

6. LAND USE PLANNING CONTEXT AND PROCESSES

As mentioned in the Introduction, Objective #2 of the Carlsbad Watershed URMP is to integrate watershed principles into land use planning. The objective closely follows the requirement under Section J.2.f of the Permit, which requires a mechanism to facilitate collaborative “watershed-based” land use planning with neighboring local governments in the watershed. This chapter describes how the Copermittees are working together to accomplish this objective and the Municipal Permit requirement.

Section 65000 et seq. of the California Government Code gives local governments the authority and the responsibility to exercise local land use planning functions, including those that apply to general plans, subdivisions, and zoning. Because they ultimately control the types and intensities of particular activities that may be allowed within specified geographic areas, land use decisions play a critical role in addressing *point and non-point sources* of pollution.

Land use policies of individual jurisdictions have the potential to affect water quality in water bodies well beyond their boundaries. Cities and counties have traditionally exercised their land use authority independently, with limited consideration of the chemical, biological, and physical processes that govern the generation, transport, and effect of contaminants and stressors at the watershed scale.

6.a. Individual Jurisdictional Planning Goals

Cities and counties “plan” in order to identify important community issues, project future demand for services, anticipate potential problems, and establish goals and policies for directing and managing growth. Individual jurisdictions use a variety of tools in the planning process, including the General Plan and a number of different federal, state and local ordinances (e.g., zoning, subdivision, grading, etc.) and policies.

State law requires that each jurisdiction adopt “a comprehensive, long-term General Plan for [its] physical development.” This general plan is the official city or county policy regarding the development of housing, business, industry, roads, parks, and other land uses. The Plan also provides guidelines for the protection of the public from noise and other environmental hazards, as well as the conservation of natural resources. The legislative body of each city (the city council) and each county (board of supervisors) adopts zoning, subdivision and other ordinances to regulate land uses and carry out the policies of their General Plans. This Plan can be described as the city’s or county’s blueprint for future development. It represents the community’s view of its future; a constitution made up of goals and policies upon which the city council, board of supervisors and planning commission will base their land use decisions.

For the purposes of developing policies and planning related to land uses that directly affect watersheds, two elements in particular must be examined. The first, the **land use element**, designates the general location and intensity for development including housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other land uses. The second, the **conservation element**, addresses the conservation, development, and use of natural resources, including water, forests, soils, rivers, and mineral deposits. Within these documents typically lie the identification of water quality-related land use planning goals, objectives, and policies that guide long-range and current planning decisions.

Carlsbad Watershed Urban Runoff Management Program

Section III: Plan of Action

The following is a brief discussion of each of the Carlsbad Watershed Copermittee's planning goals and policies as outlined in their General Plans, as they relate to watershed planning activities, including collaboration with other Copermittees, and how the individual jurisdiction handles matters that directly, or indirectly, affect the other jurisdictions within the Carlsbad Watershed.

6.a.1 City of Carlsbad

The Open Space and Conservation Element of the City of Carlsbad's General Plan includes the following water quality protection objectives and policies:

- Objective B.4 – To coordinate the management of storm water pollutants with federal, state and local agencies.
- Policy C.21 – Coordinate water quality preservation efforts with other cities and agencies having jurisdiction over the portion of drainage basins which extend beyond the city limits.

6.a.2 City of Encinitas

Policy 10.10 of the Resource Management Element of the Encinitas General Plan provides that the City encourages and cooperates with other responsible agencies to plan and implement an integrated management plan for the long-term conservation and restoration of wetland resources, including San Elijo Lagoon, Batiquitos Lagoon, Escondido and Encinitas Creeks and their upstream feeder creeks. Coordinated watershed urban runoff management among Copermittees is an important element in such conservation and restoration.

6.a.3 City of Escondido

The Community Goals and Objectives section of the City of Escondido's General Plan includes an objective (Objective C.1.d) to:

"Improve coordination with the county and surrounding cities regarding planning for areas beyond the city limits to address regional issues and to protect the goals and objectives of the General Plan."

6.a.4 City of Oceanside

Section 1.121 (Land Use Compatibility with Adjacent Jurisdictions or Responsible Agencies) of the City of Oceanside's Land Use element states that its objective is to, "assure appropriate land use compatibility is maintained between Oceanside and adjacent jurisdictions or responsible agencies." In order to do this, the City has developed the following four (4) specific policies:

- Oceanside shall formally notice adjacent jurisdictions of proposed land uses or developments that may affect an adjacent jurisdiction.
- Oceanside shall formally notice responsible agencies of proposed land uses or developments that may affect an adjacent jurisdiction.
- Provide for proper land development or land use compatibility, Oceanside shall, wherever possible, take appropriate action on proposed land uses or

Carlsbad Watershed Urban Runoff Management Program

Section III: Plan of Action

development to address the concerns of adjacent jurisdictions or responsible agencies.

- Oceanside shall formally reply to an adjacent jurisdiction's notice of proposed land development or land use to assure responsible and appropriate land use and infrastructure compatibility is maintained.

6.a.5 City of San Marcos

The City of San Marcos' General Plan currently does not contain specific goals or policies addressing collaboration with other Copermittees with regard to watershed planning. However, as discussed in the preceding sections, any discretionary development project subject to review under the California Environmental Quality Act (CEQA) that may affect downstream water resources are studied to determine the potential effects of such projects, and any affected jurisdictions or agencies are notified of such projects. The City of San Marcos accepts comments from any affected jurisdiction or agency concerning watershed planning, and implements the recommendations of such affected parties whenever feasible.

6.a.6 City of Solana Beach

Goal 3.1 (Protect and Conserve the City's Natural and Cultural Resources), which is found under the Open Space and Conservation Element of the Solana Beach General Plan, establishes in part certain goals and objectives related to jurisdictional collaboration.

- Objective 1.0 – Ensure that the quality of water resources do not violate state and federal water quality standards as a result of development within the City of Solana Beach.
- Policy 1.a. – The city shall cooperate with the Regional Water Quality Control Board and other agencies within San Diego County in the implementation of the 208 water quality programs.
- Policy 1.f. – The city shall participate in cooperative agreements with other agencies in programs, which encourage research and establishment of innovative sewage treatment methods as alternatives to ocean outfall and septic tanks.
- Objective 5.1 – Preserve important biological habitat and protect sensitive, rare and endangered species of flora and fauna.
- Policy 5.e. – The city shall cooperate with other appropriate agencies as necessary to preserve significant habitats in rapidly developing areas, including the acquisition of important habitats.

6.a.7 City of Vista

The City of Vista's General Plan currently does not contain specific goals or policies addressing collaboration with other Copermittees with regard to watershed planning. However, as discussed in the preceding sections, any discretionary development project subject to review under the California Environmental Quality Act (CEQA) that may affect downstream water resources are studied to determine the potential effects of such projects, and any affected jurisdictions or agencies are notified of such projects. The City of Vista accepts comments from any affected jurisdiction or agency concerning

Carlsbad Watershed Urban Runoff Management Program

Section III: Plan of Action

watershed planning, and implements the recommendations of such affected parties whenever feasible.

As stated in the City of Vista's Jurisdictional URMP, the City is scheduled to update its General Plan's Land Use and Conservation elements within the next three years to incorporate the water quality and watershed protection principles in accordance with Order 2001-01. These updates will also reflect expanded coordination with other affected jurisdictions for planning and development projects.

6.a.8 County of San Diego

The Regional Land Use Element of the County of San Diego's existing General Plan sets as its overall goal a the requirement that planning in the County will "accommodate population growth and influence its distribution" in such a way as to "protect and use scarce resources wisely" and to "preserve the natural environment." The County's Regional Land Use Element also states that one of its Government Structure Goals (Goal 5.4) is to "coordinate planning efforts within the cities of the region... to develop compatible land use strategies."

Portions of the Carlsbad Watershed lie within the North County Metropolitan Subregion. The North County Metropolitan Subregional Plan (NCMSP), adopted on January 3, 1979, and amended on December 19, 1990, outlines specific land use policies to increase city-county planning cooperation. The specific policy, found in Chapter 3 of the NCMSP states, "The County will cooperate in planning and regulating growth of unincorporated territory within each city's sphere of influence. Future County decisions on proposed projects in the sphere areas will take each city's planning objectives into consideration."

Efforts are currently underway to modify the General Plan (GP2020) to improve upon this jurisdictional collaboration to make the language more standardized and consistent. As part of the GP2020 update, the County of San Diego is developing land use goals and policies that are intended to maintain a built environment that is compatible with and sensitive to its natural setting and retains communities and country towns of unique local character. Appropriately identified land uses should enhance, serve, and contribute to an existing communities character as well as protect natural resources while maintaining the , public safety and public and private property rights of landowners.

New developments shall be consistent with a community's character and meet the needs for a diverse range of ages, incomes, abilities and lifestyles. New development shall also provide for the protection of the County's natural resources including ground-water resources, dark skies, cultural and historical resources, agriculture, natural floodplains, wetlands, environmentally sensitive lands, air quality, and water quality through the creation of greenbelts and wildlife corridors and other open space areas. County of San Diego's General Plan includes goals and polices that provide mechanisms intended to preserve open spaces for conservation of natural resources, recreational and educational activities.

6.b. Current Inter-Jurisdictional Planning Collaborative Efforts

State law requires that local governments hold public hearings prior to most planning actions. At the hearing, the council, board, or advisory commission will explain the

Carlsbad Watershed Urban Runoff Management Program

Section III: Plan of Action

proposal (whether a development proposal, ordinance amendment or general plan update), consider it in light of local regulations and environmental effects, and listen to testimony from interested parties.

Jurisdictions (as well as the public at large) have the opportunity to comment on and to participate in hearings relating to land use actions including development. Most development projects within the State of California are considered to require a discretionary review by the jurisdiction with the lead permit approval authority for the project. Therefore, pursuant to the California Environmental Quality Act (CEQA), before a project can be approved by a jurisdiction, most projects must undergo some form of environmental review, a process, which includes a public notification and comment opportunities. Also several types (not all) of these projects require that the jurisdiction hold a notified public hearing prior to approval of a project.

As part of many of the individual jurisdiction's Standard Urban Stormwater Management Plan (SUSMP), discretionary projects are required to prepare a Stormwater Management Plan (SWMP) or similar document for review and approval. The purpose of the SWMP is to provide all the information needed to fully and adequately characterize the existing water quality, analyze the drainage, develop effective post-construction storm water protection and ensure the effectiveness of the Best Management Practices (BMP) through proper maintenance and long-term fiscal responsibility. Prior to being approved by a hearing body, the environmental documents that are prepared for the project (including the SWMP or similar document) will be available to interested members of the public and adjacent jurisdictions for review and comment on development-related storm water issues.

6.c. Watershed-Based Land Use Planning Mechanisms

The Carlsbad Watershed jurisdictions will consider and/or utilize a combination of practices to facilitate the integration of watershed data and information into their land use decision-making processes in order to ensure the protection of the watershed and receiving water bodies. The mechanisms used to facilitate cross-jurisdictional land use planning to ensure consideration of the health of the watershed are described below.

- Agreement between Jurisdictions
- Water Quality Assessment
- Information and Materials Sharing
- Jurisdictional Planning

Each jurisdiction will determine the most appropriate degree that each of these methods will be employed. Also, because the Carlsbad Watershed is actually a hydrologic unit made up of six separate hydrologic areas or watersheds, these mechanisms may vary between hydrologic areas. For instance, the mechanism/s used for the Escondido Creek watershed may be different than those used for the Buena Vista Creek watershed.

6.c.1 Agreement between Jurisdictions

A signed, agreement between the Copermittees within the Carlsbad Watershed has not been developed at this time. However, the development of such a mechanism (i.e. Joint Execution of Powers Agreement (JEPA); Memorandum of Agreement (MOA); or

Carlsbad Watershed Urban Runoff Management Program

Section III: Plan of Action

Memorandum of Understanding (MOU), etc.) is and will continued to be considered a viable mechanism to facilitate watershed level land use planning.

6.c.2 Water Quality Assessment.

As illustrated in Figure 6-1 the annual watershed-based water quality assessment conducted collaboratively by the storm water programs in each jurisdiction will form the informational basis for all watershed activities and programs later initiated by jurisdictions, including land use planning. Jurisdictional storm water programs will consider the role of land use planning during the development of their overall control strategies for specific issues and problems identified as priorities for the watershed. On an annual basis, as appropriate, specific data, information, and/or recommendations will be developed or compiled during the water quality assessment process and distributed to each jurisdiction's respective planning departments for consideration by land use planners and other decision makers to ensure adequate consideration of watershed-level problems and solutions.

6.c.3 Information / Materials Sharing.

For watershed issues to be successfully integrated into the land use planning process, effective dialogue must be established between the jurisdictions' storm water programs, planning staff, and other stakeholders. To this end, storm water managers (e.g., the Copermittee staff with primary responsibility for completion and implementation of the WURMP) will establish forums as they determine necessary to ensure effective communication with planning staff both jurisdictionally and on a watershed basis. In both instances, the purpose of the meetings will be to facilitate the exchange of pertinent watershed-specific information and to explore the collaborative development of planning strategies between storm water managers and planners. With respect to watershed-level meetings, the lead Copermittee or their designee will facilitate meetings attended by representatives from each jurisdiction in the watershed, other interested agencies, and the public. As described in Chapter 7, public participation will be a priority during these and other meetings. The meetings will provide a general forum for discussions regarding projects that may impact water quality within other watershed jurisdictions, as well as collaborative opportunities for grant fund applications, coordination of natural resource planning, and mitigation within watersheds. Watershed land-use planning groups will periodically evaluate the effectiveness of these and other mechanisms of collaborative land-use planning to enhance their effectiveness.

Continued collaboration on the development of Watershed URMPs will necessarily result in the identification and/or generation of various written and/or electronic forms of data and information (data, reports, etc.) relevant to land use planning. As appropriate, Copermittees will ensure that such materials are shared with land use planning staff within their individual jurisdictions as well as other jurisdictions within a particular watershed.

Examples of relevant information, materials, or work products which may be shared periodically include grant proposals, restoration or BMP development projects, approvals for unique (such as projects approved with SUSMP waivers) or large development projects, monthly meeting notices, and information on various other activities such as mitigation or structural BMP efforts, educational activities, and grant proposals. Where appropriate, Copermittees will consider the development of standardized materials such

Carlsbad Watershed Urban Runoff Management Program
Section III: Plan of Action

as worksheets or letters that can be distributed to other watershed jurisdictions directly or via the Lead Copermittee.

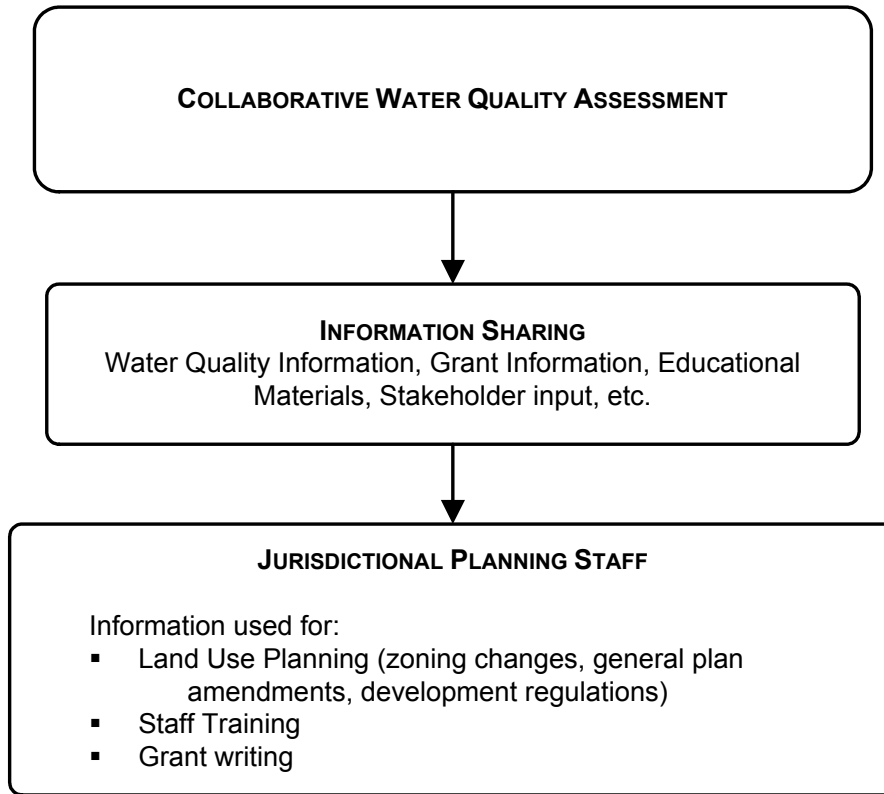


Figure 6-1 Watershed-based Information Sharing Process

6.c.4 Jurisdictional Planning

As additional watershed information and data are developed they will be shared with each jurisdiction’s planning department. It is intended that there would be collaboration between the planning staff and the storm water program staff within each jurisdiction to discuss potential land use planning changes, training and grant opportunities that may be appropriate for the issues identified in the water quality assessment. For example, information gathered during the water quality assessment phase described above will form the basis of watershed-specific training elements developed either individually or collaboratively by the jurisdictions. Planning staff may also be encouraged to participate in grant writing and implementation with watershed stakeholders. In addition, relevant water quality data and findings generated through the water quality assessment may be used to determine whether new development regulations, zoning regulations, or land use policies are needed to address specific water quality issues.

6.d. Other Watershed-Based Planning Efforts

For watershed concepts to be successfully integrated into the land use planning process, effective dialogue must be established between the responsible parties. To this end, storm water managers within the Carlsbad Watershed (e.g., the Copermittee staff

Carlsbad Watershed Urban Runoff Management Program

Section III: Plan of Action

with primary responsibility for completion and implementation of the Watershed URMP) have begun to establish forums to ensure effective communication with planning staff, both jurisdictionally and on a watershed basis. In both instances, the purpose of the meetings will be to facilitate the exchange of pertinent watershed-specific information and to explore the collaborative development of planning strategies between storm water managers and planners. As of the date of this document, the following forums/groups have been established by the Co-permittees within the Carlsbad Watershed:

6.d.1 Carlsbad Watershed URMP Workgroup

In response to Order 2001-01, the jurisdictions within the Carlsbad hydrological unit assembled the Carlsbad Watershed URMP Workgroup. The group is tasked with developing a watershed based storm water management plan for the Carlsbad Watershed. The participants of the workgroup include representatives from the Cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, Vista and the County of San Diego. Once the WURMP has been submitted to the regional board, the group will continue to meet on a regular basis to coordinate the implementation of the activities that are outlined in the document.

6.d.2 North County Storm Water Program

On the Carlsbad Watershed level, the North County jurisdictions, which include the cities of Carlsbad, Del Mar, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista, have collaborated to create the North County Storm Water Program. As a medium for communication and large-scale education, the North County Storm Water Program utilizes the following Mission Statement:

“North County Storm Water Program is a collaboration between North County Watershed Jurisdictions that strive to educate the public on the inter-relationship between human activities and their subsequent water quality impacts.”

The Goals of the North County Storm Water Program include striving to:

- *Develop materials for public distribution providing a consistent message to all residents in the North County Watershed.*
- *Develop a primary school education program focusing on watershed awareness and storm water pollution prevention.*
- *Seek funding for projects involving multi-agency participation that assist us in raising watershed and storm water pollution prevention awareness.*
- *Maintain inter-jurisdictional collaboration focused on creation and implementation of cost effective watershed awareness and storm water pollution prevention education projects.*

6.d.3 Escondido Creek and San Elijo Lagoon Watershed Area Cooperative Agreement

This is a cooperative agreement with respect to future planning and development in the Escondido Creek and San Elijo Lagoon watershed preservation area. The terms of the agreement are:

- Notification to participants in the agreement

Carlsbad Watershed Urban Runoff Management Program

Section III: Plan of Action

- Participate in quarterly meetings
- Encourage preparation and submission of joint grant applications.
- Consider appropriate mitigation strategies for the watershed

This cooperative agreement is between the cities of Solana Beach, Encinitas, and Escondido, County of San Diego, US Fish and Wildlife Service, California Department of Fish and Game, California Department of Forestry, San Elijo Lagoon Conservancy, and Escondido Creek Conservancy.

6.d.4 Carlsbad Watershed Network

The Carlsbad Watershed Network (CWN) is a group of nonprofit foundations and conservancies, as well as public agencies within the Carlsbad Hydrologic Unit. CWN promotes the well-being of the Carlsbad watershed by providing a forum for discussion, mutual support of member activities, educational programs, and a vehicle to influence actions of all parties in the watershed. CWN prepared the Carlsbad Watershed Management Plan, dated February of 2002. The Carlsbad Watershed Management Plan consists of a description of the watershed, an overview of the important issues, and plan objectives and actions to protect the watershed.

Although CWN membership is very broad, including public entities, private organizations, and nonprofit groups, the initial Memorandum of Agreement for the CWN was between Agua Hedionda Lagoon Foundation, Batiquitos Lagoon Foundation, Buena Vista Lagoon Foundation, the Escondido Creek Conservancy, Resource Conservation District of Greater San Diego, and San Elijo Lagoon Conservancy.