section 91.1.114.6 regarding Approval Required After Violation, amending Section 18.214 regarding time limits for Procedures to Record Orders as Liens, and making other miscellaneous changes. The Board finds that these amendments, and those in the Administrative Code related to hearing officers, are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 650 of the Administrative Code is amended to read as follows:

SEC. 650. ESTABLISHMENT OF POSITION.

This article establishes the position of County Hearing Officer, pursuant to Government Code sections 27720 et seq. This article does not apply to Hearing Officers hired to hear appeals of administrative citations, pursuant to San Diego County Code section 18.101 et seq. <u>or appeals of recording of notices of violation, pursuant to San Diego County Code sections 18.301 et seq.</u>

Section 3 Section 18.207 of the San Diego County Code is amended to read as follows:

SEC.18.207. PAYMENT OF CIVIL PENALTIES.

(a) Civil penalties assessed shall be paid in full within ~~45~~ <u>14</u> days from the date the Notice and Order is served unless the person served with the Notice and Order files a timely request for a hearing under section 18.208.

(b) In the case of a continuing violation, the person charged shall pay any amount assessed in the Notice and Order within ~~45~~ 14 days from the date the Notice and Order was served. If a Director assesses continuing penalties as provided in section 18.204(b)(5) the person charged with a continuing violation shall be responsible to pay accrued penalties within ~~45~~ 14 days from the date of notice from a Director that payment of an additional amount is due.

(c) Civil penalties paid to the County before a hearing under section 18.208 shall be refunded in full or in part if a hearing officer determines:

(1) A violation enforceable under this chapter did not occur or did not occur on some or all of dates charged, or

(2) The person charged was not responsible for a violation, or

(3) The amount of the civil penalties shall be reduced.

Section 4. Section 18.214 of the San Diego County Code is amended to read as follows:

SEC. 18.214. PROCEDURES TO RECORD ORDERS AS LIENS.

If the responsible person fails to pay civil penalties in an AEO the County may record the order as a lien against the real property upon which a violation is located in accordance with the following procedures:

(a) Before recording, the Director shall serve the responsible person with a Notice of Intent to Record an AEO which informs the responsible person that recording the order will result in a lien against real property unless the responsible person pays the amount due within ~~45~~ 30 days from the date of the notice. The Director shall serve the Notice of Intent to Record ~~an AEO~~ as provided by Section 18.206. The Notice of Intent to Record may be served at the same time as the AEO.

(b) If the responsible person fails to pay the amount due in full by the due date the County may record the AEO as a lien. The lien shall attach upon recording the order in the Office of the County Recorder. The lien shall continue until the amount of the lien is paid in full and the violations listed in the AEO are corrected.

(c) Notice of recording the AEO as a lien may be provided to the responsible person as provided by Government Code section 27297.5.

Section 5. Chapter 3 is added to Division 8 of Title 1 of the San Diego County Code to read as follows:

Title 1: General Provisions

Division 8: Administrative Remedies
Chapter 3: Recordation of Notices of Violation

SEC.18.301 AUTHORIZATION AND PURPOSE

This chapter provides a procedure by which County enforcement officials may record a Notice of Violation as an alternative enforcement method for any violation of this code, the San Diego County Zoning Ordinance and any other County ordinance or State law that County officials enforce. The remedies in this chapter are in addition to all other remedies the County may pursue and only govern enforcement actions brought pursuant to this chapter.

SEC. 18.302 DEFINITIONS

The following definitions shall apply to this chapter:

(a) "Director" means the Director of any County department or a Director's designated representative, responsible to enforce County codes, County ordinances or State codes.

(b) "Hearing Officer" means a person who presides over an administrative hearing for the recordation of a Notice of Violation.

(c) "Responsible person" means a "person," as defined in Section 12.115 of this code, responsible for a violation prosecuted under this chapter.

SEC. 18.303 PROCEDURES FOR RECORDATION

(a) Once a Director has issued a Notice of Violation to a responsible person and the property remains in violation after the deadline established in the Notice of Violation expires, the Director may record a Notice of Violation with the Recorder's Office of San Diego County.

(b) Before recordation, the Director shall provide to the responsible person and all owners of record a Notice of Intent to Record stating that:

(1) A notice of violation will be recorded against your property if the violation(s) existing on your property is(are) not corrected by the deadline established in the Notice of Intent to Record.

(2) You may file an appeal within 14 days of the date of the Notice of Intent to Record was issued.

(3) The County may hold you responsible for all administrative costs, including reasonable attorney's fees.

(4) The County may withhold permits for any alteration, repair, or construction pertaining to any existing or new structures on your property, or any permits pertaining to the use and development of the real property if 1) an appeal has not been timely filed; or 2) if a Hearing Officer affirms the Director's decision to record a Notice of Violation.

(c) After recordation of a Notice of Violation, the County may withhold permits until a Notice of Compliance has been issued by the Director. The County may not withhold permits which are necessary to obtain a Notice of Compliance or which are necessary to correct serious health and safety violations.

(d) The letter shall be served pursuant to any of the methods of service set forth in section 11.112 of this code. If for any reason service cannot be completed as provided in section 11.112, service may be accomplished by posting a copy of the notice in a conspicuous place on or near the property on which the violation is located. At the discretion of the Director, the notice may be posted in addition to personal or mail service.

(e) If the Director does not receive a written request to appeal pursuant to the procedures set forth in this Division and the violation still remains on the property, the Director may record the Notice of Violation.

(f) The recorded Notice of Violation shall include the name of the property owner(s), assessor's parcel number, the parcel's legal description, and a copy of the latest Notice of Violation.

SEC. 18.304 PROCEDURES FOR RECORDING A NOTICE OF VIOLATION

(a) Any person receiving a Notice of Intent to Record a Notice of Violation may only appeal the following issues:

(1) Whether the conditions listed in the Notice of Violation violate the County Code or applicable State codes.

(2) Whether the Director afforded the responsible person with due process by adhering to the notification procedures specified in this Division.

(b) Failure of any person to file an appeal in accordance with these provisions shall constitute a waiver of the appeal and shall not affect the validity of the recorded Notice of Violation.

(c) A person may request a Request for Hearing form to contest a Notice of Intent to Record a Notice of Violation within 14 days after the Notice was served, either at the office of the department that issued the Notice or by returning a Request for Hearing form by mail.

(d) If a person requests a Request for Hearing form by mail, the request must be postmarked within 14 days of the Notice of Intent to Record a Notice of Violation.

(e) A hearing before the Hearing Officer shall be set for the earliest practicable date after a request for hearing has been properly filed in accordance with the provisions of this Division.

(f) The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.

SEC. 18.305 HEARING OFFICER

The Director shall appoint an independent Hearing Officer to preside over an Intent to Record a Notice of Violation hearing which has been properly requested under the provisions of this Chapter.

SEC. 18.306 HEARING PROCEDURES

The following procedures shall apply to hearings conducted under this chapter:

(a) Every witness shall take an oath or make an affirmation.

(b) The County bears the burden of proof at all Notice of Intent to Record Notice of Violation hearings. The standard of proof at a hearing is the preponderance of the evidence.

(c) The hearing officer may consolidate hearings involving the same responsible person and/or the same property.

(d) The Hearing Officer may continue a hearing for good cause.

(e) Each party shall have the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses, impeach any witness regardless of which party first called the witness to testify and rebut the evidence against the party. The County may call and examine the appellant or any agent of the appellant as a witness during the department's case in chief or during the department's rebuttal case. The hearing officer may examine the appellant or any of the appellant's employees or agents as if under cross-examination.

(f) Strict rules of evidence shall not apply. Evidence that might otherwise be excluded under the Evidence Code may be admissible if the hearing officer determines that it is relevant and the kind that reasonably prudent persons rely on in making decisions. All rules or privileges recognized by the Evidence Code, however, shall apply to the hearing. The hearing officer shall also exclude irrelevant and cumulative evidence.

(g) The hearing shall be conducted in English. If the appellant or any of appellant's witnesses require an interpreter, the appellant is responsible to provide a State certified interpreter at appellant's expense.

SEC. 18.307 RIGHT TO JUDICIAL REVIEW

Any person against whom a Notice of Violation has been recorded may obtain review of the order by filing a petition for writ of mandate with the San Diego County Superior Court in accordance with the timelines and procedures set forth in California Code of Civil Procedure Section 1094.5.

SEC. 18.308 NOTICE OF COMPLIANCE PROCEDURES

(a) When the violations listed on the Notice of Violation have been corrected, the responsible person may file with the Director a written request for a Notice of Compliance on a form provided by the County.

(b) Once the Director receives this request, the Director shall re-inspect the property within thirty (30) calendar days to determine whether the violations listed in the Notice of Violation have been corrected and whether all necessary permits have been issued and final inspections have been performed.

(c) The Director shall serve a Notice of Compliance to the responsible person if the Director determines that:

(1) All violations listed in the recorded Notice of Violation have been corrected.

(2) All necessary permits have been issued and finalized.

(3) All fines and penalties assessed against the property have been paid.

(4) The party requesting the Notice of Compliance has paid any requisite administrative costs to the County.

(d) The Notice of Compliance shall be served in the manner provided in Section 11.112 of this code. If for any reason service cannot be completed as provided in section11.112, service may be accomplished by posting a copy of the notice in a conspicuous place on or near the property on which the violation is located. At the discretion of the Director, the notice may be posted in addition to personal or mail service.

(e) If the Director denies a request to issue a Notice of Compliance, the Director shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by in the manner provided in Section 11.112 of this code. If for any reason service cannot be completed as provided in section 11.112, service may be accomplished by posting a copy of the letter in a conspicuous

place on or near the property on which the violation is located. At the discretion of the Director, the letter may be posted in addition to personal or mail service.

(f) The Directors decision denying a request to issue a Notice of Compliance constitutes the final decision in the matter and is not appealable.

SEC. 18.309 CANCELLATION OF A RECORDED NOTICE OF VIOLATION

The Notice of Compliance may be recorded with the County Recorder's Office. The recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.

Section 6. Section 36.404 of the San Diego County Code is amended to read as follows:

SEC. 36.404. GENERAL SOUND LEVEL LIMITS.

(a) Except as provided in section 36.409 of this chapter, it shall be unlawful for any person to cause or allow the creation of any noise, which exceeds the one-hour average sound level limits in Table 36.404, when the one-hour average sound level is measured at the property line of the property on which the noise is produced or at any location on a property that is receiving the noise.

TABLE 36.404
SOUND LEVEL LIMITS IN DECIBELS (dBA)

ZONE	TIME	ONE-HOUR AVERAGE SOUND LEVEL LIMITS (dBA)
(1) RS, RD, RR, RMH, A70, A72, S80, S81, ~~S87,~~ S90, S92, RV, and RU with a Land Use Designation density of less than ~~11~~ 10.9 dwelling units per acre.	7 a.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
(2) RRO, RC, RM, S86, V5, RV and RU with a Land Use Designation density of ~~11~~ 10.9 or more dwelling units per acre.	7 a.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
(3) S94, V4, and all commercial zones.	7 a.m. to 10 p.m.	60
	10 p.m. to 7 a.m.	55
(4) V1, V2	7 a.m. to 7 p.m.	60

V1, V2	7 p.m. to 10 p.m.	55
V1	10 p.m. to 7 a.m.	55
V2	10 p.m. to 7 a.m.	50
V3	7 a.m. to 10 p.m.	70
	10 p.m. to 7 a.m.	65
(5) M50, M52, and M54	Anytime	70
(6) S82, M56, and M58.	Anytime	75
(7) S88 (see subsection (c) below)		

(b) Where a noise study has been conducted and the noise mitigation measures recommended by that study have been made conditions of approval of a Major Use Permit, which authorizes the noise-generating use or activity and the decision making body approving the Major Use Permit determined that those mitigation measures reduce potential noise impacts to a level below significance, implementation and compliance with those noise mitigation measures shall constitute compliance with subsection (a) above.

(c) S88 zones are Specific Planning Areas which allow different uses. The sound level limits in Table 36.404 above that apply in an S88 zone depend on the use being made of the property. The limits in Table 36.404, subsection (1) apply to property with a residential, agricultural or civic use. The limits in subsection (3) apply to property with a commercial use. The limits in subsection (5) apply to property with an industrial use that would only be allowed in an M50, M52 or M54 zone. The limits in subsection (6) apply to all property with an extractive use or a use that would only be allowed in an M56 or M58 zone.

(d) If the measured ambient noise level exceeds the applicable limit in Table 36.404, the allowable one-hour average sound level shall be the one-hour average ambient noise level, plus three decibels. The ambient noise level shall be measured when the alleged noise violation source is not operating.

(e) The sound level limit at a location on a boundary between two zones is the arithmetic mean of the respective limits for the two zones. The one-hour average sound level limit applicable to extractive industries, however, including but not limited to borrow pits and mines, shall be 75 decibels at the property line regardless of the zone in which the extractive industry is located.

(f) A fixed-location public utility distribution or transmission facility located on or adjacent to a property line shall be subject to the sound level limits of this section measured at or beyond six feet from the boundary of the easement upon which the facility is located.

Section 7. Section 78.102 of the San Diego County Code is amended to read as follows:

SEC. 78.102. DEFINITIONS.

(a) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. Vehicle includes the component parts of such device. Vehicle includes registered and unregistered vehicles.

(b) "Abandoned Vehicle" includes:

(1) Any vehicle or part that is parked, stored or left on public or private property in such inoperable or neglected condition that the owner's intention to relinquish all rights or interests in it may be reasonably concluded.

(2) Any vehicle or part that is wrecked, dismantled or inoperative, and that is parked, stored, or left on public or private property, except as provided in Section 78.104 of this division.

(3) Any vehicle left, parked, resting or otherwise immobilized on any highway or public right of way which lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway.

(c) "Public Nuisance Vehicle" means any abandoned vehicle, or any vehicle or part that is wrecked, dismantled or inoperative, that is left on public or private property, and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes health, safety and general welfare.

(d) "Wrecked Vehicle" means any vehicle that is damaged to such an extent that it cannot be operated safely upon the highway.

(e) "Dismantled Vehicle" means any vehicle that is partially or wholly disassembled.

(f) "Inoperative Vehicle" means any motor vehicle that cannot be moved under its own power.

(g) "Highway" means a way or place of whatever nature open to the use by the public for purposes of vehicular travel. Highway includes street. Highway includes County maintained as well as non-County maintained public highways.

(h) "Designated Employee" means those employees of the Department of ~~Environmental Health~~Planning and Land Use whose duties include enforcement of this

division. Designated employee includes the Director of the Department of ~~Environmental Health~~Planning and Land Use.

(i) "Hearing Officer" means the County Abatement Board as defined in the Uniform Public Nuisance Abatement Procedure, Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code.

(j) "Officer" means a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any employee of the Sheriff's Department or California Highway Patrol designated to enforce the provisions of this division.

(k) "Cost of Abatement" means all costs incurred in the abatement and removal of a vehicle or part including, but not limited to, hearing costs, staff costs, legal costs, overhead, administration, appeal costs, assessment confirmation hearing costs, towing and removal costs, and costs of storage and sale.

(l) "Uniform Public Nuisance Abatement Procedure" means Chapter 2, Division 6, Title 1 (commencing with Sec. 16.201) of the San Diego County Code of Regulatory Ordinances.

(m) "Public Property" includes highways.

Section 8. Section 78.109 of the San Diego County Code is amended to read as follows:

SEC. 78.109. ENFORCEMENT, ADMINISTRATION BY DIRECTOR OF ~~THE DEPARTMENT OF ENVIRONMENTAL HEALTH~~ PLANNING AND LAND USE.

The Director of ~~the Department of~~ ~~Environmental Health~~Planning and Land Use, designated employees, and any officer are responsible for enforcing the provisions of this division. Designated employees, pursuant to Penal Code Section 830.12, and any officer shall have the power to issue citations for any violations of the provisions of this division and of Vehicle Code Section 22523. No individual shall exercise the power to issue citations without first meeting the minimum training requirements of Penal Code Section 832(a). The Director of ~~the Department of Environmental Health~~Planning and Land Use shall administer the provisions of the division.

Section 9. Section 78.201 of the San Diego County Code is amended to read as follows:

SEC. 78.201. AUTHORITY TO REMOVE ABANDONED VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

Pursuant to authority under ~~Government~~Vehicle Code Section 22660, if a designated employee or officer has reasonable grounds to believe that a vehicle or part has been abandoned, or that a wrecked, dismantled, or inoperative vehicle or part has been parked, stored or left on public or private property in violation of the provisions of this division, the designated employee or officer may abate and remove the vehicle or part as a public nuisance in accordance with the procedures prescribed in this chapter.

Section 10. Section 81.701 of the San Diego County Code is amended to read as follows:

SEC. 81.701. DESIGN OF MINOR SUBDIVISION.

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

Section 11. Section 81.805 of the San Diego County Code is amended to read as follows:

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

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

Section 12. Section 87.112 of the San Diego County Code is amended to read as follows:

SEC. 87.112. GRADING OR CLEARING WITHIN OPEN SPACE EASEMENTS.

It shall be ~~a violation of this Division~~ unlawful for any person to maintain or allow, ~~perform or cause to be performed~~ any structure, grading or clearing on a property contrary to the express terms of an open space easement, conservation easement or other development restrictive easement which has been granted to the County of San Diego, ~~if that person has actual or constructive notice of the terms of such easement,~~ except where such clearing or grading is performed pursuant to and is limited to the extent authorized

by the valid order or regulation of an authorized government official, for fire control or other public safety purposes.

Section 13. Section 91.1.114.6 of the San Diego County Code is amended to read as follows:

SEC. 91.1.114.6. APPROVAL REQUIRED AFTER VIOLATION.

(a) It shall be unlawful for a person to occupy, use or maintain a building or structure until all inspections and approvals required by this chapter have been completed. When a person who commences work without a permit in violation of this chapter is issued a permit to correct the violation, the violation is not considered corrected until the building official has inspected and approved the work commenced and issued a certificate of occupancy. ~~If a building or structure was completed before the permit was issued it shall be unlawful to occupy or use the building or structure until all inspections and approvals required by this chapter have been completed.~~

(b) It shall be unlawful for a person to fail to obtain a building permit within 180 days of the date their application for a building permit is submitted, or within an alternate timeframe issued at the discretion of the Building Official, if that person had previously commenced work without a permit in violation of this chapter. ~~When the building official reviews a building permit application or issues a permit to a person who commenced work without a permit in violation of this chapter, the building official may impose a deadline within which the applicant is required to correct deficiencies in the application or obtain a final inspection. The deadline shall be no more than one year from the date the permit was issued.~~ The building official may grant a one time permit extension under this section for up to one year for good cause.

(c) ~~If each deficiency in the application is not corrected within the deadline, or the permit does not receive inspections within the deadline, the project associated with the plan review or the building permit shall be considered to be in violation of this chapter. The County may abate the violation including removing or razing any building or structure, issue citations, assess civil penalties, and take other enforcement action for reasons of inadequate progress until such time that the violation has been corrected.~~ It shall be unlawful for a person to fail to obtain a certificate of occupancy within 180 days of the date of issuance of a building permit, or within an alternate timeframe issued at the discretion of the Building Official, if that person had previously commenced work without a permit in violation of this chapter.

(d) It shall be unlawful for a person to fail to obtain an inspection once every ninety days after the issuance of a building permit until the Certificate of Occupancy is issued, if that person had previously commenced work without a permit in violation of this chapter.

Section 14: This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the _____ a newspaper of general circulation published in the County of San Diego.

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF
Zoning Ordinance Update No. 29 and County Code Amendments
3803 11-004, Log No. ER 11-00-001

December 1, 2011

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES	NO	NOT APPLICABLE/EXEMPT
☐	☐	☒

Discussion:

The proposed project consists of Zoning Ordinance and County Code Amendments which are not considered land development permits. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES	NO	NOT APPLICABLE/EXEMPT
☐	☐	☒

Discussion:

The proposed project consists of Zoning Ordinance and County Code Amendments which are not considered land development permits. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES	NO	NOT APPLICABLE/EXEMPT
☐	☐	☒

Discussion:

The proposed project consists of Zoning Ordinance and County Code Amendments which are not considered land development permits. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

	YES	NO	NOT APPLICABLE/EXEMPT
The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	☐	☐	☒
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	☐	☐	☒
The Steep Slope section (Section 86.604(e))?	☐	☐	☒
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	☐	☐	☒
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	☐	☐	☒

Discussion:

The proposed project consists of Zoning Ordinance and County Code Amendments which are not considered land development permits. The San Diego County Resource Protection Ordinance is not applicable to this project.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES	NO	NOT APPLICABLE
☐	☐	☒

Discussion:

The proposed project consists of Zoning Ordinance and County Code Amendments which are not considered land development permits. The WPO is not applicable to this project.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES	NO	NOT APPLICABLE
☐	☐	☒

Discussion:

The proposed project consists of Zoning Ordinance and County Code Amendments which are not considered land development permits. The project is not subject to the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Attachment G
Public Documentation

Lingelser, Heather

From: Donna Tisdale [tisdale.donna@gmail.com]
Sent: Tuesday, January 17, 2012 4:39 PM
To: Gibson, Eric; Lingelser, Heather
Cc: Jacob, Dianne; Wilson, Adam; Stone, Jennifer
Subject: 3803 11-004: log no Er 11-00-001 Update 29
Attachments: EXPLICIT CAUTIONARY NOTICE.pdf; Health Warning - EPAW_NAPAW_11 dec 2011.pdf; Salt, Alec N www.oto2.wustl.educochleawind.html.pdf; BPG to Gibson ZO Update 29_ 1-17-12.pdf

Please find the attached Boulevard Planning Group comments on Zoning Update 29

thank you

Donna Tisdale, Chair
Boulevard Planning Group
619-766-4170

Date: January 17, 2012

TO: Eric Gibson, DPLU Director / Heather Lingelser

FROM: Donna Tisdale, Chair Boulevard Planning Group (and as an individual)
PO Box 1272, Boulevard, CA 91905, 619-766-4170; tisdale.donna@gmail.com

RE: 3803 11-004, LOG NO. ER 11-00-001; ZONING ORDINANCE UPDATE NO. 29 AND COUNTY CODE AMENDMENTS:

Dear Director Gibson,

As usual, there is never enough time to fully review and address all the projects and proposals that may potentially impact our community. Therefore, with a vote from the Planning Group at our January 5th meeting, I am forwarding these comments with a focus on **Section 36.404. General Sound Level Limits, Table 36.404-Sound Level Limits in Decibels (dBA): would amend the table which refers to noise limitations based on zoning and density to reference the density of the Land Use Element of the General Plan:**

The following documents , sources, and attachments, including all references cited in each, are hereby incorporated in full into these formal comments:

1. The Waubra Foundation's Explicit Cautionary Notice to those Responsible for wind turbine siting decisions (June 29, 2011)[1]
2. EPAW/NAPW: Health Warning to Governments: Wind Turbine Syndrome has become pandemic (December 11,2011)[2]
3. Alec N. Salt, Ph.D., *Cochlear Fluids Research Laboratory*, Washington University in St. Louis. Wind Turbines can be Hazardous to Human Health. This website and the documents posted at this link are incorporated by reference[3] (list of current posted documents provided in attached pdf version): "Dr Salt and his colleagues have used infrasound as a way to slowly displace the structures of the inner ear for study in the lab, and they noticed inner ear function being disturbed by frequencies as low as 5 Hz. Salt believes that outer hair cells, which normally help amplify sound vibrations in the inner ear, actively work to keep the inner hair cells, which turn sound waves into electrical signals destined for the brain, from being stimulated by lower frequencies. While the brain may not hear the sound, the responses of the outer hair cells could cause unfamiliar sensations in some people."
4. Industrial Wind turbines generate infrasound[4]
5. Responses of the ear to low frequency sounds, infrasound and wind turbines.[5]

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[1] http://media.crikey.com.au/wp-content/uploads/2011/07/caution.pdf
[2] http://www.epaw.org/media.php?lang=en&article=pr5
[3] http://oto2.wustl.edu/cochlea/wind.html
[4] http://oto2.wustl.edu/cochlea/wt1.html
[5] http://www.ncbi.nlm.nih.gov/pubmed/20561575

6. 550 meter setbacks are insane[6] (and the County is recommending 500 feet!)
7. November 8, 2011: letter from Eric K Gillespie ,Professional Corporation, to WPD Canada (via kevin@wpd-canada.ca) RE: WPD-White Pines Project -Prince Edward County, Ontario Our File No: 00487 regarding "***the requirement for the Project to fully and accurately describe any potential health effects of the Project***". This letter includes many additional important citations.
8. October 5, 2011 Rick James / E-Coustic Solutions Review of Noise Studies and Related Material Regarding DEIS/EIR for the Ocotillo Wind Energy Facility, Imperial County on behalf of Backcountry Against Dumps and The Protect Our Communities Foundation
9. March 4, 2011: Rick James / E-Coustic solutions independent professional Review of Noise Studies and Related Material Submitted Regarding East County Substation/Tule Wind/Energia Sierra Juarez Gen-Tie Projects on behalf of Backcountry Against Dumps and The Protect Our Communities Foundation[7]:
10. Mike Stigwood, MAS Environmental Effect of 'Common Wind Shear Adjustment methodology on the assessment o f wind farms when applying ETSU-R-97 dated September 27, 2011[8]: Shows use of previously accepted method by use of the application of ETSU-R-97 resulted in a loss of community protection.
11. Mary Lu Brandwin 's 14 pages of comments on noise/ low frequency/ infrasound/ vibrations related to adverse effects generated by wind turbines, filed with the PUC (cc to Donna Tisdale & Dianne Jacob) on the TPUC/BLM DEIR/EIS for Tule Wind / ECO Substation/ Energia Sierra Juarez [9] .

There are also major concerns related to lack of recognition of our very low ambient noise levels in our rural area that can be in the 20's during the day and even quieter at night. The Zoning Ordinance does not seem to recognize or provide protections for those of us who are sensitive to noise. As previously stated numerous times, we do not believe that the County is taking seriously the very real potential for harm, damages, negligence and related liability and that we foresee in relation to the proposed proliferation of large scale industrial wind turbine facilities and operation. Especially with our rugged rolling terrain and the potential for turbines to be surrounding homes on numerous sides and in very close proximity to those homes and other turbines. We also have unusual wind patterns and wind shear events that also create additional noise/vibration impacts.

We are therefore Noticing the County, through these comments and referenced documents that the Zoning Ordinance and any other means available to the County through various

[6] http://www.ncbi.nlm.nih.gov/pubmed/20561575

[7] http://www.cpuc.ca.gov/environment/info/dudek/ecosub/D%5C04ORG_03.04.11_E-Coustic%20(James,%20R).pdf

[8] http://www.masenv.co.uk/uploads/STUDYREPORTComparison%20of%20thearticleandETSUW111004FINAL_sec.pdf

[9] http://www.cpuc.ca.gov/environment/info/dudek/ecosub/F%5C06IND_03.01.11_Brandwein,%20Mary%20Lu.pdf

agencies, regulations and enforcement ,must be updated using the most up to date research and analyses available in order to fully and adequately address this real world issue that is on our horizon. Please use the documentation we are providing here, and in previous correspondence. Contact the real experts rather than relying on industry hacks and shills that are attempting to marginalize our disproportionately impacted low-income community.

Please honor our justified and sincere request with the action it deserves by putting into place the best and most protective science-based restrictions, limits, setbacks, monitoring and enforcement requirements that are proven adequate to protect public health, safety, and well being.

This is especially important since local tribal leaders have made direct statements that they intend to rely on the County's Noise Ordinance for their proposed industrial wind turbine projects that the apparent and obvious potential to virtually abut private properties within the Boulevard Planning Area, including the entire east and west boundaries of the Campo, Manzanita, and La Posta tribal lands. The Ewiiaapaayp lands, also proposed for turbines, are not too far distant, either.

Full spectrum noise, low frequency, infrasound and vibration measurements, limits , compliance, and full enforcement must be included in the Zoning Ordinance and wherever needed elsewhere. We know firsthand that the County is entering into dangerous land use and zoning new territory and we respectfully demand that our community be fully protected. Once the Sunrise Powerlink construction moves away, we would like to talk about have some legitimate ambient noise measurements taken in various neighborhoods.

Sincerely,

/s/

Donna Tisdale, Chair

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Dr. Sarah Laurie, BMBS
Peter R. Mitchell AM, BChE (Chair)
Kathy Russell, BCom, CA
The Hon. Clive Tadgell, AO
The Hon. Dr. Michael Wooldridge, B.Sc. MBMS, MBA

EXPLICIT CAUTIONARY NOTICE

TO THOSE RESPONSIBLE FOR WIND TURBINE SITING DECISIONS

Including Specifically Directors of Wind Developers, Publicly Elected Officials from Federal, State and Local Government, and Bureaucrats in Relevant Departments

BE ADVISED that, as a result of information gathered from the Waubra Foundation's own field research, and from the clinical and acoustic research available internationally, ***the following serious medical conditions have been identified in people living, working, or visiting within 10km of operating wind turbine developments.*** The onset of these conditions corresponds directly ***with the operation of wind turbines:***

- chronic severe sleep deprivation;
- acute hypertensive crises;
- new onset hypertension;
- heart attacks (including Tako Tsubo episodes);
- worsening control of preexisting and previously stable medical problems such as angina, hypertension (high blood pressure), diabetes, migraines, tinnitus, depression, and post traumatic stress disorder;
- severe depression, with suicidal ideation;
- development of irreversible memory dysfunction, tinnitus, and hyperacusis.

Other symptoms include those described by Medical Practitioners such as Dr Amanda Harry, and Dr Nina Pierpont in her landmark Case Series Crossover Peer Reviewed Study (submission No 13 to the Australian Federal Senate Inquiry into Rural Wind Farms) and published in Dr Pierpont's book entitled "Wind Turbine Syndrome, A Report on a Natural Experiment", 2009, published by K-Selected Books, Santa Fe.

These serious health problems were also identified by Australian GP Dr David Iser in 2004. Dr Iser formally notified the Victorian Government of the time after his patients became unwell following the start up of the Toora wind project. His warnings were ignored without being properly investigated by the authorities and politicians.

All this and supportive material has been made available to the Boards of the major developers, State Ministers for Health and Planning and senior health bureaucrats. The time for denial, and of using the Clean Energy Council to shoulder the increasingly difficult task of denying the link between adverse health and operating wind turbines, is over.

At the Toora and Waubra wind projects, some seriously ill affected residents have been bought out by the developers; but only after they signed confidentiality agreements specifically prohibiting them from speaking about their health problems. This buy-out activity would support a conclusion that developers are aware of the health problems.

Meanwhile, wind developments have continued, with developers asserting that their projects meet acceptable standards, and thereby implying that they cannot be causing health problems.

The Foundation is also concerned that Vibroacoustic Disease, as recorded and described by Professor Mariana Alves-Pereira's team from Portugal, will develop in people chronically exposed to wind turbines. The disease has already been identified in the occupants of a house with levels of infrasound and low frequency noise identical to levels the Foundation is recording in the homes of affected residents in Australia.

The Foundation is aware of over 20 families in Australia who have abandoned their homes because of serious ill health experienced since the turbines commenced operating near their homes. Most recently, five households from Waterloo in South Australia have relocated, where the larger 3 MW turbines have had a devastating

impact on the health of these residents. Some of these people have walked away from their only financial asset, to live in a shed or a caravan on someone else's land.
The Foundation notes the mid-2010 advice from the National Health and Medical Research Council that a ***"precautionary approach"*** be followed. We are not aware that either industry or planning authorities have adopted this exceedingly valuable and important advice.

The Foundation's position, as the most technically informed entity in Australia upon the effects of wind turbines on human health, is this: ***Until the recommended studies are completed, developers and planning authorities will be negligent if human health is damaged as a result of their proceeding with, or allowing to proceed, further construction and approvals of turbines within 10km of homes. It is our advice that proceeding otherwise will result in serious harm to human health.***

We remind those in positions of responsibility for the engineering, investment and planning decisions about project and turbine siting that their primary responsibility is to ensure that developments cause no harm to adjacent residents; and, if there is possibility of any such harm, then the project should be re-engineered or cancelled. To ignore existing evidence by continuing the current practice of siting turbines close to homes is to run the dangerous risk of breaching a fundamental duty of care, thus attracting grave liability.

The Waubra Foundation, 29 June, 2011

Enquiries: Dr Sarah Laurie, Medical Director, 0439 865 914

Email address: sarah@waubrafoundation.com.au

FOR IMMEDIATE RELEASE

Health warning to governments

The wind turbine syndrome has become pandemic

Yesterday, the European Platform Against Windfarms (EPAW) and the North American Platform against Windpower (NA-PAW) served notice to the government of Denmark. They warned of the consequences of their health-threatening manipulations of measurements of sounds and infrasounds emitted by wind turbines. The government of Australia was also warned about the health hazards associated with their windfarm policy. More governments will be served notice in the coming weeks, as well as the wind industry. We reproduce below the letter that was sent to the Danish government.

To:

Mrs Ida Auken, Minister for the Environment, Denmark,

Mr Lars Hindkjaer, Director of the Danish Environmental Protection Agency

Dear Minister,
Dear Director,

The wind turbine syndrome has become pandemic.

Between our two organisations, EPAW and NA-PAW, we represent nearly 600 associations or groups of citizens from 26 different countries and two continents. They are in conflict with wind farms for a variety of reasons, of which health is the prominent one. **In their names, we are hereby issuing a health warning and serving notice to the wind industry globally, and to all governments world-wide including yours**. It is particularly intolerable that in some countries, Denmark for instance, the authorities would manipulate noise measurements and refuse to hear the recommendations of prominent experts such as acoustics professor Henrik Moller, from Aalborg University - not to speak of dozens more from other countries.

Hundreds of families around the world have developed unbearable symptoms of the WTS (wind turbine syndrome) as described by Dr Nina Pierpont in her world-famous book of the same name. Many have been forced to leave their homes. Of those, some have had their properties bought by wind farm owners, generally under the condition that confidentiality agreements be signed - a way of silencing possible witnesses in the predictable court cases that are bound to grow with time. Others haven't been able to

sell their homes, and have had their health ruined as a result. Jutta Reichardt, of Germany, is but one example. An enlightening video from the Waubra Foundation is now available (1), and a Pdf file (2).

Having a wind farm as neighbour can best be described as having a truck with its motor idling somewhere around the house. Anyone who has ever been annoyed by the noise of a bus left with its engine running while waiting for its passengers can understand how unbearable the situation can become if exposure to low frequency vibrations happen to last days and nights. In addition, wind turbines emit infrasounds and seismic vibrations able to affect people up to 10 km away. This led Dr Sarah Laurie & fellow directors of the Waubra Foundation in Australia, including a former Judge of the Supreme Court of Victoria, Justice Clive Tadgell, to issue an explicit health warning of relevance to planning authorities around the world, on 29th June, 2011 (3).

Long term exposure to the effects of noise, low frequency sounds, and infrasounds can have seriously detrimental effects on health. Hospitalizations caused by the WTS have occurred, and it won't be long before some vulnerable persons die because they could not sell their houses or otherwise move out of reach of the disturbing vibrations. As in the case of tobacco and so many other health hazards, long term exposure is key.

Peer-reviewed articles on the ill effects of wind turbines may be consulted on Internet. An ever increasing number of independent physicians and acousticians have been studying the symptoms, and all disagree with the methods used in official studies paid by the wind industry or their supporting governments. The situation is, ominously, reminiscent of the health effects of tobacco, long denied by manufacturers and governments till massive lawsuits cost them billions in damages.

Please acknowledge receipt.

Sincerely

Mark Duchamp
CEO, EPAW
www.epaw.org

Sherri Lange
CEO, NA-PAW
www.na-paw.org

References:

(1) - VIDEO - IGNORING THE AUSTRALIAN SENATE RECOMMENDATIONS WOULD ENDANGER THE HEALTH OF RURAL POPULATIONS WORLDWIDE:
http://www.youtube.com/user/WaubraFoundation

In downloadable format: http://www.wind-watch.org/video-waubra.php

(2) - Quotes used in the video and their references:
http://www.wind-watch.org/video-waubra.php see: "click here for Pdf file"

(3) - EXPLICIT CAUTIONARY NOTICE TO THOSE RESPONSIBLE FOR WIND TURBINE SITING DECISIONS:
http://media.crikey.com.au/wp-content/uploads/2011/07/caution.pdf

source: http://oto2.wustl.edu/cochlea/wind.html

Wind Turbines can be Hazardous to Human Health

Alec N. Salt, Ph.D., Cochlear Fluids Research Laboratory, Washington University in St. Louis.

The Wind Turbine Industry is generally dismissive of claims that wind turbines can affect human health. For example, Scott Smith, vice president of policy for CanWEA (the Canadian Wind Energy Association), referring to the report of the Chatham-Kent Tribunal (Spring 2011) stated "The wind energy industry welcomes the tribunal's decision, as it is consistent with the balance of expert scientific and medical information which **clearly indicates there is no direct link between wind turbines and effects on human health**" *(my emphasis added)*.

In my view, such a strong, dismissive statement fails to recognize an important recommendation of the Chatham-Kent tribunal, specifically "that there are some risks and uncertainties associated with wind turbines that merit further research."

We agree that the effects of wind turbine noise on humans are largely unexplored and more research is needed. We believe that the infrasound levels generated by some large wind turbines are unusual in the environment and that there have been no systematic long-term studies of prolonged exposure to such sounds on humans or other animals.

The wind industry has taken the position that if you cannot hear the infrasound, then it cannot affect you. We disagree strongly. Although subjective hearing is insensitive to infrasound, the ear itself does respond to such sounds and there are established pathways by which this information can be transmitted to the brain. In humans, this is probably a subconscious process, more likely used to cancel out internal infrasounds from the body so we don't hear them. But these pathways are linked to the alerting systems of the body, so stimulation could disturb sleep. In addition, after long-term exposure it is scientifically plausible that the brain learns that the infrasound represents an external signal and locks in on it, in a manner similar to tinnitus

(ringing in the ears). In our view, the possibility that wind turbine noise may have adverse effects on humans cannot be dismissed. These web pages consider in more detail some of the areas that we have expertise.

Publications:

Reprints of publications may be available if you e-mail me at salta@ent.wustl.edu

Infrasound From Wind Turbines Could Affect Humans

SAGE

Alec N. Salt[1] and James A. Kaltenbach[2]

Abstract

Wind turbines generate low-frequency sounds that affect the ear. The ear is superficially similar to a microphone, converting mechanical sound waves into electrical signals, but does this by complex physiologic processes. Serious misconceptions about low-frequency sound and the ear have resulted from a failure to consider in detail how the ear works. Although the cells that provide hearing are insensitive to infrasound, other sensory cells in the ear are much more sensitive, which can be demonstrated by electrical recordings. Responses to infrasound reach the brain through pathways that do not evoke conscious hearing but instead may produce sensations of fullness, pressure or tinnitus, or have no sensation. Activation of

Fourth International Meeting on Wind Turbine Noise

Rome Italy 12-14 April 2011

Responses of the Inner Ear to Infrasound

Alec N. Salt[1] and Jeffery T. Lichtenhan[2]

1) Department of Otolaryngology, Washington University School of Medicine, St. Louis, MO, 63110, USA.
E-mail: salta@ent.wustl.edu.
2) Eaton-Peabody Laboratory, Massachusetts Eye & Ear Infirmary, 243 Charles Street, Boston, Massachusetts 02114 and Department of Otology & Laryngology, Harvard Medical School, Boston, Massachusetts 02115, USA.
E-mail: jeffery_lichtenhan@meei.harvard.edu

Abstract

Unweighted sound measurements show that wind turbines generate high levels of infrasound. It has been wrongly assumed that if subjects cannot hear the infrasound component of the noise then they cannot be affected by it. On the contrary, the mammalian ear is highly sensitive to infrasound stimulation at levels below those that are heard. Most aspects of responses to infrasound are far from well established. Measurements made within the endolymphatic system of the cochlea show responses that become larger, relative to measurements made in perilymph, as frequency is lowered. This suggests that endolymphatic responses to infrasound are

Contents lists available at ScienceDirect

Hearing Research

journal homepage: www.elsevier.com/locate/heares

Review Article

Responses of the ear to low frequency sounds, infrasound and wind turbines

Alec N. Salt*, Timothy E. Hullar

ARTICLE INFO

ABSTRACT

Specific Issues Considered:

- Industrial Wind Turbines Generate Infrasound.
- The Ear Detects Infrasound at Levels that are not Heard

Infrasounds you Cannot Hear **Can** Affect you.

- Why Wind Turbine Sound Measurements using the dB(A) Scale (A-weighted)are Misleading.
- Why it is Difficult to Demonstrate the Infrasound Generated by Wind Turbines
- 550 Meter (or lower) Setbacks are Insane !

Links to presentations and other articles

- Presentation to Washington University Department of Otolaryngology, May 6th, 2011 New

- "Infrasound, the Inner Ear and Wind Turbines" - presentation to the Arkansas Academy of Audiology (ARAA), Eureka Springs AK, April 29th, 2011

- "Can Wind Turbines be Bad for you? " - presentation to Boston University Hearing Research Center, April 22nd, 2011

- "Responses of the Inner Ear to Infrasound" -

presentation to the Wind Turbine Noise Conference, Rome, April 11-14, 2011 New

- Abstract of presentation for Wind Turbine Noise Conference, Rome, April 11-14, 2011

Details of the meeting on the Wind Turbine Noise 2011 website

- Abstract of Association for Research In Otolaryngology Presentation, Feb 20, 2011

View the "poster" presented at the ARO meeting

- Radio Interview about Wind Turbines and Infrasound with Dale Goldhawk, Zoomer Radio AM 740 Toronto, Nov 3, 2010

- First International Symposium, THE GLOBAL WIND INDUSTRY AND ADVERSE HEALTH

EFFECTS, Picton Ontario, October 29-31, 2010

- NIDCD Website: Scientist Challenges the Conventional Wisdom That What You Can't Hear Won't Hurt You

- Radio Health Journal: Wind Farms: Is there a Health hazard? Interview with Reed Pence, August 1, 2010

- Alec Salt - Conflict of Interest Statement

Lingelser, Heather

From: Wrplanning@aol.com
Sent: Friday, January 13, 2012 5:13 PM
To: Lingelser, Heather
Subject: Fwd: Item 6a, Zoning & Code amendments
Attachments: PGJan12,Item6a.docx; PGJan12,Item6a.pdf

I am forwarding copy of that section of minutes for the Crest-Dehesa Planning Group in reference to the proposed Negative Declaration 3803 1104-004, Log Number ER 11-00-001; Zoning Ordinance Update No. 29 And County Code Amendments. This action was taken at the regular meeting of Jan. 9, 20012.

Please let me know if there are any questions.

Sincerely

Wally Riggs, chairman
Crest-Dehesa-Granite Hills-Harbison Canyon
Subregional Planning Group

From: wlbretz@uci.edu
To: Wrplanning@aol.com
Sent: 1/11/2012 1:23:43 P.M. Pacific Standard Time
Subj: Item 6a, Zoning & Code amendments

Dear Wally,
Attached to this email is the motion, etc. for Item 6a.

Sincerely, Bill

Item 6a. Public Project Proposal. Notice of Intent to Adopt a Negative Declaration to Various Zoning Ordinance Updates. Chairman Riggs asked Bill Bretz to report on the reading and review that he and Mary Manning did with the Notice of Intent to Adopt a Negative Declaration for Zoning Ordinance Update No. 29 and County Code Amendments (3803 11-004, Log No. ER 11-00-001). Bretz described that the NOI document analyzes the proposed amendments to the Zoning Ordinance and County Code, and finds that the changes will not cause significant impacts to the environment, and that an EIR is not necessary. The proposed changes to the Zoning Ordinance are not objectionable. Two of the proposed amendments to the County Code have the potential to adversely impact residents of the County, as one reduces the amount of time available to pay civil penalties that are assessed, and the other reduces the amount of time available for paying a lien amount to avoid having the lien against a property recorded.

Bretz moved 1) that the Planning Group recommends approval of the Negative Declaration for Log No. ER 11-00-001, Zoning Ordinance Update No. 29 and County Code Amendments, but 2) that the proposed amendments to County Code Section 18.207, Payment of Civil Penalties, and Section 18.214, Procedures to Record Orders as Liens, not be approved and these sections of the Code not be changed. The motion passed (12 yes; 0 no; 0 abstain).

Lingelser, Heather

From: Daniel Neirinckx [danenkx@sbcglobal.net]
Sent: Wednesday, January 11, 2012 9:07 AM
To: Lingelser, Heather
Cc: Michael Casinelli; Janet Mulder
Subject: Zoning Ordinance Update No.29

Heather,

At the January 10, 2012 regular meeting of the Jamul Dulzura Community Plan Group (JDCPG) the subject matter was reviewed. The PG, by unanimous vote, expressed concern that revisions to Section 6108 might infringe on constitutional rights of free assembly. An example would be the weekly meetings of newly formed religious communities which do not have a permanent building and use such facilities as a school or community hall.

Respectfully,

Dan Neirinckx
Member, JDCPG