The County of San Diego

Planning Commission Hearing Report

Date:	December 11, 2015	**Case No.:**	PDS2015-AA-15-003
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	**Project:**	Appeal of a Director's decision
Time:	9:00 a.m.	**Location:**	19150 High Glen Road, Alpine
Agenda Item:	#7	**General Plan:**	Rural Lands (RL-40)
Appeal Status:	Not Appealable	**Zoning:**	General Agricultural (A72)
Owner:	Marc Halcon/ Covert Canyon, LLC	**Community:**	Alpine
Environmental:	Not subject to CEQA	**APNs:**	521-130-05, 521-130-08, 521-130-07, 522-070-03

A. EXECUTIVE SUMMARY

1. Requested Actions

This is a request for the Planning Commission to evaluate an Administrative Appeal of a Director's decision, and take the following actions:

a. Deny the Administrative Appeal by Clark and Robin Williams.

b. Sustain the decision of the Director to classify the use of the Covert Canyon, LLC property (Covert Canyon) as Law Enforcement Services pursuant to San Diego County Zoning Ordinance Section 1346.

B. REPORT SUMMARY

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider an Administrative Appeal (Appeal) of a Director's decision pursuant to Section 7200 and following of the County Zoning Ordinance (ZO). The decision of the Planning Commission is final.

On November 6, 2015, an Administrative Appeal was filed by Clark and Robin Williams seeking to "[a]ppeal in its entirety, [the] Stipulated Administrative Enforcement Order (SAEO) issued by Planning and Development Services [on] October 27, 2015, re: ... [the] proposed property to conduct an interim use of property for government and law enforcement firearms training while pursuing a discretionary permit." (See Attachment B). The Stipulated Administrative Enforcement Order (Enforcement Order) is an agreement between Planning & Development Services (PDS) and Covert Canyon, to resolve

alleged violations and disputed claims in an active code compliance case. Other than the Director's decision classifying the use type, the contents of, and stipulations within the Enforcement Order are not subject to the Administrative Appeal Process. ZO Section 7200 clearly limits the appeal provisions to "a written decision of the Director made pursuant to the administration of the Zoning Ordinance."

The Director determined within the Enforcement Order that firearms and associated training activities for governmental military and governmental law enforcement are allowed uses within the Law Enforcement Services use type. The Director relied on ZO Section 1220, entitled "Classifying Uses" and ZO Section 1346, entitled "Law Enforcement Services." Pursuant to ZO Section 1220, the Director is authorized to classify common uses according to the use types described in the ZO. The Director's decision to classify the use of Covert Canyon as Law Enforcement Services is subject to the Administrative Appeal Procedure commencing at ZO Section 7200. Therefore, this Appeal is limited to evaluating the Director's decision to classify the use of Covert Canyon as within the Law Enforcement Services use type.

This report outlines and analyzes the Director's decision that the use of Covert Canyon is classified as Law Enforcement Services which is subject to a Site Plan review within the A-72 General Agricultural Zone. Additional discussions pertaining to the stipulations within the Enforcement Order and environmental review will be addressed during the discretionary Site Plan process required by the Enforcement Order.

It is the Director's determination that the proper classification of the use of Covert Canyon is consistent with the Law Enforcement Services use type as described in ZO Section 1346 and the Director recommends the denial of the Administrative Appeal.

C. ANALYSIS AND DISCUSSION

1. Background

Covert Canyon

Covert Canyon is a privately owned property consisting of approximately 152 acres across four parcels. The site is located 1.1 miles southwest of Japatul Road within the Alpine Community Planning Area and accessed by a 1.9 mile private road (High Glen Road) which also serves as access for an adjacent property (owned by the Appellant) containing a single-family dwelling unit. The site has a General Plan Designation of Rural Lands 40 (RL-40) and is zoned A72-General Agricultural. The property is unique in that it contains a Federal Aviation Administration listed private airport (see Figure 1; Vicinity Map and Figure 2; Aerial Photo).

In 2007, Covert Canyon submitted an application for a Major Use Permit (MUP) proposing two small arms shooting ranges, one 10 to 600 yard variable length rifle range, a 1,600 square foot urban warfare training house, a 960 square foot simulated ship training structure, an 800 square foot rappelling and training tower 45 feet in height, and a helipad. Due to the potential substantial impacts associated with the extensive original proposal, the Department classified the use as Major Impact Services and Utilities. The Cover Canyon MUP was considered by the Planning Commission on May 28, 2010 and the Department recommended denial. The Planning Commission voted to send the Covert Canyon MUP back to the Department for further analysis. Since that time the applicant and staff continued to work on the MUP application.

In addition, there has been intermittent use of the property for training and firearms activity and several code compliance complaints. On August 3, 2011, Covert Canyon entered into the first Stipulated Administrative Enforcement Order with the County. The 2011 enforcement order acknowledged firearms activity is allowed by right at Covert Canyon in compliance with the ZO and San Diego County Code of Regulatory Ordinances (SDCCRO) and stated that Covert Canyon shall not operate a commercial or private membership only shooting range on the property. However, the 2011 enforcement order did not address safety concerns or provide the County with adequate performance measures or enforcement mechanisms.

Applicant Request

In the Summer of 2015, Covert Canyon approached County staff to request reconsideration of the 2011 enforcement order and described a significantly less impactful use at the property; reducing the level of activities, eliminating all proposed tactical structures and helipad, reducing the trainings offered at Covert Canyon to firearm only, and limiting participants to recognized governmental military and governmental law enforcement agencies. Trainings offered include basic Firearm/Handgun, Advanced Firearm/Handgun, Basic Firearm/Patrol Rifle, Transition Firearm Training, Precision Rifle, Basic Shotgun, and Advanced Shotgun.

In response, as required by ZO Section 1220, the Director classified the described use. ZO Section 1220 Classifying Uses, requires the Director to classify common uses according to use types. The Director took into consideration all relevant facts of the described use at Covert Canyon, evaluated the use types contained in ZO Section 1250 through Section 1899, and determined the use best fit within the Law Enforcement Services use type at ZO Section 1346.

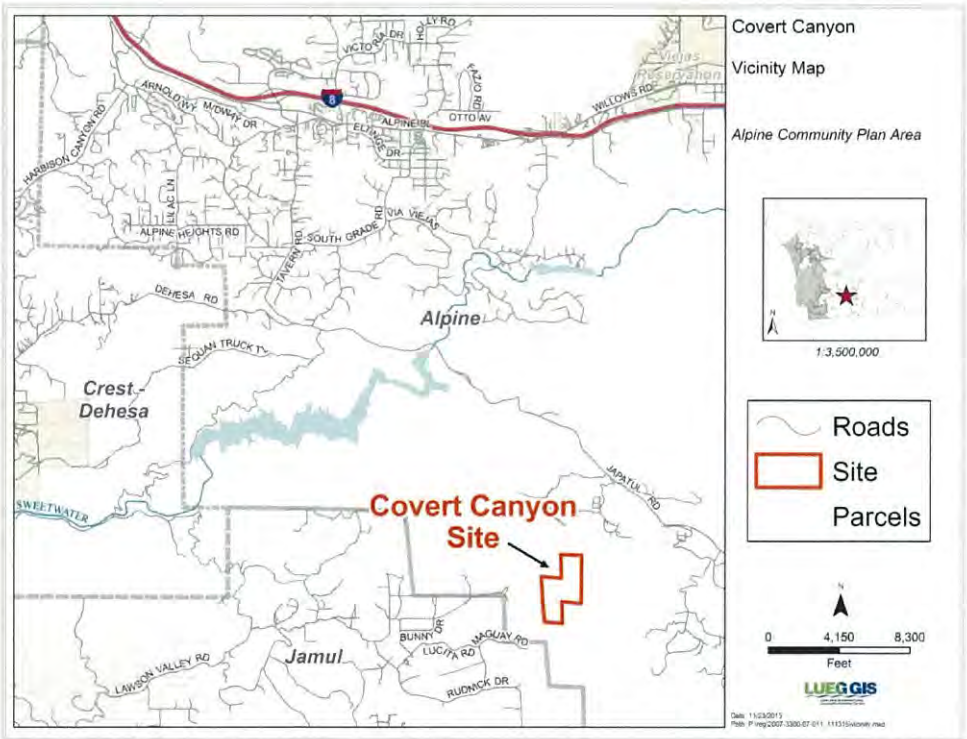


Figure 1: Vicinity Map

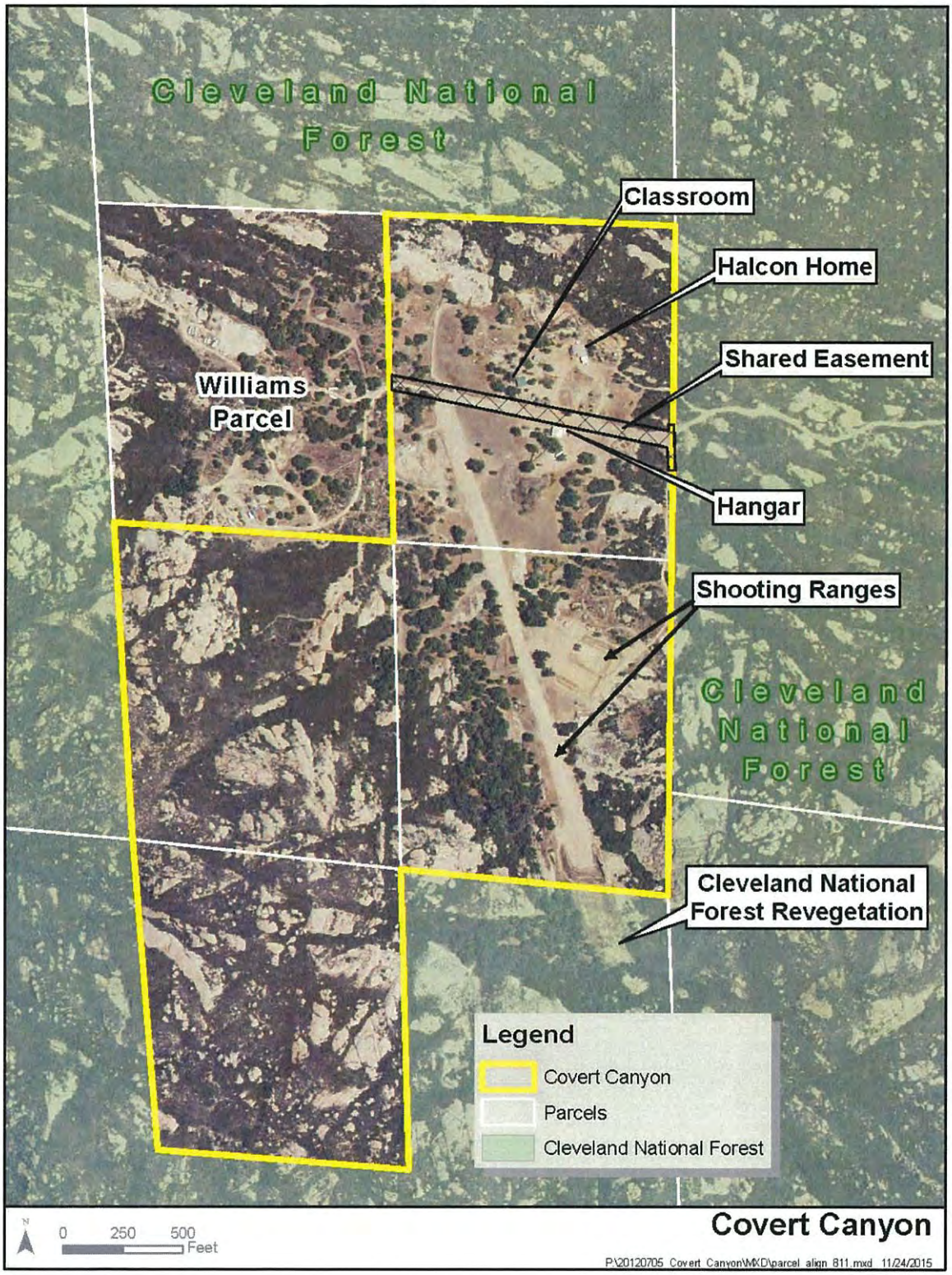


Figure 2: Aerial Photo

On October 27, 2015, PDS issued a notice of the Director's decision to classify the use of Covert Canyon as Law Enforcement Services. Notice of the Director's decision was sent to the 20 nearest property owners, the Alpine Community Planning Group, and three other parties who expressed interest in Covert Canyon.

Summary of the 2015 Enforcement Order

As Covert Canyon's use was classified as a Law Enforcement Services use type, the owner entered into an Enforcement Order (Attachment C) with the County to not only define the terms and conditions under which Covert Canyon may operate as a governmental military and law enforcement firearms training facility, but also to impose a compliance schedule for the property owner while he pursues a discretionary Site Plan. The Enforcement Order recognizes that firearms activity is allowed by right at Covert Canyon in compliance with the ZO and SDCCRO. The Enforcement Order provides clear compliance measures and enforcement mechanisms to address and control the activity on the property while Covert Canyon seeks permits.

The Enforcement Order restricts the intensity of this use by ensuring the training activities are limited to employees of governmental military and law enforcement agencies and limiting the total number of persons allowed on the property at any given time to 45. The Enforcement Order also calls for continued compliance with the County Noise Ordinance and further restricts the intensity of this use by requiring the submittal of a Noise Assessment Report to assess mitigation options in order to reduce noise levels. The Enforcement Order promotes the safety of training participants and the community by establishing specific, enforceable conditions including:

a) Requiring all training fees to be collected in advance through written contracts with recognizable governmental military and law enforcement agencies;

b) Requiring record keeping of all contracts entered, trainings held, coordinating contacts, and numbers of participants. These records are to be retained for at least five years and to be provided to the County within 72 hours, upon request;

c) Limiting the hours of operation to 7am-7pm Monday through Friday, and prohibiting trainings on weekends and holidays;

d) Prohibiting camping, overnight stays, and camp fires;

e) Limiting the allowed ordnance to 50 caliber maximum and prohibiting the use of incendiary or explosive devices;

f) Prohibiting training activities during any National Weather Service warnings related to rain or fire; and

g) Requiring Covert Canyon to maintain and improve High Glen Road by adding turnouts, turn-a-rounds, signage, providing fuel modification along the road to improve safety, and limiting the total number of vehicles allowed on the property at one time.

In addition to these conditions, the Enforcement Order includes compliance milestones requiring Covert Canyon to obtain building permits for both an 800 square foot structure (future classroom) and a 2,320 square foot structure (former aircraft hangar) that were installed by the previous owner without permits, and obtain a grading permit for the berms at the shooting ranges.

2. Analysis of the Appeal

PDS staff reviewed and analyzed the submitted Appeal (Attachment B), which requested to appeal the Enforcement Order in its entirety and listed a broad range of concerns. However, the contents of, and stipulations within the Enforcement Order are not subject to the Administrative Appeal Process. Additionally, as discretionary Site Plan approval is required as a condition of the Enforcement Order, concerns such as biology, the Williamson Act Contract, and fire protection will be addressed during the discretionary permit process. This Appeal is thus limited to the Director's determination to classify the use of Covert Canyon as within the Law Enforcement Services use type (subject to a Site Plan review), rather than the Major Impact Utilities and Services use type (subject to an MUP in the A72 zone), or some other use type classification.

Determination of Use Classification

PDS staff performed a thorough review of the County Zoning Ordinance to ascertain which sections were relevant to the Director's determination of use classification. The Director relied on ZO Sections 1008 (Interpretation and Application of the Ordinance), 1220 (Classifying Uses), 1346 (Law Enforcement Services), 1350 (Major Impact Services and Utilities), and 2720 through 2725 (General Agricultural Use Regulations). These sections are included as Attachment D.

Pursuant to ZO Section 1346 Law Enforcement Services, "[t]he Law Enforcement Services use type refers to the provision of police protection by a governmental agency, including [but not exclusively] administrative offices, storage of equipment and the open or enclosed parking of patrol vehicles." In making a decision, the Director considered the definitive phrase "Law Enforcement Services use type refers to the provision of police protection by a governmental agency." The Director reasons that firearms training, certification, and regular requalification are essential components of all law enforcement branches and the majority of governmental military branches. Therefore, firearms training is a necessary law enforcement service for the provision of police protection. PDS staff research indicates many law enforcement facilities contain firearms training facilities on-site in conjunction with administrative offices. As Section 1346 acknowledges certain supporting facilities and activities aiding in the provision of police protection, the Director acknowledges firearms training as a comparable and integral activity for law enforcement members.

Furthermore, the Director reasons that firearms training for law enforcement or governmental military persons are led not by members of the public, but by certified members of the participating governmental agency or persons contracted as private instructors by the participating governmental agency, thus focused on governmental police protection. The Enforcement Order incorporated specific enforcement mechanisms to ensure the use of Covert Canyon remains within the range of the Law Enforcement Services use type, as will conditions related to the Site Plan permit. The trainings held at Covert Canyon are limited to employees or members of recognizable governmental military and law enforcement agencies.

Covert Canyon is also required to not only maintain records of all trainings held onsite including the contracts, name and direct phone number of the coordinating governmental representative, and the number of participants present, but must also provide the County with these records within 72 hours of request. The conditions and controls in the Enforcement Order, the reduced level of

described activities, and the unique characteristics of the site ensure there will not be substantial impacts.

In making the determination of use type the Director also reviewed ZO Section 1350 Major Impact Services and Utilities which reads as follows:

> "[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."

In making a decision, the Director considered the definitive phrase "Major Impact Services and Utilities use type refers to public or private services and utilities which have substantial impact." The Director reasons the reduced level of described activities does not pose the same substantial impact as recognized during Covert Canyon's initial Major Use Permit application: Covert Canyon no longer requested previously proposed tactical structures, helipad, or new buildings; decreased the trainings offered to firearm only; and limited participants to recognized governmental military and governmental law enforcement agencies. Furthermore, the Director acknowledges that pursuant to SDCCRO 33.101 through 33.114, Covert Canyon is located in a County Regulated Shooting Area where the discharge of firearms is permitted. Firearms training activities for government military and governmental law enforcement, with the limitations required by the Enforcement Order, on a relatively remote parcel, would not supersede the usual limitations placed on the land use and would not result in a substantial impact as described in ZO Section 1350.

The Director recognizes that law enforcement and military are listed as examples of typical uses under the ZO Section 1350, Major Impact Services and Utilities use type. However, the limited law enforcement and military training activities at Covert Canyon do not meet the substantial impact threshold required for classification within the Major Impact Services and Utilities use type.

After analyzing the reduced scope of work, the limited impact, and the focus on government military and government law enforcement services, the Director found that the use of Covert Canyon most suitably fits the Law Enforcement Services use type.

3. Subject Property and Surrounding Land Uses

Surrounding land uses primarily consist of National Forest lands and one 40-acre parcel containing a single-family dwelling unit to the northwest. Beyond the National Forest Lands, land uses include agricultural uses, additional medium to large lot single-family residences, and undeveloped land.

Location	General Plan	Zoning	Adjacent Streets	Description
North	Public Agency Lands	A72 (General Agriculture)	High Glen Road	Cleveland National Forest
East	Public Agency Lands	A72 (General Agriculture)	-	Cleveland National Forest
South	Public Agency Lands	A72 (General Agriculture)	-	Cleveland National Forest
West	Public Agency Lands and Rural Lands Residential (RL-40)	A72 (General Agriculture) and A70 (Limited Agriculture)	-	Residential and Cleveland National Forest

Table C-1: Surrounding Zoning and Land Uses

4. California Environmental Quality Act (CEQA) Compliance

The determination of use classification pursuant to Section 1220 of the San Diego County Zoning Ordinance is not a "project" as defined in the California Environmental Quality Act Guidelines Section 15378. The determination of use classification is an interpretation of the County Zoning Ordinance.

D. COMMUNITY PLANNING GROUP

The Alpine Community Planning group was informed of the Director's decision on October 27, 2015. The Chairman notified PDS by phone call that the group would not appeal the Director's decision.

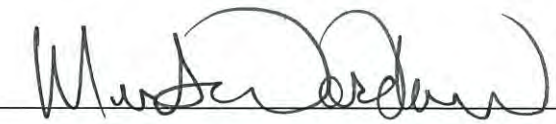
E. RECOMMENDATIONS

Staff recommends that the Planning Commission:

a. Deny the Administrative Appeal by Clark and Robin Williams; and

b. Sustain the decision of the Director to classify the use of Covert Canyon as Law Enforcement Services pursuant to San Diego County Zoning Ordinance Section 1346.

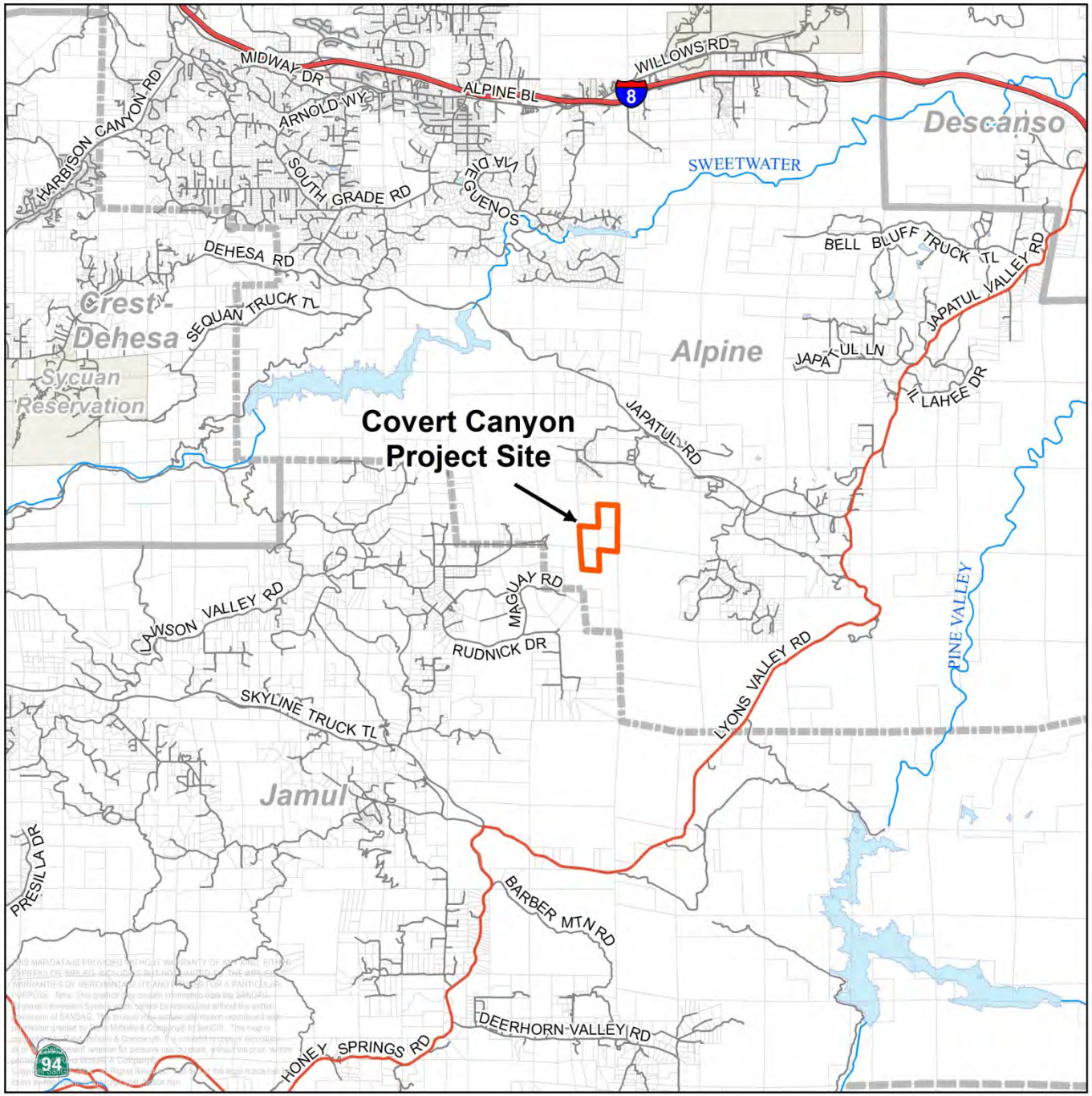
Report Prepared By:	***Report Approved By:***
Vincent Kattoula, Planner	Mark Wardlaw, Director
858-694-3959	858-694-2962
vincent.kattoula@sdcounty.ca.gov	mark.wardlaw@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE: 

MARK WARDLAW, DIRECTOR

ATTACHMENTS:
Attachment A – Planning Documentation
Attachment B – Appeal by Clark and Robin Williams
Attachment C – Enforcement Order
Attachment D – Pertinent Sections of the County Zoning Ordinance

Attachment A – Planning Documentation



Covert Canyon

Vicinity Map

Alpine Community Plan Area



1:3,500,000

Roads

Site

Parcels

N

0 6,250 12,500

Feet

LUEG GIS

Land Use & Environment Group Geographic Information Services

Date: 11/23/2015

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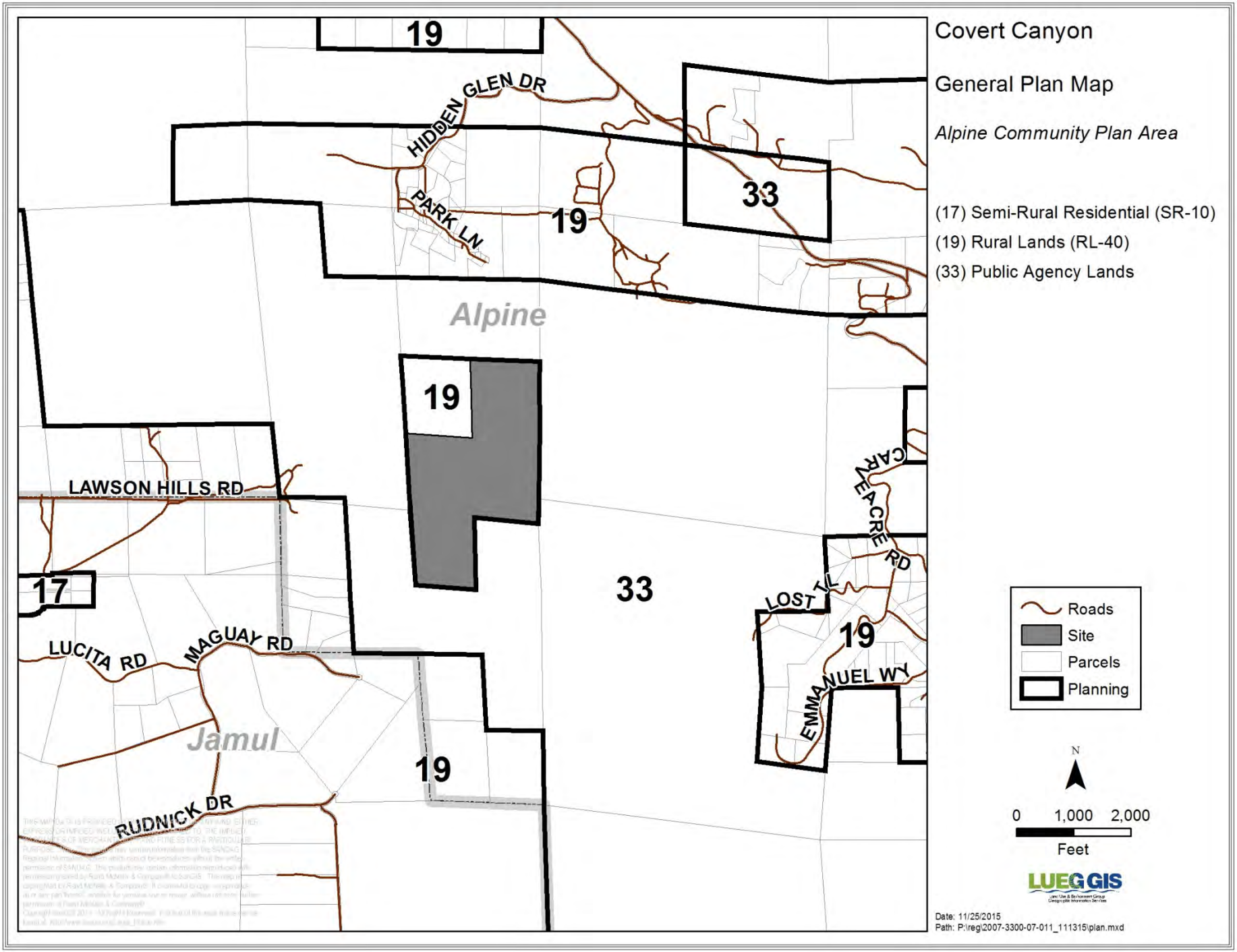
Covert Canyon
General Plan Map
Alpine Community Plan Area
(17) Semi-Rural Residential (SR-10)
(19) Rural Lands (RL-40)
(33) Public Agency Lands
19
33
17
HIDDEN GLEN DR
PARK LN
Alpine
LAWSON HILLS RD
CARLEACRE RD
LOST TL
EMMANUEL WY
LUCITA RD
MAGUAY RD
Jamul
RUDNICK DR
Roads
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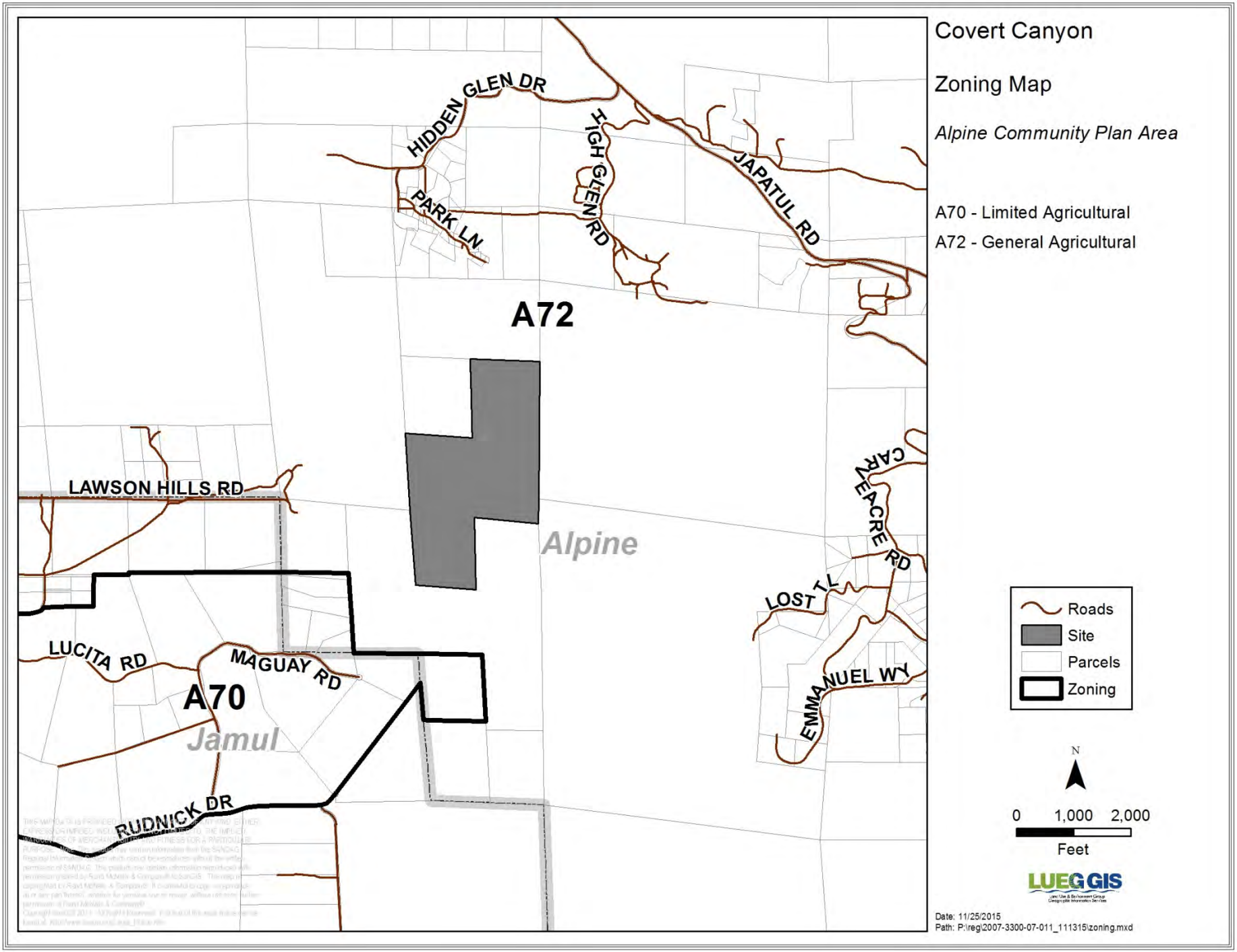
Covert Canyon
Zoning Map
Alpine Community Plan Area
A70 - Limited Agricultural
A72 - General Agricultural
HIDDEN GLEN DR
HIGH GLEN RD
JAPATUL RD
PARK LN
A72
LAWSON HILLS RD
Alpine
CAR
LEACRE RD
LOST TL
LUCITA RD
MAGUAY RD
A70
Jamul
EMMANUEL WY
RUDNICK DR
Roads
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Zoning
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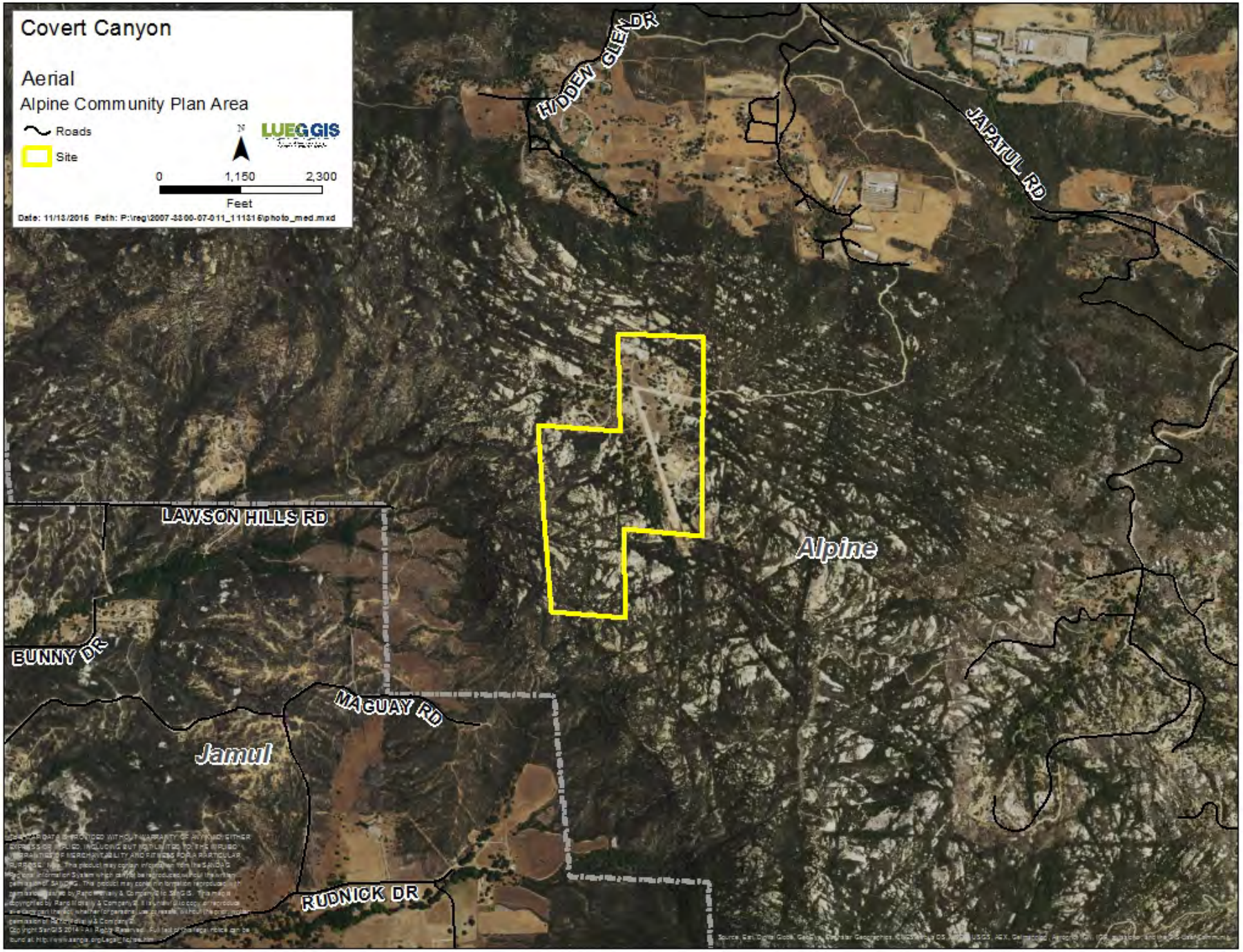
Covert Canyon
Aerial
Alpine Community Plan Area
Roads
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HIDDEN GLEN DR
JAPATUL RD
LAWSON HILLS RD
Alpine
BUNNY DR
MAGUAY RD
Jamul
RUDNICK DR

Attachment B – Appeal Application

PLANNING
NOV 0 6 2015
Planning and Development Services

County of San Diego, Planning & Development Services

APPEAL APPLICATION

ZONING DIVISION

APPEAL TO:

- ☐ **Board of Supervisors**
- ☒ **Planning Commission**
- ☐ **Administrative Appeal** (Requires Deposit & PDS-346)

FOR OFFICIAL USE ONLY

Thomas Guide Map	Code / Fee	Record ID: PDS2015-AA15-003
Community Plan Area		
General Plan Designation		Zone

APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE

19191/19150 High Glen Rd, Alpine, CA 91901	521-130-08,-07;-05;522-070-03-
Site Address *Number Street City Zip*	**Assessor's Parcel Number**

Williams Clark F	Covert Canyon LLC
Appellant's Name *Last First Middle*	**Owner's Name** *Last First Middle*
19090 High Glen Rd	19150 High Glen Rd
Mailing Address *Number Street*	**Mailing Address** *Number Street*
Alpine, CA 91901	Alpine, CA 91901
City Zip	*City Zip*
619-213-3356, 619-403-6670	
Telephone	**Telephone**

REQUEST: Clearly define all items requested in the appeal. Submit plans if necessary, to illustrate request.

Appeal in its entirety, Stipulated Administrative Enforcement Order (SAEO) issued by the Planning & Development Services, October 27, 2015, re: 19191/19150 High Glen Rd, Alpine, CA 91901, APNs 521-130-08,-07;-05;522-070-03-00, proposed property to conduct an interim use of property for government and law enforcement firearms training while pursuing a discretionary permit.

JUSTIFICATION: Attach additional sheets if necessary.

(See Attached)

Clark F Williams
Signature of Appellant

If Company Officer – indicate Company Name and function
(Please print)

County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123
Phone: 1-800-411-0017

Receipt #: 3500634
Date: 11/06/2015
Cashier: CTRIEU

Receipt

Record Information

Record ID	Record Name	Site Address	City	APN	Contact
PDS2015-AA-15-003		19191 HIGH GLEN	ALPINE	521-130-08-00	

Fee Information

Invoice Date	Invoice Number	Record Number	Fee Code	Description	Amount
11/06/2015	1902240	PDS2015-AA-15-003	3APLPC---O	Appeal to Planning Commission	$1,000.00

Payment Information

Pymt Method	Reference #	Comments	Amount Paid
Credit Card	006105		$1,000.00

Amount Received: $1,000.00

Change: $0.00

COUNTY OF SAN DIEGO
PLANNING & DEVELOPMENT SERVICES

5510 Overland Avenue, Suite 110
San Diego, CA 92123
Information (858) 694-2960 Toll Free (800) 411-0017
Website: http://publicservices.sdcounty.ca.gov/citizenaccess

Invoice Date:
11/6/2015

Record Reference:

Record ID #:	PDS2015-AA-15-003
Record Name:	
Site Address:	19191 HIGH GLEN RD, ALPINE, CA 91901
APN:	521-130-08-00

Financially Responsible Party:

Customer #:	
Name:	
Address:	
City, ST, Zip:	
Trust Acct #:	

Project Description / Scope

Flat Fees To Be Paid

Fee Item	Fee Item Description	Invoice #	Amount
3APLPC---O	Appeal to Planning Commission	1902240	$1,000.00

FEES AMOUNT DUE: **$1,000.00**

Deposits To Be Paid

DEPOSITS AMOUNT DUE:

TOTAL AMOUNT DUE: **$1,000.00**

PLEASE PROCEED TO THE CASHIER WITH THIS INVOICE TO MAKE YOUR PAYMENTS...THANK YOU FOR YOUR BUSINESS

WX1X\WPDS2015-AA-15-003

11/06/2015

To: San Diego Department of Planning and Development Services

APPEAL REQUEST: Appeal in its entirety, Stipulated Administrative Enforcement Order (SAEO) issued by Planning & Development Services, October 27, 2015 re: 19191/19150 HIGH Glen Rd, Alpine, CA 91901, APNs 521-130-08-07;-522-070-03-00, proposed property to conduct an interim use of property for government and law enforcement firearms training while pursuing a discretionary permit.

Appellants: Clark and Robin Williams, 19090 High Glen Road, Alpine. Our home/property abuts Covert Canyon, LLC. Clark Williams purchased this property (40 Acres, A72) in 1983 which was under the California Land Conservation - Williamson Act Contract. There is only one-way to/from our property and that is to pass directly through Covert Canyon, LLC. We live at the end of High Glen Road. In fact, the (our) easement road to our home crosses over the long distance weapons/shooting range (a.k.a. "On-the-Rocks" FAA listed and State/County unpermitted airstrip). For more than 8 years, we have lived 24-7 with:

(1) High-probability of losing our home due to wildfire started by gunfire;
(2) Restricted ingress/egress due to proximity of gunfire and/or wildfire caused by gunfire;
(3) Being confined to our home during extreme reverberation of automatic and other high-caliber weaponry gunfire due to our valley location...in an almost concentric-shaped valley, comprised of significant granite rock outcroppings;
(4) Continuous harassing/threat behavior to us, our friends, and family by employees and owner of Covert Canyon;
(5) Loss of wildlife-supporting habitat and corridor... due to continuous mowing of bog, marsh/wetland area (See C1), drainage of 3 ponds, grading, clearing/ removal of native plants and trees: scrub oak, manzanita, elderberry, native ground cover, wildflowers, oaktrees (endangered and other), etc.,
(6) Limited and/or restricted use of our California Land Conservation - Williamson Act Contract (See C1), water pollution/lead contamination in groundwater;
(7) Limited and/or restricted use of (our) three "dominant-tenement" easements for Road, Utilities, and Water; and, but not limited to...
(8) Loss of our scenic and restful retirement home.

Attachment Highlights:

A - Firearms training continues night and day violating "Stipulated Administrative Order (August 03, 2011); Non-conforming use at Covert Canyon for 'medic training classes' violates DPLU letter September 11, 2009 citing medic class required the approval and issuance of Major Use Permit (MUP) on property zoned A72; Paramilitary type training facilities are not permitted in A72 zoned agricultural properties without MUP; Outdoor shooting ranges are not permitted in A72 zoned agricultural properties without MUP; Operating a shooting range without license issued by Sheriff's Department; DPLU issues "Notice to Cease Illegal Activity" (May 24, 2007); USDA issues a notice to cease and desist from further grading, vegetation clearing, construction of improvements, disturbance of a riparian area, or shooting on National Forest System lands, and an instruction to restore to the natural grade and re-vegetated according to a restoration plan (September 06, 2007).

A1 – Supervisor Dianne Jacob's stated the following: "First on the Front Lines of Fire Protection." What does this mean exactly? Who does it apply to? How does fire 'prevention' differ from fire 'protection'? I learned a valuable problem solving lesson... in a "Damage Control" Seminar..."If it is predictable -- it is preventable!" This logic does not seem to apply to Covert Canyon. Let me think, a weapons (shooting) training facility for law enforcement and military groups located in the middle of the Cleveland National Forest, an area that has not burned in over 40 years ---over two miles up a steep dirt road with grades exceeding 20%, and the nearest fulltime fire station with a response time of over 20 minutes away...if the fire trucks were available. There is no fire "prevention" in Covert Canyon. Why doesn't the County practice "damage control?" Perhaps, a fire catastrophe at Covert Canyon will be able to utilize the $120 million secured for new engines, helicopters, stepped up brush removal and better communications technology... as asserted by Supervisor Dianne Jacob in her neighborhood flier. Wouldn't it be more cost effective and less of a liability for the County to step-up and prevent the next forest fire now? Ten years ago, I believed that the County's Zoning Ordinance, Code of Regulatory Ordinances, State and County Fire Regulations, Code Enforcement, California Environmental Quality Act, were created to protect people, property, habitat, waterways, plant matter, endangered species, cultural sites, etc.

B - How does Covert Canyon's proposed "down-sizing" of the original Major Use Permit P07-011 negate insufficient fire response time and pass code-compliance requirements? It doesn't. Bottom-line, down-sizing should not change the conclusion reached May 28, 2010 by the Department and of Planning and Land Use (DPLU). Then, the DPLU staff recommended denial of the Major Use Permit P07-011 and informed the Planning Commission that the proposed project cannot be served by a local fire protection district, or that code-compliant access can be provided. In addition, staff concluded that the proposal did not comply with the Public Facility Element of the County General Plan, the Alpine Community Plan, State and County Fire Codes, and Board of Supervisors Policy I-84. Staff reminded the Planning Commission that the local fire protection district rejected the project and that no fuel modification plan had been provided. Staff also advised, that in addition to legalize an ongoing unpermitted weapons training facility utilized by local law enforcement and military personnel, the Williamson ACT (WA) contract would have to be cancelled. It should be noted: before a WA contract can be cancelled a public hearing must be held. Also note, given that the Clark Williams' WA contracted property is contiguous to the Covert Canyon (CC) WA contracted parcel, cancellation of the CC WA will impact feasibility/ continuance of our contract and will be challenged.

C - Logistics.

1. Aerial view from 2008 Covert Canyon (CC) MUP P07-011, labelled 4-15. This view is in error. CC has used this view to demonstrate and illustrate that there are no surrounding residences to interfere with the requirements of the MUP. After we learned (were accused) of "squatting" on CC land, we discovered "why and how" CC was able to be so convincing. The lines drawn on the aerial view illustrate that our house is located within CC property lines. Actually, our house is located 50 feet from the CC property line on our south side. This view also illustrates the 'trespass' of building the long shooting range (airstrip) berm/backstop located on US Cleveland Nation Forest (public) land.
2. Aerial view with map legion and 'Alpha Key'. It should be noted, the Covert Canyon Williamson Act parcel is labeled "C"...the duplex short-ranges were constructed 2006 in violation of WA Contract restrictions.

C1 – Logistics :

1. BOG / Marsh Wetland and Williamson Act Land Conservation Contract locations obtained from SANGIS.org interactive website (4 pages);
2. Original pictures of the valley taken before Marc Halcon purchased property. These photos were included in the (property) sales brochure (3 photos on 1 page);
3. Pond located on Covert Canyon and Williams' property. Pond was originally shared by both properties (photo C1-2). The pond was fed by two sources: creek lines from Williams' and Halcon's properties. Halcon/Covert Canyon built an earthen dam/road dividing the pond based on the property line. In addition, CC filled-in a large portion of Williams half of pond to support the CC dam/road. This was done without grading/excavation/movement permits nor knowledge and/or permission of the Williams. (Note fence posts standing/edging long gun range... middle of picture)
4. Magnified Williams' half of 'former' pond with "standing" surface water and with CC earthen dam in foreground.
5. Picture (03/24/2014) of CC half of pond now drained/graded/ plant matter and habitat removed and Williams' portion of 'former' pond with standing surface water. Compare to photo C1-3. Note same fence posts standing/edging long gun range... middle of picture.
6. On-going mowing of bog/marsh wetland. None: To the upper left of the tractor is one of the two freshwater springs located on CC property. This area use to be very lush with vegetation and natural habitat. This 40 acre parcel is shown in earlier aerial photo (See C 2.) which includes reference "B"...on the north-end of the CC property. [Note: The second spring is located on parcel "C" on the south-end of CC. (See C 2.)]

C2 – Logistics : County guidelines for determining significance: Wildland Fire and Fire Protection. Covert Canyon's operation requires a secondary access.

1. County Guidelines.
2. Aerial view of road with greater than 20% grade and dead end road length and no secondary access.
3. County Fire and "NO" Fire maps. "Covert Canyon" is located in an area which has <u>not</u> burned in over 40 years. (2 pages)
4. High Glen Road (dirt) traverses USF land in two locations: First, from Japatul Road (.5 mile) and travels for another mile on private land and then travels on USF land again for another mile until it hits the Covert Canyon property line. The USF sections have steep slopes, exceeding 25 % in some sections.

D - USDA - Cleveland National Forest

1. Letter to DPLU, 01/03/2008 in response to MUP, including: Potential wildfire ignitions from the shooting range; Documented trespass 1.3 acres; Forest Service policy prohibits use of NFS lands for military or para-military exercises; Development of shooting ranges, could adversely affect NFS resources from increased noise or nighttime lighting.
2. Cease and Desist letter to Mr. Halcon, 09/05/2007: trespass on 1.3 acres.
3. Aerial view Kearchoffer "Flat" - California Map - Geocode. Shows extent of Grading and trespass on USF lands.
4. Halcon Trespass 1.3 acres, approximate location of "Range Backstops".
5. Illustrates extent of clearing/grading at 05/28/2002, reprinted 2007.

E - Clark Williams Recorded Property Easements: Dominant Tenement

1. Road - 25 Feet in width, 02/14/1968;
2. Utilities - Sewer, gas pipes, telephone, and power lines and poles, and conduits for any other public utility, 06/04/1976;
3. Water Rights - Right to install a well and to take or use water from well, 06/04/1976

F - Forest Conservation Initiative

1. Initiative measure submitted directly to the voters.
2. Forest Conservation Initiative Appendix. - Section One
3. The National Forest and State Parks (23) designation also applies to all private landholdings lying within the boundaries of the Cleveland National Forest and outside of Country Towns. - Section Two

G - Mark Halcon, Covert Canyon LLC - California Land Conservation Contract aka "Williamson Act" (WA) - 10/16/1974. Japatul Agricultural Preserve No. 36, Contract # 74-29: Parcel 521-130-08

1. On-going breach of Williamson Act "contract" (Gov Brown signed WA preservation Bill 1265 through 2016 (July 2011). Installation of gun ranges on protected land is a clear violation/breach of the "contract" with the state of California. In addition, continued use of non-permitted gun-ranges using "lead" bullets creates unsafe/polluted ground water. Note: Williams "water" easement is threatened by continued violation of watershed preservation. Valley (Kirchoffer Flat aka Kearchoffer Flat) is categorized geologically as a "flat" an "alluvial" valley whereby water collects/pools at base of valley and supports native wildlife, vegetation, and habitat. Williams has 200+ oak trees

(endangered/other). Continued oak tree and acorn production is critical to support native wildlife and Williams planned farming of oak trees, acorn harvesting, and adoption of (wild) burros from BLM.

2. As defined in WA contract, Exhibit B, Section I, Part C.1. (Page B-4) The following **"recreational uses"**, provided a special use permit authorizing such use is issued by the Planning Commission or Board of Supervisors of the County of San Diego...1. Use of land by the public, with or without charge, for any of the following: Walking, Hiking, Picnicking, Camping, Swimming, Boating, Fishing, Hunting, Other outdoor games or sports for which are provided for public participation.
3. Special note: SB 985 clarified that "Recreational Use" is the use of land in its "agricultural or natural state" (See **G1** for further discussion)

G0 – Williamson Act Contract Matters

1. Request for Williamson Act Enforcement, 06/05/2007, SOFAR (Save Our Forests and Ranchlands)
2. DPLU letter to California Department of Conservation, 04/07/2009: Requests project status of WA cancellation request to permit property to be used as a "Local Law Enforcement Tactical Training Facility."
3. Application Deposit for "Agricultural Preserves Contract Cancellation".

G1 – Agricultural Preserves

1. Board of Supervisors Policy
2. Gov Brown signs bill to preserve WA 07/20/2011
3. Preserving the Williamson Act ... (Overview – by John Gamper)
4. WA article/comment, "Local governments then receive an annual subvention of property tax revenues from the state via the Open Space Subvention of Act of 1971 that helps to offset revenues lost to this program."
5. Williamson Act (Land Conservation Act of 1965).
6. Williamson Act 2000 Amendments.
7. Open Space Element, SD General Plan, Table 7 – Japatul Preserve #36

G2 – Clark Williams: Grant Deed 06/15/1983 and California Land Conservation Contract aka "Williamson Act" (WA) – 10/16/1974. Japatul Agricultural Preserve No. 36, Contract # 74-27 : Parcel 521-130-06.

1. Assessor's Map with Agricultural Preserves "under contract"
    - AP 74-27... 521-130-06 (Williams)
    - AP 74-29...521-130-08 (Halcon/Covert Canyon)

H – Sheriff's License Division letter to DPLU, 01/18/2008

1. "Request for Agency Recommendation" for the proposed training facility Located on parcel numbers 522-070-03,521-130-06,07,08 known as Covert Canyon Training Center. Case #P007-011 High Glen Rd. Alpine
2. "Our recommendation regarding the MUP for the proposed training facility is to require a mandatory and comprehensive impact study review. Have qualified engineers or inspectors provide professional input and expertise to enure all the safety aspects of a training/shooting range are in place."

H1 – Shooting Firearms Cause Six Brush Fires in East County; and
Fire Investigation: Determining How the Fire Started

1. There are 18 recognized causes of wildfires, including: "Firearms use: Usually at shooting ranges.
2. Google Reference: Shooting ranges and wildfire origins.

H2 – Shooting Regulations

- No shooting near habitation – Shooting Ranges.
- No shooting – Periods of High Fire Hazard
- No shooting near stock watering holes

I – DPLU letter to Planning Commission, 05/28,2010. Subject: Marc Halcon (Covert Canyon, LLC) Major Use Permit 07-011

1. Attached for reference due to comprehensive analysis by DPLU.
2. DPLU recommendation: "Deny MUP 07-011 for reasons in Attachment B.

Respectfully,

Robin and Clark Williams
19090 High Glen Road
Alpine, CA 91901

(619) 213-3556
(619) 403-6670
(619) 445-2124) Not working due to rain.


A

From: **Clark Williams** clarkwilliams01@gmail.com
Subject: Covert Canyon, Alpine, On-Going Firearms Training
Date: May 29, 2015 at 12:51
To: adam.wilson@sdcounty.ca.gov SD land use supv Dianne Jacob adam.wilson@sdcounty.ca.gov

Firearms training continues on a regular basis at Marc Halcon's Covert Canyon, 19150 High Glen Rd, Alpine, CA 91901. Large groups still train here. A Major Use Permit has not been obtained and the "Cease and Desist Order" should still be in place. Is it?

According to my sources, commercial training classes (for a fee) are advertised on various websites, "Anything with rifles is to be done on Marc's property. All hand-gun only classes will be done at the indoor range."

For example, three days after a class ran, these pictures were posted, May 3, 2015, on the linked website. These pictures were taken at Covert Canyon.

https://www.facebook.com/media/set/?set=a.10471768453115 64.1073741842.780718935290691&type=3

There have been several company's using Marc's range to do the illegal 'commercial' training. Three sites are listed below. Guncraft is the latest. According to their website, and though they are out of LA area, they claim to have upcoming courses in Alpine, California.

https://guncrafttraining.mycustomevent.com/ShoppingCart.aspx?com=detailview&iid=136&cid=326&returncom=productlist&source=search

Halcon is doing all he can to conceal this (commercial) training, but it is still happening. This weekend, in "Alpine", May 30-31, ...classes will be held! The courses are not cheap...up to $499/class/trainee.

http://www.theshootershangout.com/handgunrifle-combined-training-this-weekend-in-alpine-ca/

Halcon's training partner, Bill Desy, at CCW USA, uses Halcon's ranges exclusively for training, it is not listed on Desy's 'updated' site for fear, we suspect...it would be busted.

http://www.ccwusa.com/schedule/

It appears, CCW lists rifle classes a few days before they occur on local gun forums, then try to erase the evidence afterwards. I have made screen shots of the posted events...because the sites are altered soon thereafter.

Regards,

Robin Williams
619-213-3556 cell

619-403-6670 house cell
19090 High Glen Rd
Alpine, CA 91901

August 10, 2011

County of San Diego

ERIC GIBSON
DIRECTOR

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

STIPULATED ADMINISTRATIVE ENFORCEMENT ORDER

DATE OF ORDER:	August 3, 2011
LOCATION OF VIOLATION:	19150 High Glen Road, Alpine
APN:	521-130-08-00
ZONE:	A72
PROPERTY OWNER:	**Covert Canyon, LLC** 5590 Ruffin Road San Diego, CA 92123

STIPULATED ADMINISTRATIVE FINDINGS

Covert Canyon, LLC ("Covert Canyon"), hereby stipulates to the issuance of an Administrative Enforcement Order for enforcement of the San Diego County Zoning Ordinance ("SDCZO") and the San Diego County Code of Regulatory Ordinances ("SDCCRO") at 19150 High Glen Road in Alpine ("Property"). On May 13, 2011, the County of San Diego, Department of Planning and Land Use ("DPLU"), served Covert Canyon with a Civil Penalty Notice and Order, which was amended on June 15, 2011. The Amended Civil Penalty Notice and Order charged the following violations of the SDCZO and SDCCRO:

SECTION	DESCRIPTION
1. SDCZO Section 2725(b) SDCZO Section 1350	Paramilitary type training facilities not permitted in an A72 zoned agricultural property without the issuance of a Major Use Permit.
2. SDCZO Section 2725(c) SDCZO Section 1505(b)	Outdoor shooting range not permitted in an A72 zoned agricultural property without the issuance of a Major Use Permit.
3. SDCCRO Section 21.101(a) SDCCRO Section 21.1 02(v)	Operation of a shooting range without first having obtained a license issued by the Sheriff's Department.

Covert Canyon denies these alleged violations and contends that it is legally discharging firearms on its Property as authorized under the applicable County codes and the Second Amendment to the U.S. Constitution.

Covert Canyon and DPLU stipulate to the following facts:

A. Covert Canyon owns 152 acres of land located about eight miles southeast of Alpine. The Property is over a mile from the nearest paved road. Persons entering the property must do so through locked gates.

B. Unrestricted firearms discharge is permitted on the Property subject to compliance with SDCCRO sections 33.101, et seq. SDCCRO regulations do not limit the number of people who may discharge firearms, the frequency with which a person may discharge a firearm, the purposes for which a person may do so, or the types of firearms that may be discharged on unincorporated territory where firearm discharge is permitted. Nor do the regulations prevent use of the Property for target practice.

C. "Paramilitary-type training facilities" are not defined in the San Diego County Zoning Ordinances.

D. On April 28, 2011, ten people discharged firearms on the Property. All were on the Property with the written permission of Covert Canyon.

E. SDCCRO section 21.102(u) requires that all "shooting ranges" be licensed by the Sheriff. The Ordinance does not define what a shooting range is in contrast to a private target shooting area, military, law enforcement, or other training facilities.

F. The Property is not open to the general public. The discharge of firearms on the Property is limited exclusively to those who are invited by Covert Canyon to do so. All such persons must have written permission from Covert Canyon.

G. Covert Canyon has a pending Application for a Major Use Permit to conduct military and law enforcement training on the Property.

STIPULATED ORDER

1. Covert Canyon agrees that it will not allow private individuals, government affiliated officials or employees to formally qualify in firearms proficiency through testing performed at Covert Canyon without written permission from the County.

2. Covert Canyon may use the property for discharging firearms consistent with the SDCCRO and SDCZO. This includes recreational uses such as target practice by family and friends, and firearm practice conducted socially by invited guests, either individuals or as individuals collectively in groups, provided the activity is not offered for monetary gain or on a commercial basis by Covert Canyon, which may include the use of the present target areas on the Property. All firearm activity shall comply with SDCCRO section 33.101 with respect to discharging firearms at a reasonably safe distance from any occupied dwelling, house, residence, or other building. All firearm activity shall comply with SDCZO.

3. Covert Canyon, its corporate officers, agents, employees or assignees shall not operate a commercial or private membership only shooting range on the Property without obtaining a Major Use Permit.

4. Covert Canyon, its corporate officers, agents, employees or assignees shall not operate a commercial or private membership only shooting range on the Property without obtaining a license from the San Diego County Sheriff's Department.

5. This Stipulated Order shall not prevent Covert Canyon or anyone with written permission from Covert Canyon from engaging in free, non-commercial activities involving firearms discharge at any location on the Property, provided such activities comply with SDCCRO section 33.101 with respect to discharging a firearm at a reasonably safe distance from any occupied dwelling, house, residence, or other building and such activities must comply with SDCZO.

6. This Order resolves the alleged violations, which occurred on April 28, 2011. Covert Canyon shall pay the County $500 to defray its administrative costs. The parties shall pay their own attorneys' fees and any other costs.

7. This Stipulated Order is intended to resolve disputed claims without the time and expense of legal proceedings and to avoid future disputes regarding the types of conduct which are permitted on the Property without a Major Use Permit. This Stipulated Order is not intended to be an admission by any party on the merits of any alleged violations, which are disputed by Covert Canyon.

Eric Gibson, Director
Department of Planning and Land Use

BY: _____
Pam Elias, Chief
Code Enforcement Division
Department of Planning and Land Use

Covert Canyon, LLC

BY: _____
Marc Halcon, Manager

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

CIVIL PENALTY NOTICE AND ORDER

DATE OF NOTICE:	May 13, 2011
LOCATION OF VIOLATION:	19150 High Glen Road, Alpine
APN:	521-130-08-00
ZONE:	A72
PROPERTY OWNER:	**Covert Canyon, LLC** 5590 Ruffin Road San Diego, CA 92123

You are hereby notified that your property at 19150 High Glen Road in the unincorporated area of San Diego County is in violation of the San Diego County Zoning Ordinance (SDCZO) and the San Diego County Code of Regulatory Ordinances (SDCCRO). You are subject to civil penalties pursuant to SDCCRO sections 18.201 through 18.214.

Civil Penalties for violations of the County Codes may be assessed at a daily rate not to exceed $1,000.00 per day per violation; not to exceed a total maximum of $50,000 per parcel or structure for any related series of violation(s). State Code violations may be assessed at a daily rate not to exceed $2,500 per day per violation; not to exceed a total maximum of $250,000

Penalties may be assessed for each individual code section violated. These penalties may accrue daily for as long as the violations exist.

COPY

SECTION VIOLATED	DESCRIPTION
1. SDCZO Section 2725b	Paramilitary type training facilities not allowed in an A72 zoned agricultural property without the issuance of a Major Use Permit.
2. SDCCRO Section 33.101	Operation of a shooting range not allowed without a permit issued by the Sheriff's Department.

REQUIRED CORRECTIVE MEASURES

1. Immediately cease all activities associated with the operation of a shooting range until you obtain a Major Use Permit

2. Once a Major Use Permit is issued you must obtain a permit from the Sheriff's Department to operate a shooting range.

AMOUNT OF PENALTIES ASSESSED

Pursuant to Section 18.205 of the San Diego County Code of Regulatory Ordinance the Director of the Department of Planning and Land Use has assessed civil penalties against you as follows:

Violation #1: For the operation of a paramilitary type training facility on your property, the Director has assessed civil penalties in the amount of $1,000.00 per day, for 1 day, on April 28, 2011, for a total of **$1,000.00**. The Director considered that the violation has been maintained periodically since June 12, 2007 and is continuing, that the violation is in the major range due to the negative impacts to the community itself and that after being notified of the violation you have failed to cease the illegal activity.

Violation #2: For the operation of the shooting range on your property without a permit issued by the Sheriff's Department, the Director has assessed civil penalties against you in the amount of $1,000.00 per day, for 1 day, on April 28, 2011, for a total of **$1,000.00**. The Director considered that the violation has been maintained periodically since June 12, 2007 and is continuing, that the violation is in the major range and that after being notified of the violation you have failed to cease the illegal activity.

PROCESS FOR PAYMENT OF CIVIL PENALTIES

Full payment of civil penalties in the amount of **$2,000.00** are due in full within 45 days from the date of service of the Notice and Order unless you have filed a timely appeal. (If the Director has assessed a continuing violation against you in this Notice and Order, you are required to make an initial payment within 45 days of the date of service. Subsequent payments shall be made within 45 days of pervious payments until the violation is corrected to the satisfaction of the department Director.)

COPY

Payments should be made by cashier's check or money order payable to the San Diego County Treasurer, at the address below. Please include a copy of the Notice and Order with your payment and write the violation address on the check:

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123
Attn: Fiscal

Civil penalties paid to the County of San Diego before an appeal hearing will be refunded in full or part if the hearing officer determines the violation did not occur, you are not the responsible person or the penalty amount is unreasonable.

RIGHT OF APPEAL

You have the right to appeal this Notice and Order within 14 days after the Notice is served. Service occurs when you have received this Notice and Order by personal delivery or when the notice was deposited into the U.S. Mail and mailed to your mailing address as it appears in public records. The postmark on the envelope indicates the date the notice was mailed. An appeal must be made on a Request for Hearing form at the office of the department that issued the Notice or by completing the enclosed Request for Hearing form by U.S. Mail. If you request a hearing by mail your request must be postmarked no later than 14 days after the date of service. Failure to properly file a written appeal within 14 days shall constitute a waiver of your right to appeal whether the violation occurred, whether you are responsible for the violation, the dates of the violations (whether the violations are continuing) and whether the amount assessed is reasonable.

WAIVER

If you fail, neglect or refuse to obey an order to pay civil penalties, the unpaid amount shall constitute a personal obligation and/or a lien upon the real property. Failure to pay a personal obligation will cause the Director to refer the obligation to County Counsel to file a court action to recover these costs. Failure to pay a lien will cause the Director to refer the lien to the County Auditor for collection in the same manner that ordinary municipal taxes are collected.

If you have any questions concerning this Notice and Order, or to schedule a compliance inspection, please contact Lew Balke, Code Enforcement Officer at (858) 694-3043.

Eric Gibson, Director
Department of Planning and Land Use

BY: _____
Pam Elias, Chief
Code Enforcement Division
Department of Planning and Land Use

COPY

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

March 9, 2012

COPY

Marc Halcon, Manager
Covert Canyon, LLC
5590 Ruffin Road
San Diego, CA 92123

NON-CONFORMING USE AT COVERT CANYON (MEDIC CLASSES)

Dear Mr. Halcon,

I am writing regarding "First Responder Medic Classes" conducted at Covert Canyon. As you are aware, the Department of Planning and Land Use authorized you to conduct the medic training classes in a letter dated September 11, 2009. The medic class use was allowed at a time when the use was not described in County Code. Subsequent to the September 11, 2009 letter, the Field Medical Training Use was added to Section 1350 of the San Diego County Zoning Ordinance, Major Impact Services and Utilities; which was adopted into County Code on December 3, 2010. Today the medic class use would require the approval and issuance of a Major Use Permit on your property which is zoned A72.

The "First Responder Medic Classes" described in the September 11, 2009 letter is limited as outlined in the letter to the following:

- Course Summary: 2 day course – prepares first responders to evaluate and treat serious trauma. Proper use of bandages, tourniquets and hemostatic agents are topics.
- Firearm Use: NONE
- Average # of Students: 12 maximum
- Traffic Impact: Students transported by staff in 2-3 SUV's
- Must comply with the County of San Diego County Code and Zoning Ordinance

The medic class use is allowed to continue at Covert Canyon as described above as a non-conforming use. Included in this correspondence is a copy of Sections 6850 – 6876 of the San Diego County Zoning Ordinance; also known as the Nonconformity Regulations.

Should you have further questions or concerns, please feel free to contact me directly at (858) 495-5020 or pam.elias@sdcounty.ca.gov.

Sincerely,

Pam Elias, Chief
Code Enforcement Division
Department of Planning and Land Use

cc: Case File

COPY

Attachments

NONCONFORMITY REGULATIONS

6850 TITLE AND PURPOSE.
The provisions of Section 6850 through Section 6899, inclusive, shall be known as the Nonconformity Regulations. The purpose of these regulations is to control, ameliorate, or terminate uses which do not conform to the Zoning Ordinance. These regulations shall apply to all nonconforming uses and structures, except that nonconforming off-premise signs shall be subject to the Off-Premise Sign Regulations commencing at Section 6200; nonconforming on-premise signs shall be subject to the On-Premise Sign Regulations commencing at Section 6250, and substandard lots shall be subject to the Lot Size Regulations commencing at Section 4200.

(Renumbered and amended by Ord. No. 5508 (N.S) adopted 5-I6-79. Formerly 6950)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6851 NONCONFORMITY ATTRIBUTABLE TO LACK OF USE PERMIT.
Any nonconformity attributable only to the absence of a major or minor use permit may be removed by the securing of such permit, the application for which is allowed.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6951)

6852 RIGHT TO CONTINUE A NONCONFORMITY.
A nonconformity which is in existence prior to the effective date of the Zoning Ordinance or of any subsequent rezoning or other amendment thereto which creates such use or structure nonconformity, may be continued and maintained, except as otherwise specified in these Nonconformity Regulations. No expansion, extension, substitution or other change in activities and no alteration or other change in facilities is permitted except as expressly required by law or as expressly provided herein.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-I6-79. Formerly 6952)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6854 NUISANCES.
None of the provisions of the Nonconformity Regulations restrict any authority to require modification or termination of any nonconformity which has been declared to be a nuisance by the Board of Supervisors.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-I6-79. Formerly 6953)

6856 REMOVAL OF OWNER-OCCUPIED INDEPENDENT MOBILEHOMES.
Notwithstanding other provisions of the Nonconformity Regulations, or the provisions of a use permit authorizing the establishment of an owner- occupied independent mobilehome to the contrary, any owner-occupied independent mobilehome legally established pursuant to the former provisions of Ordinance 1402 may continue for an indefinite period from the date of original granting of a use permit therefore and may be altered or enlarged, or replaced with another mobilehome. Any mobilehome that replaces any such existing, legal nonconforming mobilehome shall bear insignia of approval issued by the appropriate state or federal agencies indicating compliance with applicable regulations. Any discontinuance of the use of a mobilehome subject to this section for a continuous period of I2 months shall be deemed to constitute an abandonment of any right to continue or maintain the use and any future use shall conform to the provisions of this ordinance.

6861 NONCONFORMING LARGE WIND TURBINE SYSTEMS.
Notwithstanding other provisions of the nonconformity regulations, no wind turbine system-large, which is nonconforming due to the lack of permit shall be allowed to add additional wind turbine structures or increase size of existing wind turbines without obtaining a permit as specified in Section 6951.

(Added by Ord. No. 7220 (N.S.) adopted 10-22-86)

6862 ABANDONED WIND TURBINES.

a. A nonconforming wind turbine shall be considered to be abandoned if its energy output (in kilowatt-hours) for any consecutive twelve months is less than 10% of the expected energy output. (See Definitions - Wind Turbine, Non-Operational).

b. A nonconforming wind turbine, or a series of wind turbines, which has been abandoned shall be removed. The foundation for the wind turbine(s) need not be removed if it does not present a safety hazard, and the top of the foundation is no higher than six inches above ground level.

(Added by Ord. No. 7220 (N.S.) adopted 10-22-86)

6863 EXISTING CUSTOM MANUFACTURING OPERATIONS
Any existing custom manufacturing operation located in the A70, A72, S87, S90 or S92 Zone meeting the definition of the "Custom Manufacturing Use Type" as set forth in this ordinance at Section 1610 and as determined by the Director may continue operation after September 13, 1991. However, the Nonconforming Regulations commencing at Section 6850 shall apply to such operations.

(Added by Ord. No. 7964 (N.S.) adopted 8-14-91)

6864 EXISTING GROUNDWATER EXTRACTION OPERATIONS
Any existing activity meeting the definition of a "Groundwater Extraction Operation", as determined by the Director, shall be considered a nonconforming use and may continue said operations after May 8, 1992. However, the Nonconformity Regulations commencing at Section 6850 shall apply to such operation.

(Added by Ord. No. 8050 (N.S.) adopted 4-8-92)

NONCONFORMING USES

6865 NONCONFORMING USE - DISCONTINUANCE.

a. Use Nonconforming Because it is Not a Permitted Use. Whenever a use which is nonconforming, wholly or partly because it is not itself a permitted use where it is located, discontinues active operation for a continuous period of 12 months, such nonconforming use shall not be resumed. Intent to abandon such use shall not be necessary to constitute such discontinuance. Related structures, if any are used, may be utilized thereafter only for a permitted use.

b. Use Nonconforming for Other Reasons. A nonconforming use which is itself a permitted use where it is located, and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to use and not structures, may be resumed regardless of the period during which it may have discontinued active operation.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6960)
(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)
(Amended by Ord. No. 7575 (N.S.) adopted 1-11-89)

6867 NONCONFORMING USE - DAMAGE OR DESTRUCTION OF STRUCTURES.

a. If the structures containing any nonconforming use are damaged or destroyed to the extent that the cost of reconstruction, repairing or rebuilding will exceed 75 percent of the replacement valuation of the structure immediately prior to the damage, as determined by the Building Official pursuant to Section 51.0107 of the County Code, the nonconforming use shall not be resumed on the same lot. Notwithstanding the provisions of this section, if a structure in a Special Parking District, as defined in Section 5761, is damaged or destroyed, any nonconformity as to the applicable off-street parking for said structure may be resumed even if the cost of reconstruction, repairing or rebuilding of the structure exceeds 75 percent of said replacement valuation if the structure is reconstructed, repaired or rebuilt in accordance with the applicable Community Design Guidelines Manual and all other applicable requirements. See also Section 5761(c)3.

b. Notwithstanding the provisions of subsection a. above, if the structure containing a nonconforming use includes two or more dwellings and is damaged or destroyed, said dwellings may be reconstructed, repaired, or rebuilt to their predamaged size and number of dwelling units (pursuant to Section 65852.25 of the Government Code). However, if said structure is located in an area zoned with industrial use regulations, then the provisions of subsection a. above shall apply.

Fw: Fwd: FW: KFMB News 8

From: Robin Williams <oaktrees@earthlink.net>
To: "steve.schmidt@utsandiego.com"
Cc: robin williams <oaktrees@earthlink.net>
Subject: Fw: Fwd: FW: KFMB News 8
Date: Feb 21, 2012 3:34 PM
Attachments: Williamson Act Land Conservation Contract.pdf 1868_001.pdf 1869_001.pdf 1870_001.pdf 1871_001.pdf 1872_001.pdf

quick reference materials...to start.

Robin

-----Forwarded Message-----
From: David Gotfredson
Sent: Feb 16, 2012 9:59 AM
To: Robin Williams , Shalin Gala
Subject: Fwd: FW: KFMB News 8

---------- Forwarded message ----------
From: **Workman, Michael E** <Michael.Workman@sdcounty.ca.gov>
Date: Thu, Feb 16, 2012 at 9:46 AM
Subject: FW: KFMB News 8
To: David Gotfredson <dgotfredson@kfmb.com>

Here are some answers

Michael Workman
Director
County Communications Office
(619) 531-5450

1. I would like to request under the CPRA any records related to Live Tissue Training using livestock at the Covert Canyon facility, including any permits related to Live Tissue Training requested or obtained by the property owner Marc Halcon, or his companies American Training Center and Covert Canyon LLC.

   a. On Aug. 18, 2009, Mr. Halcon sent a letter to DPLU asking for authorization to conduct various activities on his property without having to apply for and receive a discretionary use permit.

   b. On Sept. 11, 2009, DPLU responded by letter, denying Mr. Halcon's request to conduct these various activities — with one exception, a request to conduct "First Responder Medic Classes" on his property.
   It was a two-day course to prepare first responders to evaluate and treat serious trauma patients injured on the battlefield and included the proper use of bandages, tourniquets and hemostatic agents. His request did not propose using firearms. It anticipated 12 students that would be transported in two-to-three SUVs.
   At that time, the County's Zoning Ordinance did not clearly identify this as a recognized

regulated use under the code. Because of that, it was determined that we could not require a use permit to operate First Responder Medic Classes.

c. In December 2010, the County amended its Zoning Ordinance to address the deficiency of not recognizing medical training uses by adding them to the "Major Impact Utility" provisions of the ordinance. (It should be noted that gun and rifle ranges are classified as "Participant Sports and Recreation" uses, which also require approval of a MUP and have since the 1980s)The change to Section 1350 of the Zoning Ordinance, Major Impact Services and Utilities, was adopted on December 3, 2010.

d. If Mr. Halcon applied today to provide the "First Responder Medic classes" he would need to apply for and receive a Major Use Permit. However, he is being allowed to continue them without seeking a permit because they are considered a "continuing non-conforming use" because he started them before the County changed its ordinance. We have provided copies of Mr. Halcon's Aug. 18, 2009 letter, the Department's September 11, 2009 response and a copy of Section 1350 of the San Diego County Zoning Ordinance as attached .pdf's.

e. Regarding the questions on the Cease and Desist Order, the Stipulated Enforcement Order does not invalidate the Cease and Desist Order. It simply clarifies what is and is not allowed by the San Diego County Zoning Ordinance and San Diego County Code of Regulatory Ordinances on Mr. Halcon's property. Copies of the Cease and Desist Order dated May 24, 2007 and Stipulated Administrative Enforcement Order dated Aug. 3, 2011 are attached as a .pdf.

2. Could you also please update me on the status of his MUP application?
3.

a. Timeline:

- **Oct. 2007:** Mr. Halcon submitted an application for a Major Use Permit (MUP) to operate a live weapon training facility (3 firing ranges) for law enforcement and military groups on his property located at 19150 High Glen Road.

- **January 2010:** DPLU, after working with the applicant and his consultants, took Mr. Halcon's MUP application before the Planning Commission with a recommendation of denial due to significant and unresolved fire safety and access issues. These issues were not the only issues that needed to be addressed, but they were the most significant and a major project issue.
The Planning Commission, following public testimony at the hearing, directed Mr. Halcon to continue to work with the San Diego Rural Fire Protection District, the County Fire Authority and the U.S. Forest Service to resolve these issues.

- **Present**: Mr. Halcon is continuing to work with these agencies; however, to date, fire safety issues remain unresolved and Mr. Halcon has not made any progress on his MUP application.

From: David Gotfredson [mailto:dgotfredson@kfmb.com]
Sent: Wednesday, February 08, 2012 2:26 PM
To: Elias, Pam
Cc: Workman, Michael E
Subject: KFMB News 8

Hello Pam,
I would like to request under the CPRA any records related to Live Tissue Training using livestock at the Covert Canyon facility, including any permits related to Live Tissue Training requested or obtained by the property owner Marc Halcon, or his companies American Training Center and Covert Canyon LLC.

Could you also please update me on the status of his MUP application?

Thank you for your assistance.

Regards,

--
David Gotfredson
KFMB News 8 Producer
7677 Engineer Rd.
San Diego, CA 92111
Email: dgotfredson@kfmb.com
Cell: (858) 472-3569
Fax: (858) 495-7557

--
David Gotfredson
KFMB News 8 Producer
7677 Engineer Rd.
San Diego, CA 92111
Email: dgotfredson@kfmb.com
Cell: (858) 472-3569
Fax: (858) 495-7557

GARY L. PRYOR
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

SAN MARCOS OFFICE
151 E Carmel
SAN MARCOS, CA 92078
(760) 471-0730

EL CAJON OFFICE
200 EAST MAIN ST. • SIXTH FLOOR
EL CAJON, CA 92020-3912
(619) 441-4030

May 24, 2007

Mr. Marc Halcon
Covert Canyon, LLC
19150 High Glen Road
Alpine, California

NOTICE TO CEASE ILLEGAL ACTIVITY

Pursuant to County Zoning Ordinance sections 7700 et seq. the County of San Diego hereby orders you to immediately cease operating a training facility for military, law enforcement, security and intelligence personnel on your property located on assessor parcel numbers 521-130-05-00; 521-130-08-00; 521-130-07-00; and 522-070-03-00. You are ordered to immediately cease all activities relating to the training facility including but not limited to shooting, shooting ranges, target practice, firearms training, combat training, military techniques, law enforcement techniques, use of explosives, helicopter landings and any other use of the property other than as allowed as of right as provided in Zoning Ordinance sections 2720 et seq. Any use of the property, other than as allowed as of right, without a permit is a violation of the Zoning Ordinance. Violation of the Zoning Ordinance is a public nuisance and a misdemeanor. Every day of violation is a separate and distinct violation and may carry civil penalties of up to $2500 a day.

In addition to violating the County Zoning Ordinance, your use of the property may violate the County Code of Regulatory Ordinances, sections 33.101 et seq., which regulates shooting in

the unincorporated area of the County. These sections are enforced by the Sheriff and we have referred this matter to the Sheriff for appropriate enforcement action.

It is so ordered,

Pam Elias, Chief
Code Enforcement Division
Department of Planning and Land use

United States Department of Agriculture
Forest Service
Cleveland National Forest
Descanso Ranger District
3348 Alpine Blvd.
Alpine, CA 91901-3923
(619) 445-6235
(619) 445-1753 FAX
CRS 1-800-735-2922

File Code: 5400
Date: September 6, 2007

Marc Halcon
[redacted]
San Diego, CA 92123

Dear Mr. Halcon,

This letter is to follow-up with the field meeting Recreation and Lands Officer Tim Cardoza had with you and Sheriff's Lieutenant Anthony Salazar on August 28, 2007 on site at your private land and adjacent National Forest System lands at Kerchoffer Flat. During this meeting a trespass of approximately 1.3 acres was documented from your private lands onto the Cleveland National Forest. Improvements and activities in violation include earthen and wooden shooting range backstops, grading, clearing of vegetation, and disturbance of a riparian area. The enclosed map and photographs depict the nature of the unauthorized improvements and activities.

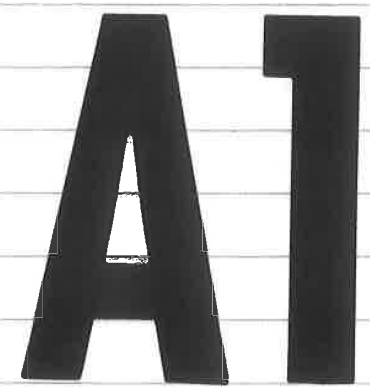
This is your official notice to cease and desist from further grading, vegetation clearing, construction of improvements, or shooting on National Forest System lands. Failure to comply will result in law enforcement action.

At the field meeting you expressed your willingness to work with the Forest Service to correct the trespass. We will appreciate your cooperation in resolving this matter. The disturbed area will have to be evaluated by resource specialists to assess the extent of resource damage that has occurred. The subject lands must then be restored to the natural grade and re-vegetated according to a restoration plan developed in cooperation with and approved by the Forest Service.

Please contact Tim Cardoza to begin developing a restoration plan for the affected lands and an implementation schedule. He can be reached at (619) 445-6235 ext. 3418.

Sincerely,

ANNE G. CAREY
Acting District Ranger


A1

We can always count on Dianne Jacob



First on the Front Lines of Fire Protection

- Led the charge to fix the fractured network of rural fire agencies.
- Secured over $120 million for new engines, helicopters, stepped up brush removal and better communications technology.
- Implemented a new state-of-the-art mass notification system to reach over 400,000 people per hour during a disaster.

Public Safety is Priority Number One

- Established the East County Gang Task Force to combat the increase in gang violence in our neighborhoods.
- Arrests of gang members by the East County Gang Task Force are up from this time last year – 109 gang members apprehended.
- Initiated the first ever countywide Megan's Law Sex Offender Pin Map, giving vital information on the location of registered sex offenders in our neighborhoods.





B

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

May 28, 2010

Mr. Marc Halcon
c/o Covert Canyon LLC
5590 Ruffin Road
San Diego, California 92124

Ref. Case No.: P07-011

Dear Mr. Halcon:

On May 28, 2010, the San Diego County Planning Commission considered the Director of Planning and Land Use's recommendation that the above-referenced Major Use Permit (P07-011) and cancellation of an existing Williamson Act Contract be denied. The application as proposed requests establishment and operation of a weapons training facility for law enforcement and military groups, which includes live munitions training activities for local and national security purposes. The project site is located on High Glen Road in the Alpine Community Plan Area.

By a vote of 5-2, the Planning Commission remanded P07-011 back to Department of Planning and Land Use Staff, with stipulations that the account be brought out of deficit and that discussions be held with the U.S. Forestry Service and the local fire district. This decision of the Commission becomes final on June 6, 2010 at 4:00 p.m. unless prior to that you or a protestant files a written appeal to the Board of Supervisors accompanied by a fee of $500. Filing an appeal will stay the decision of the Commission until a new hearing on your application is held and action is taken by the Board of Supervisors. If you have any questions, please contact Patrick Brown at (858) 694-3011.

SAN DIEGO COUNTY PLANNING COMMISSION
Eric Gibson, Secretary

By: Jason Giffen, Chief

EG:JG:cj

(cc's on Page 2)

P07-011, Agenda Item 4:

4. Covert Canyon, Major Use Permit P07-011, Alpine Community Plan Area

Proposed Major Use Permit and Williamson Act Agricultural Contract cancellation to allow establishment and operation of a weapons training facility for law enforcement and military groups. Included would be live munitions training activities for local and national security purposes. The project site is located on High Glen Road in the Alpine Community Planning Group. The Department of Planning and Land Use recommends that the project be denied because necessary infrastructure and fire protection services are not available to serve the property. Consequently, the proposal does not comply with the Public Facility Element of the County General Plan, the Alpine Community Plan, State and County Fire Codes, and Board of Supervisors Policy I-84.

Staff Presentation: Brown

Proponents: 22; Opponents: 8

Discussion:

Staff explains that this project site, zoned A72, and designated (20) General Agriculture and (23) National Forest, is surrounded by Cleveland National Forest, large-lot residential development and agriculture. The property is also currently under Williamson Act contract. The site contains a single-family residence, guest-living quarters, and accessory structures. The Major Use Permit and cancellation of the Williamson Act contract is requested to legalize an ongoing unpermitted weapons training facility utilized by local law enforcement and military personnel. Staff further informs the Planning Commission that the applicant has received a "Cease and Desist" order from Code Enforcement representatives, and is subject to additional code violations due to unauthorized grading of Forest Service lands and construction of the guest living quarters without obtaining a permit.

Staff recommends denial of the requested Major Use Permit, and informs the Planning Commission that the proposal does not comply with County codes. The applicant has been unable to provide evidence that the proposed project can be served by a local fire protection district, or that code-compliant access can be provided. As a consequence, the project does not comply with the County's General Plan, the Alpine Community Plan, the Consolidated Fire Code, County road standards, or Board of Supervisors Policy I-84.

P07-011, Agenda Item 4:

The Planning Commission is also informed that the access road to the project site (High Glen Road) is densely vegetated and poorly surfaced, contains grades of at least 25%, and does not comply with the County's minimum road width standards. Any improvements to the road will require approval by the U.S. Forest Service. In addition, due to the site's remoteness and road conditions, the project does not comply with the General Plan's emergency travel time requirements, and exceeds the dead-end road limits established by both the State of California and the County of San Diego Fire Codes. Staff explains that the applicant proposes to mitigate the excessive dead-end road length by providing shelter-in-place onsite. While this concept could apply in certain circumstances, Staff doesn't support it for this project because of the lack of adequate infrastructure and fire service, deficient primary access, inconsistencies with established travel time requirements, nonconformity with County road standards, and the lack of a willing fire protection district to serve the site. Also, the applicant's account is in deficit.

Staff informed the applicant of these issues on numerous occasions during the past several years and advised the applicant that a fire protection plan would be required, but the applicant never responded to these concerns or provided the requested information. The County Fire Marshal's determination that the project is inconsistent with the Fire Code was appealed by the applicant to the Regional Fire Appeals Board. That appeal was subsequently denied because of the conditions of the access road, and because shelter-in-place concepts are not appropriate for projects that lack basic infrastructure and fire protection service. Staff believes introduction of a live munitions training facility would greatly increase the potential for negative impacts on human health and safety, and it is imperative that responders have a safe and reliable route to the project site. Staff does not believe the findings necessary to approve this Major Use Permit can be made. Staff also reminds the Planning Commission that impacts to community character, biological resources and noise haven't been fully evaluated because of the proposal's unresolved inadequacies. Staff does not support further processing of this application until these significant issues have been addressed. Those members of the audience opposed to the project concur with Staff's conclusions and recommendations, and express great concern about potential impacts on health and safety.

The Alpine Community Planning Group recommends approval of the project, and so do former and current members of the military attending today's hearing. The applicant and his representatives insist that the project should be classified as a civic use, and maintains that the proposal is a stand-alone project wherein appropriate mitigation can address and enhance fire safety. The applicant's

representatives explain that only 18 acres of the 160-acre is proposed for development, which will consist of low intensity uses patronized by professional law enforcement and military personnel. The applicant does not see a need to provide additional protection of the non-flammable steel/concrete structures.

The applicant's representative also disagrees with Staff's assessment of the access road, and requests that the Planning Commission refer the project back to Staff for further processing. He maintains that the Public Facilities Element determines emergency response time by residential lot size or commercial or industrial type uses, and does not apply to civic-type uses. The applicant's representative reminds the Planning Commission that the State and County Fire Codes allow for modification of standards where same practical effect can be applied, commensurate with the need for the project and the risks associated by the proposed project. Certain Permits are subject to Policy I-84, not all of them, and the standards contained therein can be mitigated by other measures. The applicant's representative reminds the Planning Commission that the applicant, his family and friends are allowed to practice shooting onsite by-right, with none of the restrictions imposed by a Use Permit. The applicant also informs the Planning Commission that a fire protection plan was prepared but not submitted because it doesn't meet the strict standards of the Fire Code.

With respect to the road access, the applicant's representative explains that a special use permit was granted by the U.S. Forest Service. This permit allows regular maintenance on High Glen Road and the associated drainage structures. Maintenance includes grading, blading, removal of debris and shaping of the roadbed including shoulders, turn-outs and turn-arounds that can be utilized by emergency responders. He insists that only 2% of the road grade is greater than 20%. The applicant's representative reminds the Planning Commission that lot sizes impact dead-end road length requirements. The General Plan requires 40- or 80-acre minimum lot sizes in this area, which automatically increases allowances for dead-end road lengths to one mile, thereby greatly reducing the road-length overage for this project.

The applicant's representative believes the same portion of the site utilized by CalFire as a staging area in the Horse Thief Canyon fire is very suitable for shelter-in-place, and an onsite full-time manager would operate the shelter-in-place facility. He assures the Planning Commission that onsite activities can be suspended at a moment's notice, and there would be no temptation to stay and defend the property as many homeowners are tempted to do when residences are involved. The applicant's representative believes site evacuation can be conducted in an orderly

fashion by following plans developed and required by facility operators. In addition, all personnel and clients must participate in fire-safety training programs, an additional water supply and onsite ponds will be available, vehicles will be limited, and no incendiary or flammable material will be utilized to construct the facility. The applicant insists that fire conditions will be monitored and, if necessary, the facility will be shut down if fires are within five miles of the site to allow early and orderly emergency evacuation.

Action: Riess - Norby

Deny Major Use Permit P07-011.

Discussion of the Action:

Commissioner Riess commends the law enforcement and military personnel in attendance, but reminds them that proposed project is a privately-run facility on private property. The proposal must comply with local law, first of which must be provision of adequate access.

Commissioner Pallinger believes the site is an appropriate location for the project, and supports sending the application back to Staff for further processing. Referring to the account already in deficit, Commissioner Pallinger cautions the applicant that further processing will result in additional costs. Commissioner Day reminds those in attendance that he is a resident of Alpine and frequently passes the property. He supports the applicant's request that the application be sent back to Staff for further processing, also, because of its unique type and intensity of use.

Substitute Action: Day - Woods

Refer Major Use permit P07-011 back to Staff. The applicant is to develop and submit a fire protection plan, as well as submit other studies required by Staff. The applicant is also required to obtain an easement that will allow modification of High Glen Road from the U.S. Forestry Service representatives, and undertake fuel modification efforts..

Discussion of the Substitute Action:

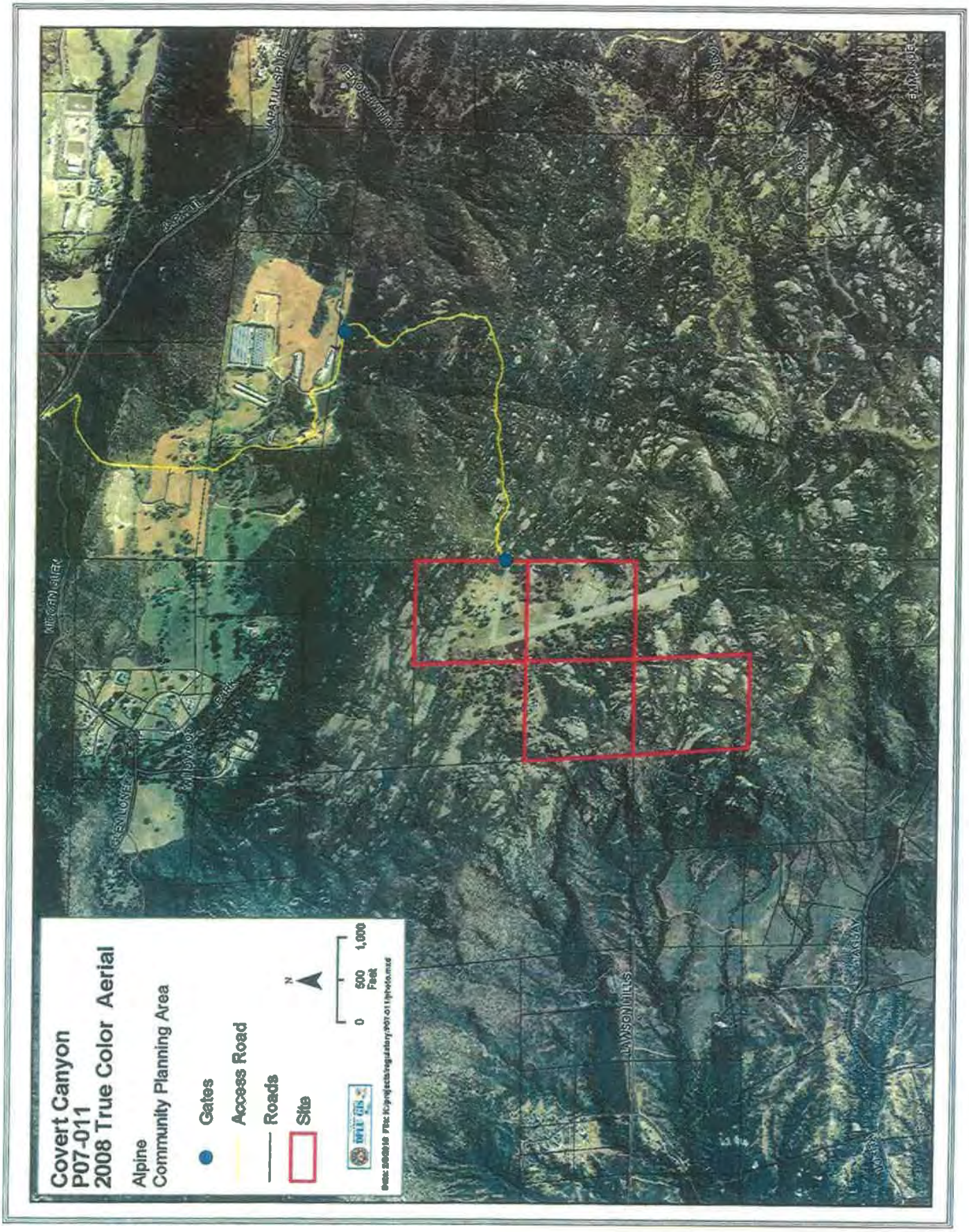
Commissioner Day agrees that use of the site as it's currently zoned would result in substantially more impacts than the proposed project. He believes the necessary findings can be made to approve the project. Chairman Beck disagrees, and

discusses the inadequacies of the access road. He discusses the danger residents in the area could encounter if a fire occurs in this very high-risk fire area. Chairman Beck discusses the endeavors undertaken by the Planning Commission to address fire protection following the recent wildfires. He supports Staff's recommendations to deny the Use Permit for this commercial operation. Chairman Beck also reminds the Planning Commission that the illegal uses onsite, unpaid fees and the project's inconsistency with the General Plan, the Community Plan, Board of Supervisors Policies and the County Fire Code remain unresolved. He notes that Staff advised the applicant to withdraw his application throughout the process.

Commissioner Brooks announces his support of the substitute motion. He realizes that the required mitigation might make the project infeasible, but believes the applicant should be allowed to provide the reports, the fire protection plan, and any other supporting documents Staff requests. Staff reminds the Planning Commissioners that the local fire protection district rejected the project and no fuel modification plan has been provided. In addition, travel time requirements included in the General Plan must be met. Staff would rather rescind the application and allow the applicant to work with Department of Forestry representatives.

Ayes:	5 -	Brooks, Day, Pallinger, Riess, Woods
Noes:	2 -	Beck, Norby
Abstain:	0 -	None
Absent:	0 -	None

C


Covert Canyon
P07-011
2008 True Color Aerial
Alpine
Community Planning Area
Gates
Access Road
Roads
Site
N
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500
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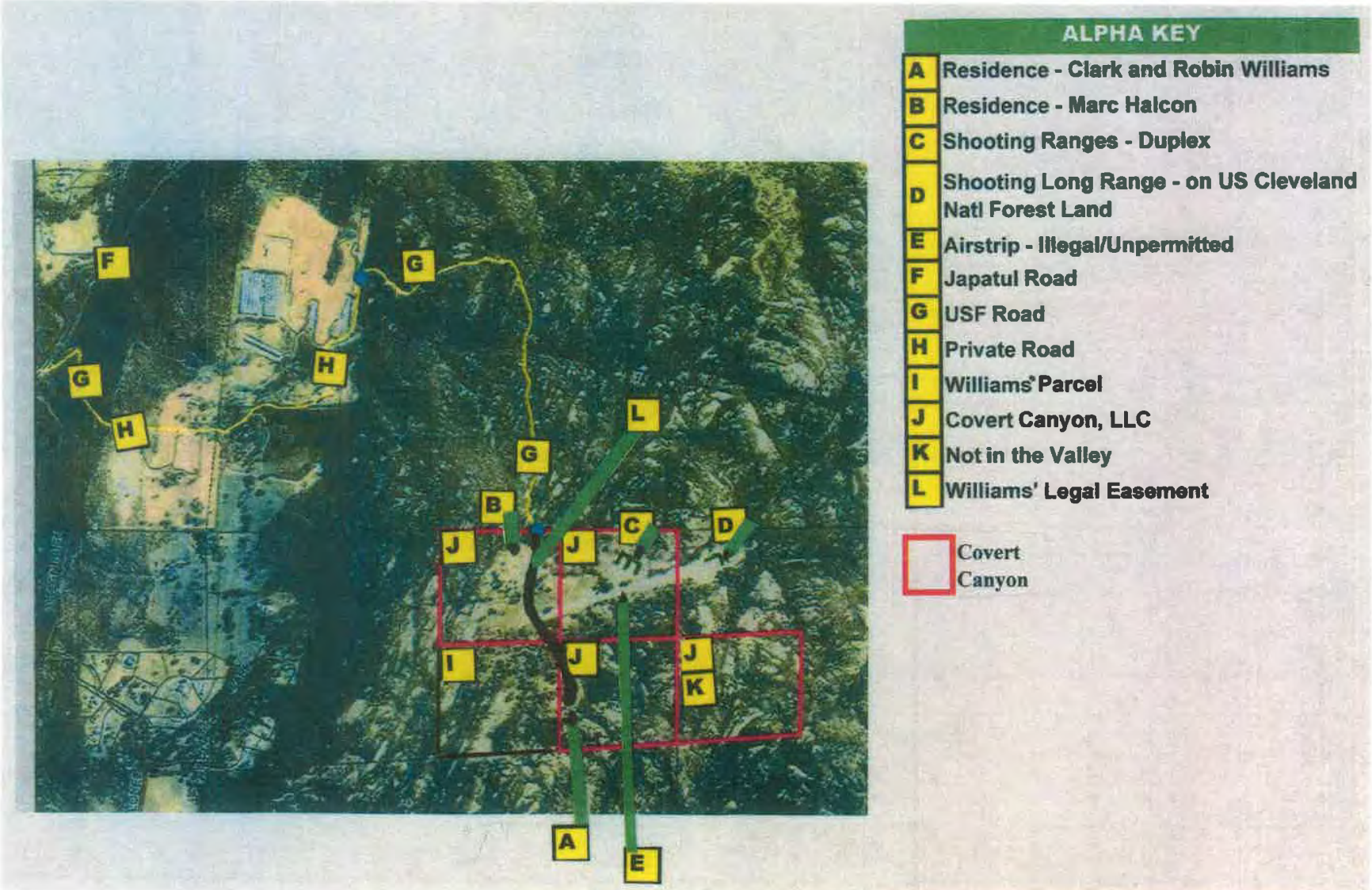
Feet
LAWSON HILLS


ALPHA KEY
A Residence - Clark and Robin Williams
B Residence - Marc Halcon
C Shooting Ranges - Duplex
D Shooting Long Range - on US Cleveland Natl Forest Land
E Airstrip - Illegal/Unpermitted
F Japatul Road
G USF Road
H Private Road
I Williams' Parcel
J Covert Canyon, LLC
K Not in the Valley
L Williams' Legal Easement
Covert Canyon
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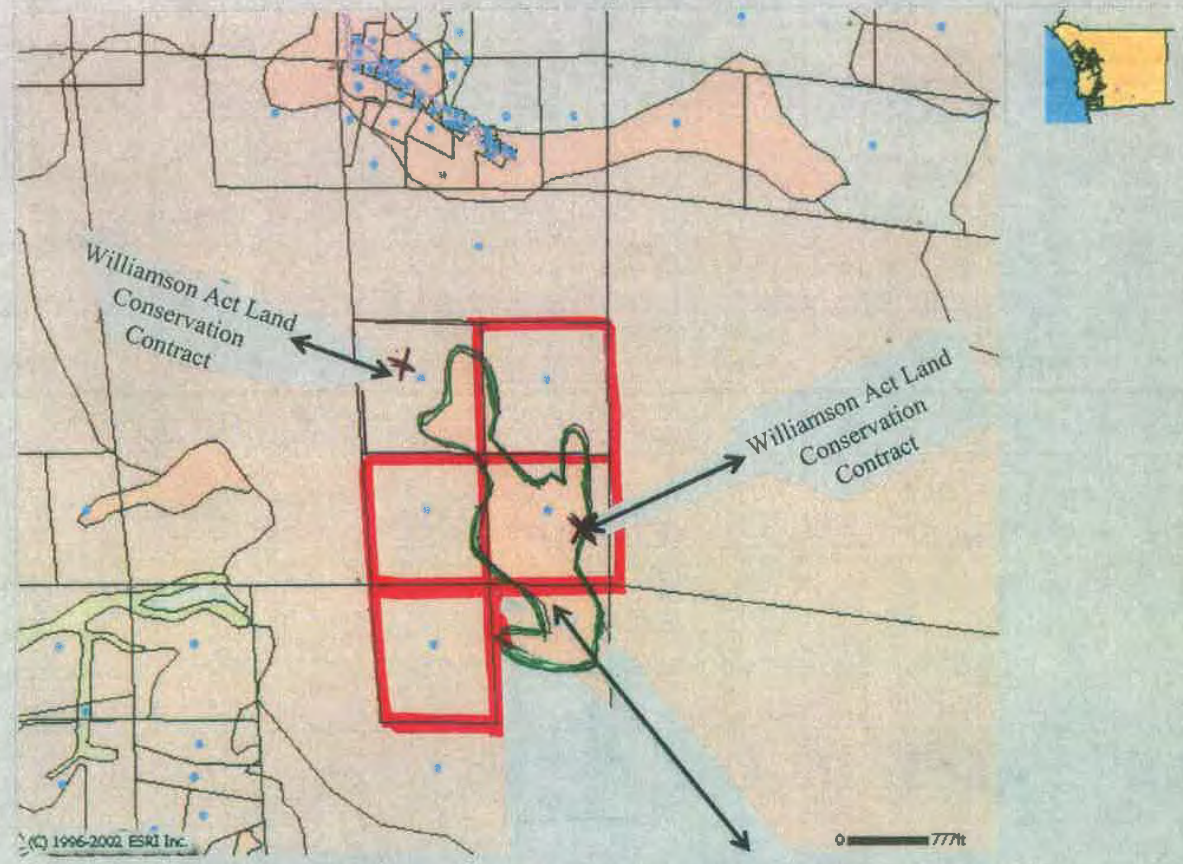
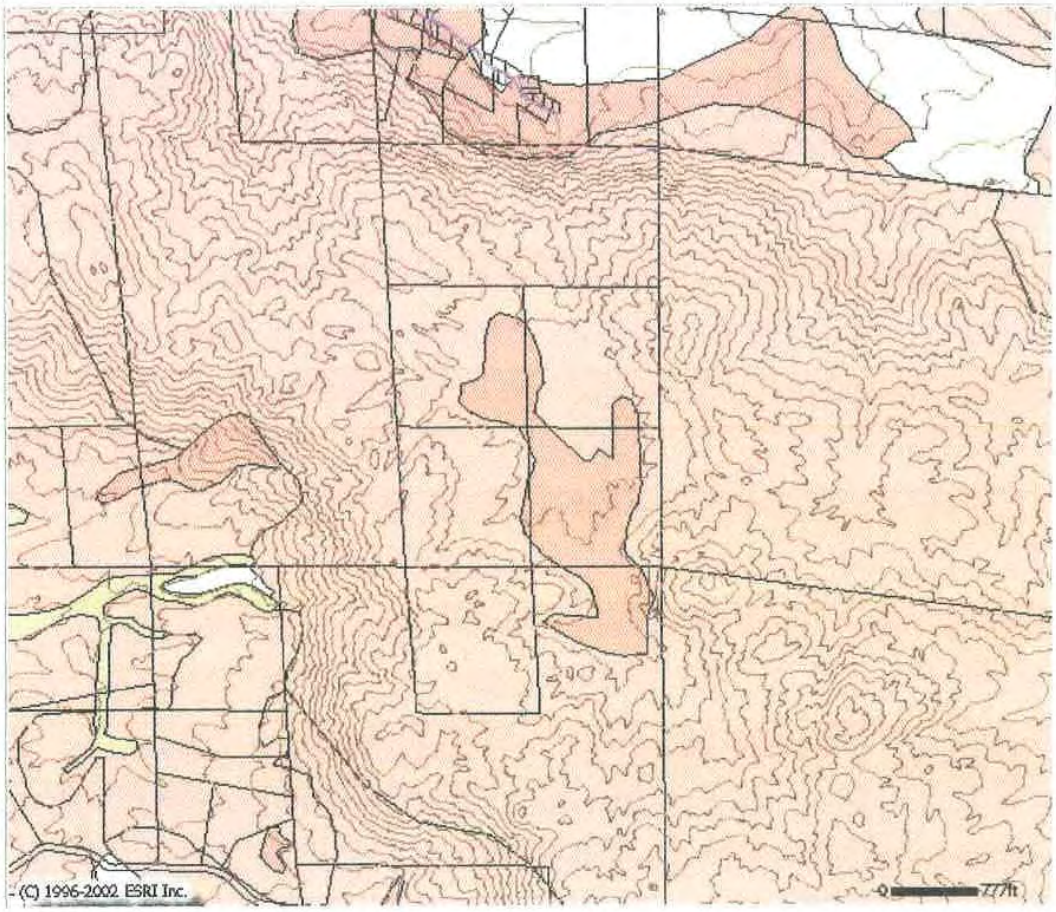
Parcel Map and Data

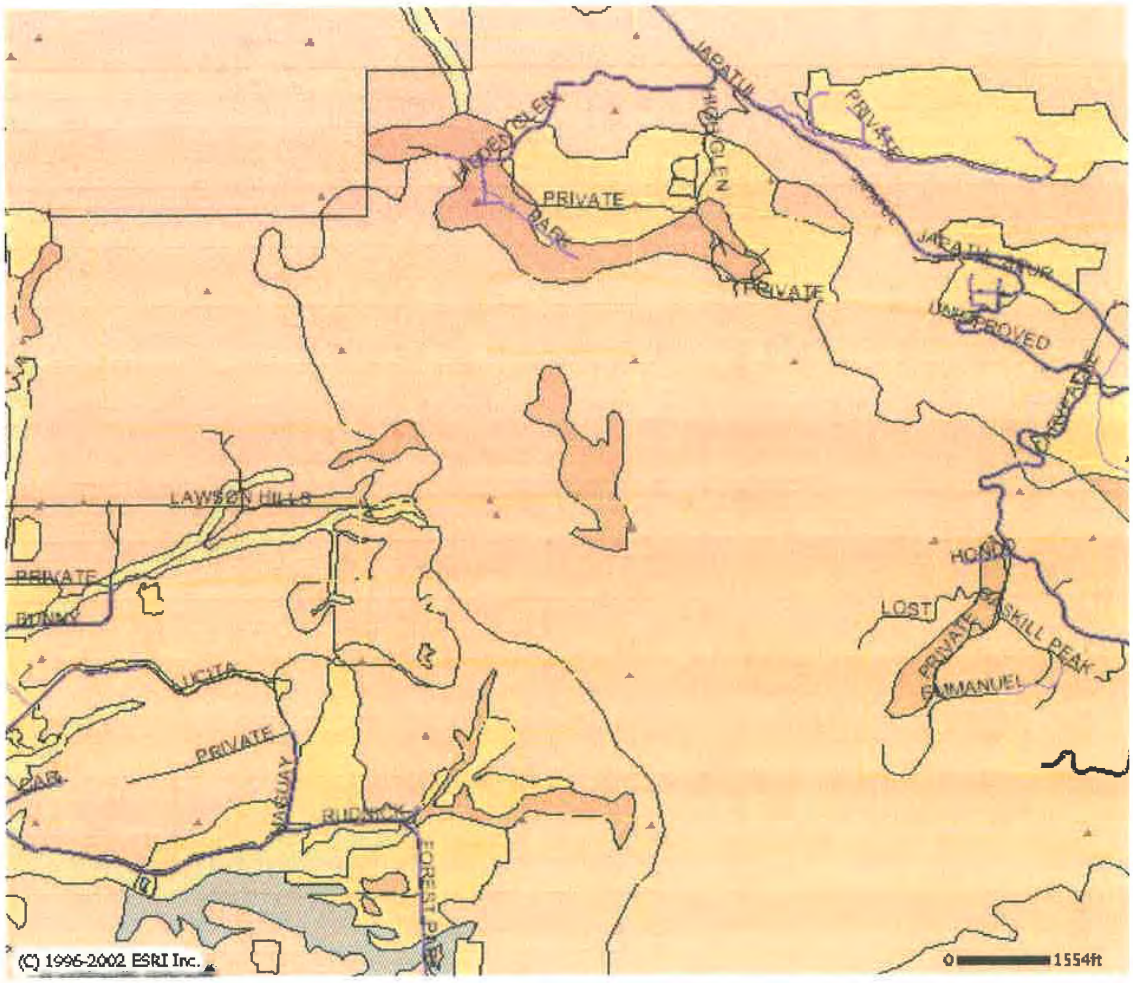




- BOG / MARSH WETLAND

Parcel Map and Data




JAPATUL
PRIVATE
HIDDEN GLEN
PRIVATE
PARK
PRIVATE
JAPATUL SPUR
UNIMPROVED
LAWSON HILLS
PRIVATE
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HONDO
LOST
PRIVATE
BASKILL PEAK
EMMANUEL
UCITA
PRIVATE
PARK
MASUAY
RUDNICK
FOREST PARK
(C) 1996-2002 ESRI Inc.
0
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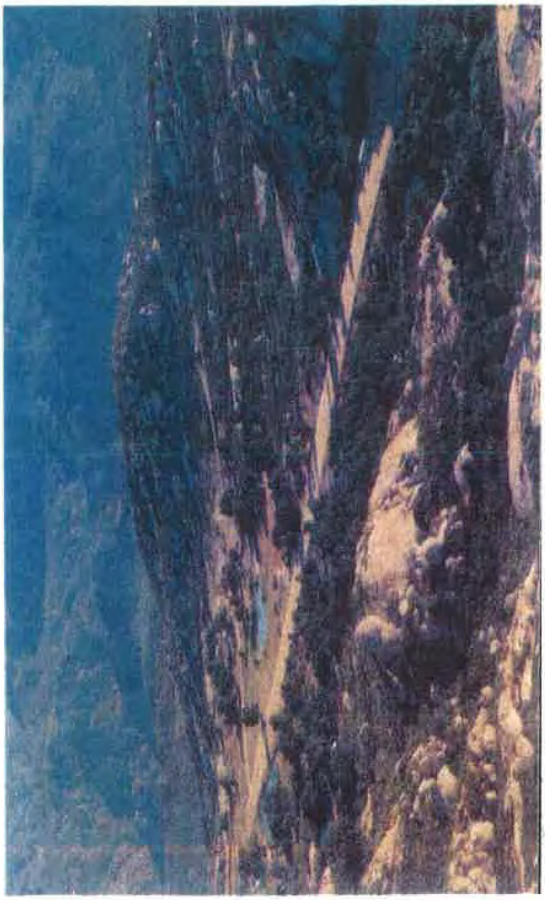
Addresses
Survey Control Monuments
Right-of-Ways
Railroads
Train
Trolley
Freeways
Highways
Airports
Parcels
MSCP Unincorporated Factors Only
Conserved subject to agreement with wildlife agencies
Major Amendment Areas
Minor Amendment Areas
Minor Amendment Are Subject to Special Consideration
Otay Ranch Areas Previously Designated OS now Proposed for Development
Otay Ranch Areas wher no take permits will be issued
Zoning Unincorporated Areas
Vegetation
BOG AND MARSH
DUNE COMMUNITY
FOREST
GRASSLANDS, VERNAL POOLS, MEADOWS
NON-NATIVE VEGETATION
RIPARIAN & BOTTOMLAND HABITAT
SCRUB AND CHAPARRAL
WOODLAND
Municipal
CARLSBAD
CHULA VISTA
CORONADO
DEL MAR
EL CAJON
ENCINITAS
ESCONDIDO
IMPERIAL BEACH
LA MESA
LEMON GROVE
NATIONAL CITY
OCEANSIDE
POWAY
S.D. COUNTY
SAN DIEGO
SAN MARCOS
SANTEE
SOLANA BEACH
VISTA







03/24/2014





CZ

County Guidelines for Determining Significance: Wildland Fire and Fire Protection

- Secondary access **is required** when accumulated dead end roads exceed thresholds:
  - Zoned 5 to 19.99 acres: **2,640 feet**
  - Zoned 20 acres or larger: **5,280 feet**
- Grades greater than 15% are not permitted without mitigation; **grades greater than 20% are prohibited.**
- Road surface: suitable for travel by **50,000 lb. fire apparatus**

D

United States Department of Agriculture

Forest Service | Cleveland National Forest

Descanso Ranger District
3348 Alpine Blvd.
Alpine, CA 91901-3923
(619) 445-6235 (619) 445-1753 FAX CRS 1-800-735-2922

File Code: 1560

Date: January 3, 2008

Jarrett E. Ramaiya County of San Diego Department of Planning and Land Use 5201 Ruffm Road, Suite B San Diego, CA 92123

Dear Mr. Ramaiya:

This letter is in response to the Covert Canyon Major Use Permit Application. The proposal is in close proximity to National Forest System (NFS) lands administered by the Descanso Ranger District of the Cleveland National Forest. We offer the following agency comments:

1. Potential wildfire ignitions from the shooting range in this remote area are a concern. Fire prevention and suppression plans should be developed and implemented. Fire fighting equipment sufficient to quickly suppress any inadvertent fire starts should be available and maintained on site. All defensible space requirements should be met within the project area.

2. There is a documented trespass from the project site onto NFS lands involving approximately 1.3 acres of illegal grading, construction of shooting backstops, and vegetation clearing. Damage to biological and archaeological resources still needs to be assessed, as well as clean up of potential soil contamination from lead bullets. We request that issuance of a Major Use Permit be contingent upon the rectification of this outstanding issue.

3. Use of NFS lands to supplement the proponents training needs would not be considered. Forest Service policy prohibits private organizations or individuals from using NFS lands for military or para-military exercises.

4. The proposed project site is adjacent to remote NFS lands. Development of shooting ranges, could adversely effect NFS resources from increased noise or nighttime lighting.

JTJ JAN 0 4 2008

OF AND
LAND USE

Thank you for the opportunity to comment on this proposal. If you have any questions, please contact Recreation and Lands Officer Tim Cardoza at (619) 445-6235 ext. 3418.

Sincerely,
OMAS K GILLETT
District Ranger

United States Department of Agriculture
Forest Service
Cleveland National Forest
Descanso Ranger District
3348 Alpine Blvd.
Alpine, CA 91901-3923
(619) 445-6235
(619) 445-4753 FAX
CRS 1-800-735-2922

File Code: 5430
Date: September 6, 2007

Marc Halcon
[redacted]
San Diego, CA 92123

Dear Mr. Halcon,

This letter is to follow-up with the field meeting Recreation and Lands Officer Tim Cardoza had with you and Sheriff's Lieutenant Anthony Salazar on August 28, 2007 on site at your private land and adjacent National Forest System lands at Kerchoffer Flat. During this meeting a trespass of approximately 1.3 acres was documented from your private lands onto the Cleveland National Forest. Improvements and activities in violation include earthen and wooden shooting range backstops, grading, clearing of vegetation, and disturbance of a riparian area. The enclosed map and photographs depict the nature of the unauthorized improvements and activities.

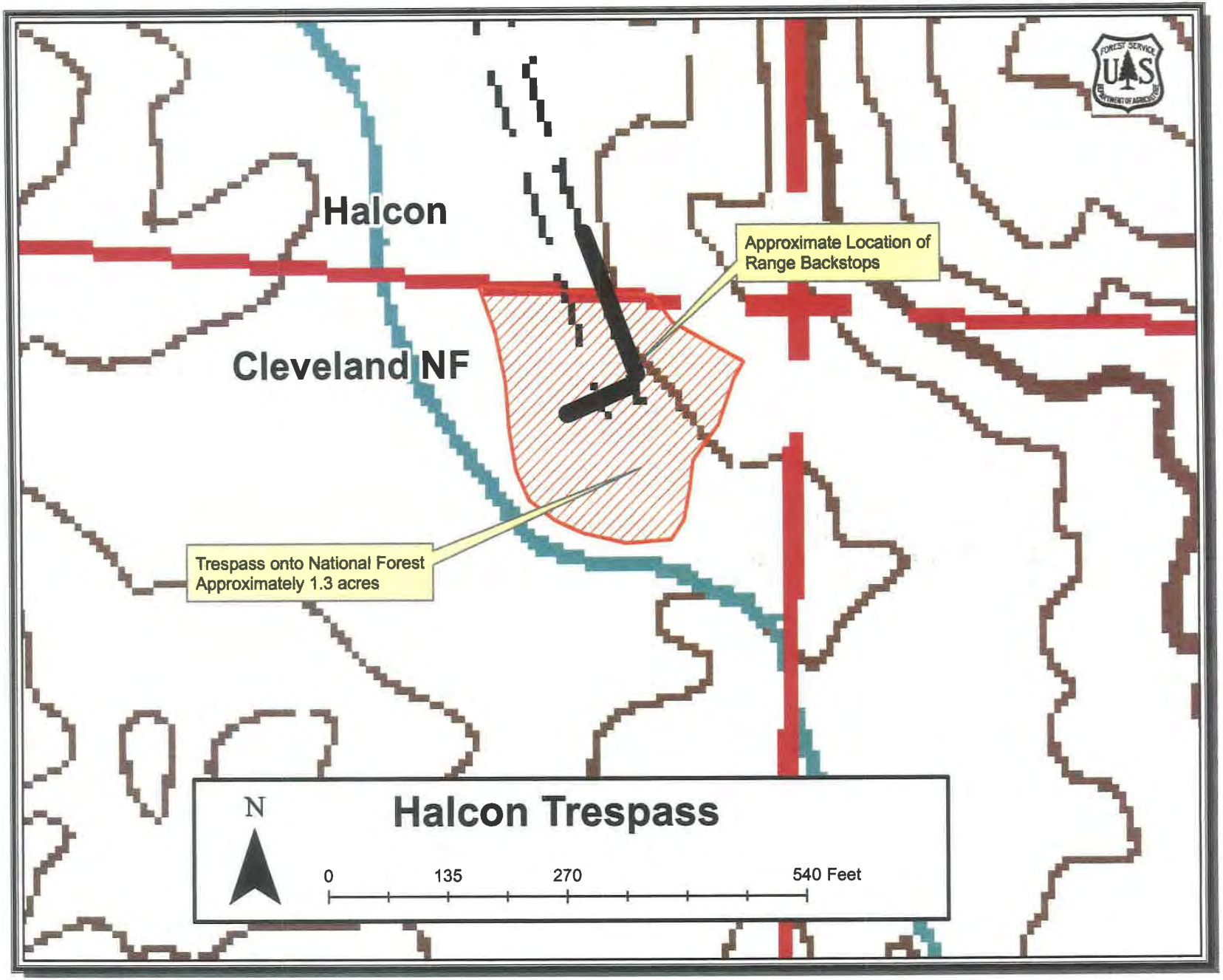
This is your official notice to cease and desist from further grading, vegetation clearing, construction of improvements, or shooting on National Forest System lands. Failure to comply will result in law enforcement action.

At the field meeting you expressed your willingness to work with the Forest Service to correct the trespass. We will appreciate your cooperation in resolving this matter. The disturbed area will have to be evaluated by resource specialists to assess the extent of resource damage that has occurred. The subject lands must then be restored to the natural grade and re-vegetated according to a restoration plan developed in cooperation with and approved by the Forest Service.

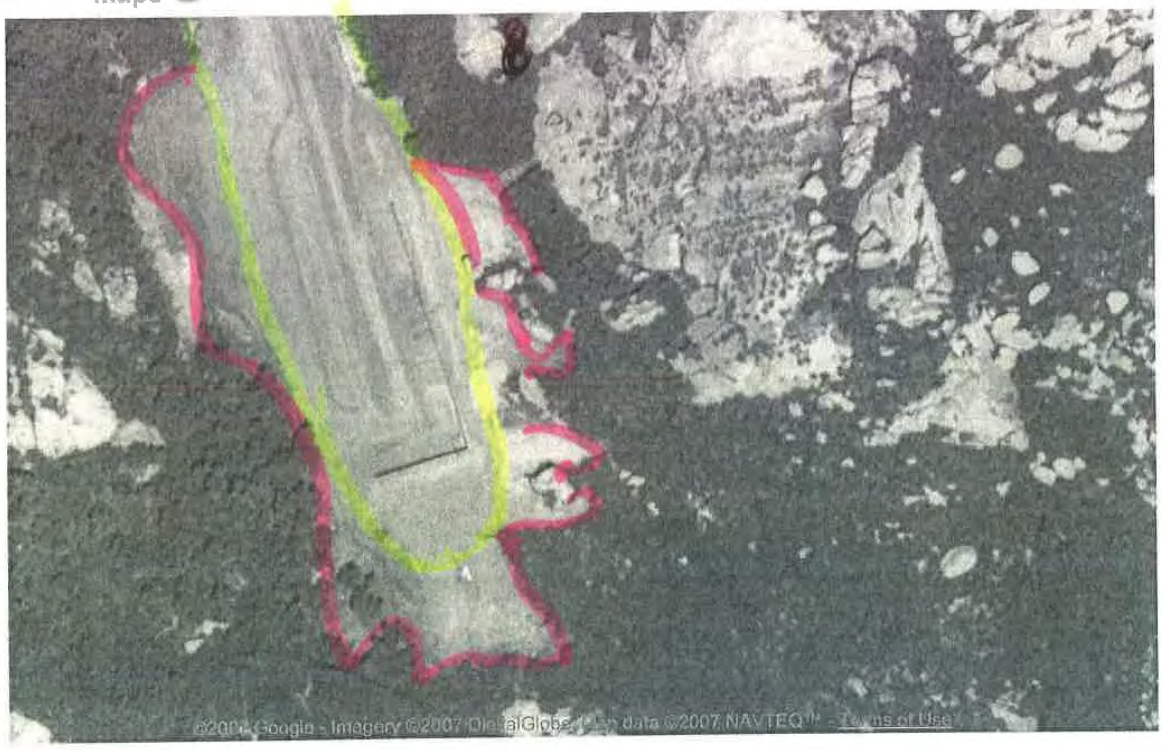
Please contact Tim Cardoza to begin developing a restoration plan for the affected lands and an implementation schedule. He can be reached at (619) 445-6235 ext. 3418.

Sincerely,

ANNE G. CAREY
Acting District Ranger


Halcon
Cleveland NF
Approximate Location of Range Backstops
Trespass onto National Forest Approximately 1.3 acres
N
Halcon Trespass
0
135
270
540 Feet

Google Maps



@ 5/28/2002

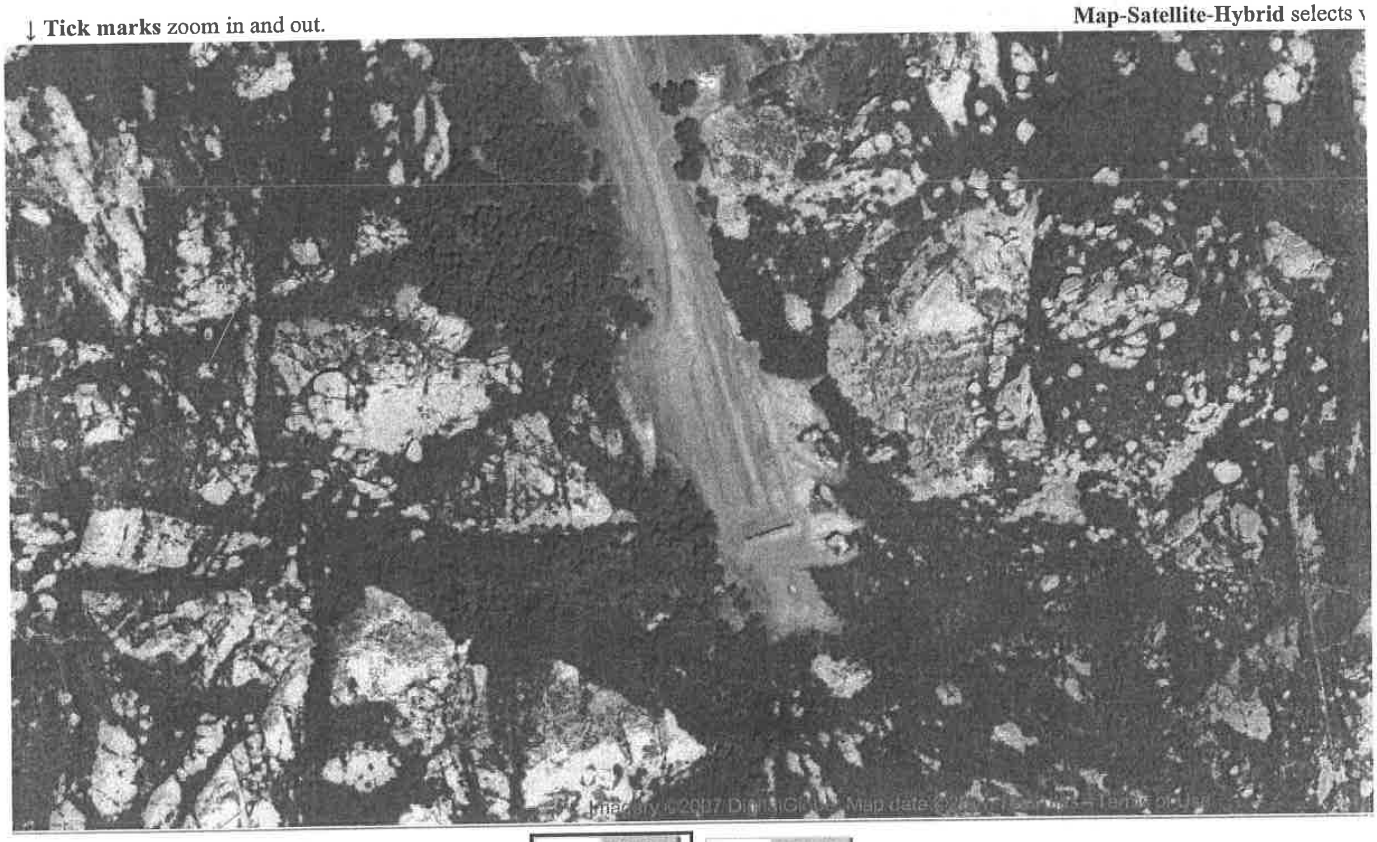
Kearchoffer Flat - California

Geocode for Kearchoffer Flat: Latitude: 32.7625 - Longitude: -116.72222

Maps and Satellite Views: San Diego County, Viejas Mou
Points of Interest | Communities | Parks | Schools | Churches | Hosp

Local Businesses: Fast Food | Hotels | Restaurants | Service Stations | The

↓ **Tick marks** zoom in and out. **Map-Satellite-Hybrid** selects



F

'04

INITIATIVE MEASURE ~~TO BE~~ SUBMITTED DIRECTLY TO THE VOTERS

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

FOREST CONSERVATION INITIATIVE. This measure would declare its purpose of limiting the conversion of privately owned lands within the Cleveland National Forest to urban uses. It states findings concerning the valued resources of that Forest area and the need to restrict development therein. It would apply to those portions of the Cleveland National Forest that are within San Diego County.

The measure would amend the San Diego County General Plan through December 31, 2010, in the following ways:

First, it would reaffirm and readopt certain existing resource protection goals and policies of the General Plan. These goals and policies generally concern preservation of rural or open space areas and natural resources.

Second, it would amend the provisions of the "National Forest and State Parks" land use designation in the General Plan land use element to state that, for all private land-holdings lying within the boundaries of the Cleveland National Forest and outside of Country Towns, a forty acre minimum parcel size and a maximum residential building intensity of one dwelling unit per parcel shall apply. It would permit the removal of this designation from land only upon either the making of specified findings, or if it is determined that denial of redesignation would constitute an unconstitutional taking of the landowner's property or deprive the landowner of a vested right. Maps of the Cleveland National Forest and affected community planning areas and subregional planning areas are attached, showing the exterior boundaries of the Cleveland National Forest; the measure would state that adopted community plan or subregional plan maps are repealed to the extent they depict private landholdings as being subject to a designation other than National Forest and State Parks.

Third, it would amend provisions of the "Environmentally Constrained Area" regional category of the General Plan land use element to add the area described above to that category, and it would make corresponding amendments to the regional land use element map.

Finally, the measure contains implementation, exemption and severability provisions.

The Above is a summary of the term of the proposed measure prepared by the County Counsel as required by Elections Code Section 3702.5; it does not reflect any legal analysis or opinion of the County Counsel concerning the proposed measure.

NOTICE OF INTENT TO CIRCULATE PETITION. Notice is hereby given by the person whose name appears hereon of his intention to circulate the petition within the County of San Diego for the purpose of preserving the private land-holdings in the Cleveland National Forest from excessive development. A statement of the reasons of the proposed action as contemplated in said petition is as follows:

The Cleveland National Forest is one of the largest expanses of undisturbed, natural open space in Southern California and as such is valuable as a watershed, agricultural, and recreational area for the citizens of San Diego County. Despite these regional values, tremendous development pressures in San Diego County are resulting in the rapid fragmentation and destruction of the Cleveland National Forest. Approximately 55,000 acres of land within the Cleveland National Forest are privately owned and, under existing plans, will inevitably be developed. Sustaining and protecting the wildlife resources of the Cleveland National Forest is highly dependent upon limiting urban encroachment on these private lands. The purpose of this measure is to establish clear, but reasonable, limitations on development of the private lands within the Cleveland National Forest.

This initiative measure amends the San Diego County General Plan to impose a minimum parcel size of 40 acres on all privately owned lands within the Cleveland National Forest and outside Country Towns through December 31, 2010.

There is abundant land within unincorporated San Diego County, within Country Towns and outside the boundaries of the Cleveland National Forest, available to meet the County's expected housing needs. This initiative measure will allow the County to continue to bear its fair share of regional growth, and to provide an adequate range of housing for all sectors of the community, while assuring the protection of the Cleveland National Forest.

Duncan McFetridge

Duncan McFetridge P.O. Box 475 Descanso, CA 91916

FOREST CONSERVATION INITIATIVE

The People of San Diego County Do Hereby Ordain as Follows:

SECTION ONE—FINDINGS AND PURPOSE

A. Tremendous development pressures in San Diego County are resulting in the rapid fragmentation and destruction of the Cleveland National Forest. Approximately 55,000 acres of land within the Cleveland National Forest are privately owned and, under existing plans, will inevitably be developed. Sustaining and protecting the wildlife resources of the Cleveland National Forest is highly dependent upon limiting urban encroachment on these private lands. Yet, as with the case of the recent adoption of the Central Mountain Subregional Plan update, extensive development has continued on these biologically sensitive land-holdings. This initiative measure creates new policies to limit the conversion of privately owned lands within the Cleveland National Forest to urban uses.

B. The Cleveland National Forest is one of the largest expanses of undisturbed, natural open space in Southern California and as such is valuable as a watershed, agricultural area, and recreational area for the citizens of San Diego County. The area is also home to a number of threatened or endangered animal and plant species including, but not limited to, Mountain Lion, Bald Eagle, Golden Eagle, Least Bell's Vireo, Orange-Throated Whiptail, Yellow Warbler, Coast Horned Lizard, Englemann Oak, Tecate Cypress, Parish's Meadowfoam, and San Diego Thornmint. Parish's Meadowfoam and San Diego Thornmint are listed as endangered by the California Department of Fish and Game. The Golden Eagle and the Least Bell's Vireo are on the Federal lists of sensitive and endangered species, respectively.

C. The unique resources of the Cleveland National Forest are of such significance that development on parcels within the Forest must be restricted. The San Diego County Planning Commission indicated that a parcel size of greater than 20 acres was necessary to preserve those pristine areas, and to minimize the impact of development on public lands. The U.S. Fish and Wildlife Service, the California Department of Parks and Recreation, and numerous wildlife biologists have determined that an 80 acre minimum parcel size is required to protect the resources of the Cleveland National Forest. This initiative amends the San Diego County General Plan to impose a minimum parcel size of 40 acres on all privately owned lands within the boundaries of the Cleveland National Forest and outside Country Towns, through December 31, 2010. The initiative also amends the San Diego County General Plan to provide that all such privately owned lands within the boundaries of the Cleveland National Forest and outside Country Towns, through December 31, 2010. The initiative also amends the San Diego County General Plan to provide that all such privately owned lands fall within the "Environmentally Constrained Area" regional category; except for the amendment relating to such private land holdings, the General Plan provisions governing the "Environmentally Constrained Area" regional category remain unchanged by the initiative through December 31, 2010.

D. Recognizing the need for continued growth and adequate housing in the County, this initiative measure's primary restrictions apply only to the private land-holdings located within the boundaries of the Cleveland National Forest as delineated on the San Diego County General Plan Land Use Map. This initiative measure this does not apply to land located within County Towns. County Towns are historically established retail/residential areas serving surrounding low density rural areas. Attached to

this initiative are (1) a map of the Cleveland National Forest illustrating the boundaries of the Cleveland National Forest, and (2) Community and Subregional Plan maps showing the locations of Country Towns. There is abundant land within unincorporated San Diego County, within Country Towns and outside the boundaries of the Cleveland National Forest, available to meet the expected housing needs identified by the San Diego County General Plan Housing Element. This initiative measure will allow the County to continue to bear its fair share of regional growth, and to provide an adequate range of housing for all sectors of the community, while assuring the protection of the Cleveland National Forest.

E. The Land Use Element of the San Diego County General Plan adopted January 3, 1979, as amended through April 20, 1992 sets forth several goals essential to protecting the County's environmental resources which this initiative reaffirms and readopts to remain in effect through December 31, 2010; these goals are:

Goal 1.1: Urban Growth be directed to areas within or adjacent to existing urban areas, and that the rural setting and lifestyle of the remaining areas of the County be retained.

Goal 2.6: Insure preservation of contiguous regionally significant open space corridors.

Goal 3.1: Protect lands needed for preservation of natural and cultural resources; managed production of resources; and recreational, educational, and scientific activities.

F. The Open Space Element adopted December 20, 1973, as amended through April 20, 1992 sets forth several goals essential to protecting the County's environmental resources which this initiative reaffirms and readopts to remain in effect through December 31, 2010; these goals are:

Goal 2: Conserve scarce natural resources and lands needed for vital natural processes and the managed production of resources.

Goal 3: Conserve open spaces needed for recreation, educational and scientific activities.

Goal 4: Encourage and preserve those open space uses that distinguish and separate communities.

Goal II-4: Encourage the conservation of vegetation and trees needed to prevent erosion, siltation, flood, and drought, and to protect air and water quality.

Goal II-5: Encourage the conservation of the habitats of rare or unique plants and wildlife.

Goal II-8: Encourage the preservation of significant natural features of the County, including the beaches, lagoons, shoreline, canyons, bluffs, mountain peaks, and major rock outcroppings.

G. The Conservation Element adopted December 10, 1975, as amended through April 20, 1992 sets forth several policies essential to protecting the County's environmental resources which this initiative reaffirms and adopts to remain in effect through December 31, 2010; these policies are:

Policy 2: San Diego County shall coordinate with appropriate federal, state and local agencies to conserve areas of rare, endangered, or threatened species.

Policy 7: The County shall establish procedures for acquiring significant wildlife habitats in areas of rapid urban development and areas of projected urban development.

SECTION TWO—GENERAL PLAN AMENDMENT

The San Diego County General Plan, including its Community and Subregional Plans, as amended through April 20, 1992 (hereinafter the "San Diego County General Plan") is hereby amended as follows, through December 31, 2010:

A. The following resource protection goals and policies (set forth in their entirely in findings E, F, and G of section One of the Forest Conservation Initiative) are hereby reaffirmed and readopted: goals 1.1, 2.6, and 3.1 of the San Diego County General Plan Land Use Element; goals 2, 3, 4, II-4, II-5, and II-8 of the San Diego County General Plan Open Space Element; and, policies 2 and 7 of the San Diego County General Plan Conservation Element.

B. The National Forest and State Parks (23) land use designation as set forth beginning on page II-25 of the San Diego County General Plan Land Use Element is hereby amended through December 31, 2010 as follows:

1. The existing first sentence of this designation is deleted and the following sentence is added commencing a new subsection (a):

   "(a) The National Forest and State Parks (23) designation indicates the planned boundaries and major land-holdings of the Cuyamaca Rancho State Park and Anza-Borrego State Park."

2. The following is added as new subsection (b) on page II-26 following the provisions of subsection (a) regarding clustering:

   "(b) The National Forest and State Parks (23) designation also applies to all private landholdings lying within the boundaries of the Cleveland National Forest and outside of Country Towns. For purposes of this subsection, "private land-holdings" means lands held in fee title by any person or entity other than the federal, state, county or local government. A map of the Cleveland National Forest is attached to the Forest Conservation Initiative and incorporated herein for purposes of showing the outer boundaries of the Cleveland National Forest. For all parcels identified above, a forty (40) acre-minimum parcel size and a maximum residential building intensity of one dwelling unit per parcel shall apply. The provisions described in subsection (a) above concerning lot sizes and clustering on lands within Cuyamaca Rancho State Park and Anza-Borrego State Park shall not apply to private land-holdings within the Cleveland National Forest.

   "Except as provided hereinafter, until December 31, 2010, private land-holdings inside the boundaries of the Cleveland National Forest and outside Country Towns which are designated National Forest and State Parks (23) in the San Diego County General Plan shall remain so designated unless the County redesignates said land pursuant to the procedures set forth below in paragraphs (1) or (2) of this subsection.

   "(1) Private land-holdings inside the boundaries of the Cleveland National Forest and outside Country Towns which are designated National Forest and State Parks (23) may be removed from this designation if all of the follow findings (a-f) are made:

   "(a) That the approval will not constitute part of, or encourage, a piece-meal conversion of a larger Cleveland National Forest area to residential or other non-open space uses;

"(b) Adequate public services and facilities are available and have the capability to accommodate the proposed use by virtue of the property being within or annexed to appropriate service districts;

"(c) The land proposed for redesignation is contiguous to a Country Town;

"(d) The proposed use and density are compatible with the environmental resources of the Cleveland National Forest and will not adversely affect the stability of land use patterns in the area;

"(e) Incorporation or annexation to a city is not appropriate or possible within the next five years, based on the following factors: nearby cities' designated sphere of influence boundaries, city general plan limits and projections, and comprehensive annexation plans; and,

"(f) The land proposed for redesignation does not exceed 40 acres for any one landowner in any calendar year. One landowner may not redesignate lands designated National Forest and State Parks (23) more often than once every year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

"(2) Lands designated National Forest and State Parks (23) may be removed from this designation if the County, after challenge by an affected landowner, and after considering all facts and applicable legislative and judicial authority in support of this designation finds that denial of a redesignation would constitute, an unconstitutional taking of the landowner's property or would deprive the landowner of a vested right. In permitting a redesignation pursuant to this paragraph, the redesignation will be granted only after public notice and hearing and only to the minimum extend necessary to avoid said unconstitutional taking or deprivation of vested right.

"The General Plan maps listed below are amended by the Forest Conservation Initiative to provide that all private land-holdings are defined in this subsection lying within the boundaries of the Cleveland National Forest and outside of Country Towns are designated National Forest and State Parks (23). To the extent that the maps listed below depict such private land-holdings as subject to a designation other than National Forest and State Parks (23), those portions of the maps are repeated. Reduced copies of the maps, including text thereon indicating these amendments, are attached to the Forest Conservation Initiative. The maps as amended are incorporated into the San Diego County General Plan.

1. Alpine Community Plan dated July 2, 1990;
2. Ramona Community Planning Area dated January 9, 1989;
3. Julian Community Plan dated September 29, 1989;
4. Desert Subregional Area dated September 28, 1987;
5. Mountain Empire Subregional Area dated September 28, 1987;
6. North Mountain Subregional Area dated September 29, 1989;
7. Central Mountain Subregional Area dated October 6, 1988;
8. Pendleton-De Luz Subregional Area dated February 7, 1986; and,
9. Jamul-Dulzura Subregional Area dated February 13, 1992.

"The County may amend these maps as necessary to reflect:

- Redesignations of land pursuant to subsection (b), paragraphs (1) or (2), of designation (23);
- General Plan amendments relating to land other than private land-holdings lying within the Cleveland National Forest and outside Country Towns;
- The terms and purpose of the Forest Conservation Initiative."

C. The Environmentally Constrained Area (1.6) regional category as set forth on page II-11 of the San Diego County General Plan Land Use Element is hereby deleted and replaced with the following to remain in effect through December 31, 2010:

"Environmentally Constrained Areas include floodplains, lagoons, areas with construction quality sand deposits, rock quarries, agricultural preserves, area containing rare and endangered plant and animal species, and all private land-holdings as defined in subsection (b) of designation (23) as amended by the Forest Conservation Initiative within the Cleveland National Forest outside Country Towns. Development in these areas, while guided by the County General Plan, should be preceded by through environmental review and implementation of appropriate measures to mitigate adverse impacts.

"Uses and densities will be those permitted by the applicable community and subregional plan map; the County Zoning Ordinance; the Groundwater Policy; and, for private landholdings in the Cleveland National Forest and outside of Country Towns designated National Forest and State Parks (23) a forty acre minimum parcel size shall apply and a one (1) unit per parcel maximum density.

"The resource responsible for the designation of an ECA shall be identified and appropriate mitigation measures included in any project approval.

"Flood prone areas which are not planned for stabilization will be retained in natural, open and other non-urban uses.

"Areas designated Agricultural Preserve shall be designated 'Environmentally Constrained Areas'.

"The General Plan Regional Land Use Element Map dated August 26, 1991, as amended through April 20, 1992, is amended by the Forest Conservation Initiative to provide that all private land-holdings as defined in subsection (b) of designation (23) lying within the boundaries of the Cleveland National Forest and outside of Country Towns are included within the Environmentally Constrained Area regional category. To the extent that said map depicts such private landholdings as within a regional category other than Environmentally Constrained Area, those portions of the map are repealed. A reduced copy of the map, including text thereon indicating this amendment, is attached to the Forest Conservation Initiative. The map as amended is incorporated into the San Diego County General Plan.

"The County may amend this map as necessary to reflect:

- Redesignations of land pursuant to subsection (b), paragraphs (1) or (2), of designation (23);
- General Plan amendments relating to land other than private land-holdings lying within the Cleveland National Forest and outside Country Towns;
- The terms and purpose of the Forest Conservation Initiative."

D. The Special Purpose Designations and Use Regulations Table on page II-24 of the San Diego County General Plan Land Use Element is hereby amended to add a notation to follow the use regulations listed for the National Forest and State Parks (23) designation through December 31, 2010 as follows:

"On private land-holdings as defined in subsection (b) of designation (23) as amended by the Forest Conservation Initiative within the Cleveland National Forest, and outside Country Towns, the maximum residential density is one unit per 40 acres."

SECTION THREE—IMPLEMENTATION

Upon the effective date of this initiative, the provisions of Section Two of this initiative amending the General Plan are inserted into the San Diego County General Plan, except that if in the year the initiative becomes effective, the four amendments permitted by State law for that year have already been utilized, this General Plan amendment shall be the first inserted into the San Diego County General Plan on January 1 of the following year.

SECTION FOUR—EXEMPTIONS FOR CERTAIN PROJECTS

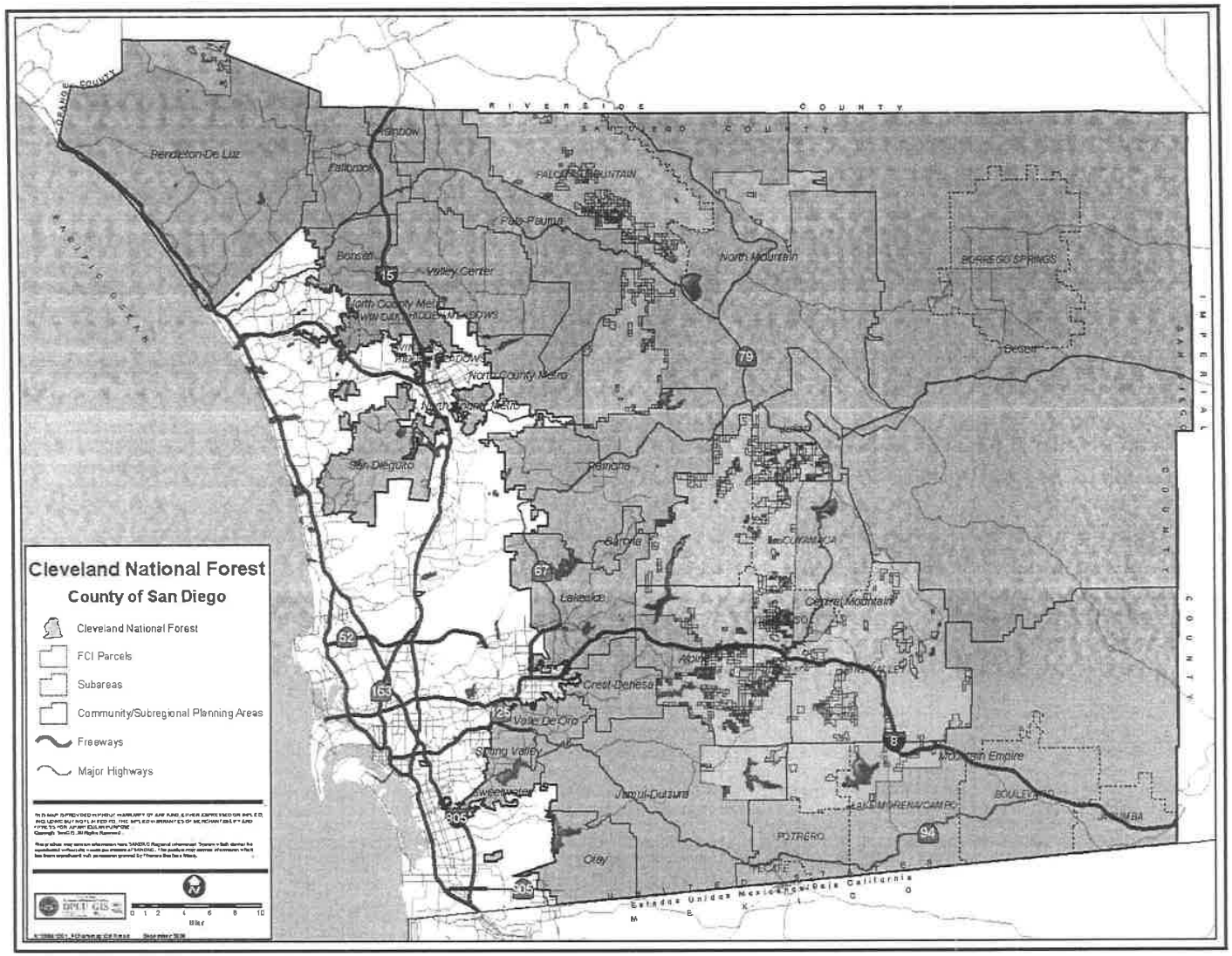
This initiative shall not apply to any development project which has obtained as of the effective date of the initiative a vested right. The provisions of this initiative shall not apply to the extent that they would violate federal or state laws.

SECTION FIVE—SEVERABILITY

If any portion of this initiative is declared invalid by a court, the remaining portions are to be considered valid.

SECTION SIX—DURATION

This initiative shall remain in effect until December 31, 2010.


Cleveland National Forest
County of San Diego
Cleveland National Forest
FCI Parcels
Subareas
Community/Subregional Planning Areas
Freeways
Major Highways
RIVERSIDE COUNTY
SAN DIEGO COUNTY
IMPERIAL COUNTY
Pendleton-De Luz
Fallbrook
Bonsall
Valley Center
Palo Pauma
North Mountain
BORREGO SPRINGS
Desert
North County Metro
San Dieguito
Ramona
Barona
Lakeside
Central Mountain
Crest-Dehesa
Valle De Oro
Spring Valley
Sweetwater
Jamul-Dulzura
Mountain Empire
POTRERO
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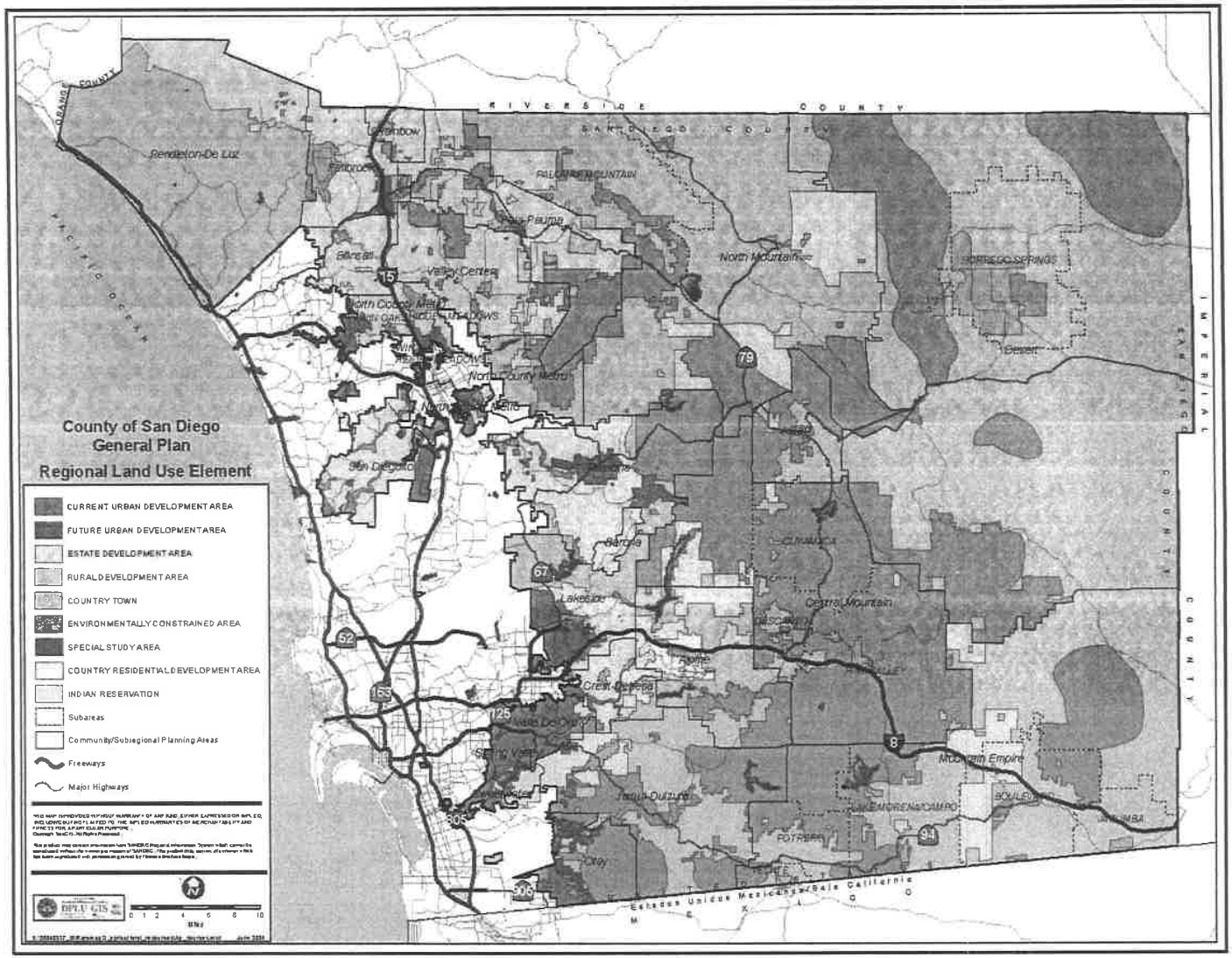
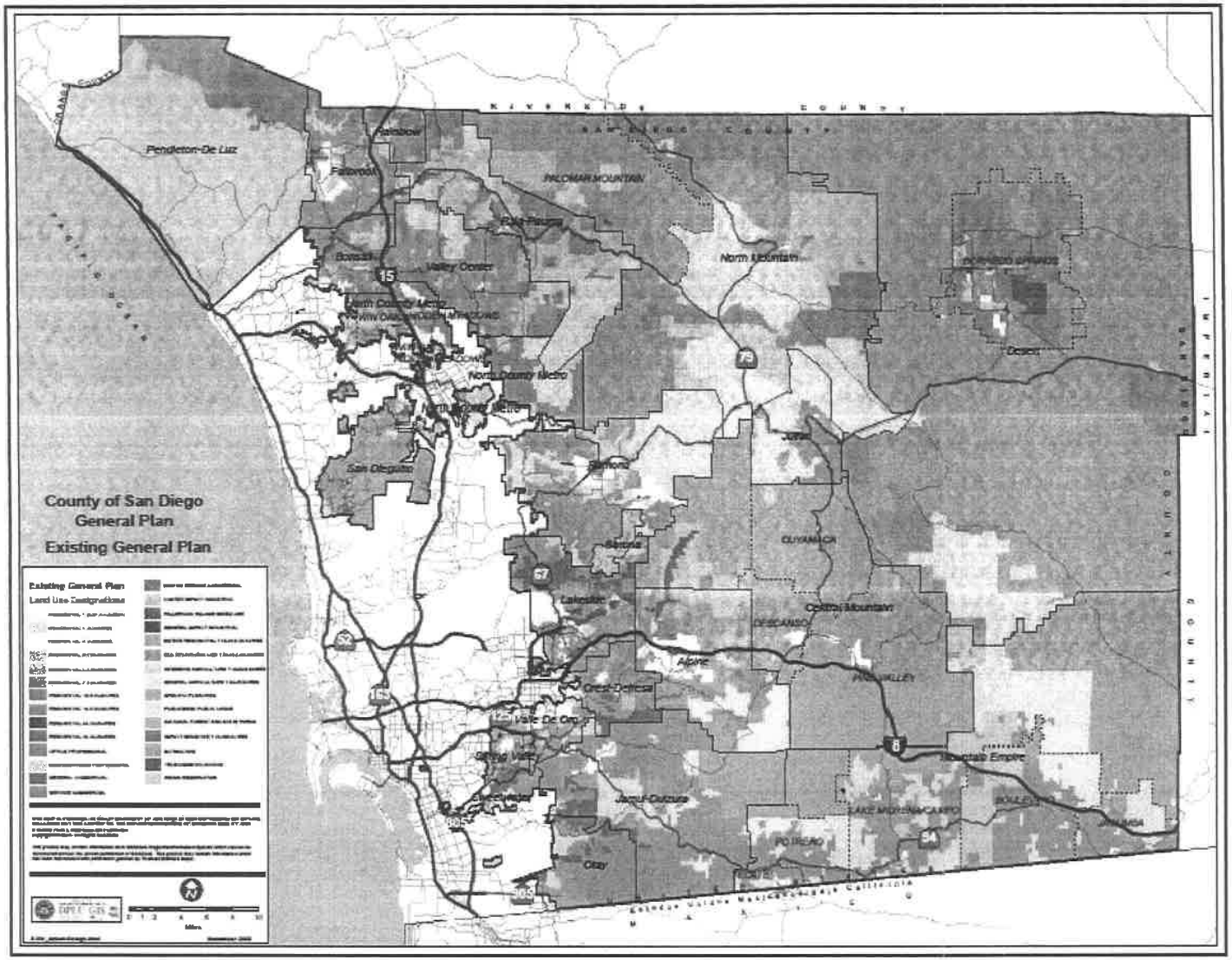

County of San Diego
General Plan
Regional Land Use Element
CURRENT URBAN DEVELOPMENT AREA
FUTURE URBAN DEVELOPMENT AREA
ESTATE DEVELOPMENT AREA
RURAL DEVELOPMENT AREA
COUNTRY TOWN
ENVIRONMENTALLY CONSTRAINED AREA
SPECIAL STUDY AREA
COUNTRY RESIDENTIAL DEVELOPMENT AREA
INDIAN RESERVATION
Subareas
Community/Subregional Planning Areas
Freeways
Major Highways
RIVERSIDE COUNTY
SAN DIEGO COUNTY
ORANGE COUNTY
PACIFIC OCEAN
IMPERIAL COUNTY
Escenas Unidos Mexicanos/Baja California
Rancho Santa Fe
Valley Center
Pala-Pauma
North Mountain
Ramona
Julian
Alpine
Jamul-Dulzura
Otay
Lakeside
Crest-Dehesa
Sweetwater
Spring Valley
Mountain Empire
Boulevard
Pine Valley
Potrero
Central Mountain
Desert
Fallbrook
Bonsall
Vista
Oceanside
Escondido
San Dieguito
Encinitas
Solana Beach
Del Mar
Poway
Lincoln
Sunset Cliffs
Otay Mesa
Tijuana
Tecate
Mexicali
Ensenada
Rosarito
Tijuana River Valley
Otay Mesa-Nestor
Barrio Logan
Centre City
Uptown
Mission Bay
Pacific Beach
La Jolla
Mira Mesa
Rancho Penasquitos
Scripps Miramar Ranch
Black Mountain Ranch
Carmel Valley
Del Mar Mesa
Torrey Pines
Carmel Mountain Ranch
Rancho Bernardo
Sabre Springs
Mira Mesa
Miramar
Scripps Ranch
Tierrasanta
Navajo
College Area
Clairemont Mesa
Kearny Mesa
Serra Mesa
Linda Vista
Mission Valley
Old Town
Peninsula
Midway-Pacific Highway
Downtown
Otay Mesa
Otay Mesa-Nestor
Tijuana River Valley
Jamul-Dulzura
Otay
Sweetwater
Spring Valley
Lakeside
Crest-Dehesa
Alpine
Central Mountain
Mountain Empire
Boulevard
Pine Valley
Potrero
Julian
Ramona
Desert
North Mountain
Pala-Pauma
Fallbrook
Bonsall
Valley Center
Rancho Santa Fe
Encinitas
Solana Beach
Del Mar
Poway
Escondido
Vista
Oceanside
San Dieguito


County of San Diego
General Plan
Existing General Plan
Existing General Plan
Land Use Designations
Pendleton-De Luz
Fallbrook
Rainbow
Bonsall
Valley Center
North County Metro
San Dieguito
Ramona
Lakeside
Alpine
Crest-Dehesa
Valle De Oro
Jamul-Dulzura
Otay
Cuyamaca
Central Mountain
Desert
Mountain Empire
Pala-Pauma
Palomar Mountain
North Mountain
Borrego Springs
Pine Valley
Lake Morena/Campo
Potrero
Jacumba
Sweetwater
Spring Valley
Kiverkide County
San Diego County
Imperial County
Pacific Ocean
Estados Unidos Mexicanos
Baja California
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Return to

EASEMENT

AFFIX $ -0-
TRANSFER TAX

WHEREAS, H. VINCENT DANIELS, a single man, hereinafter referred to as Grantor, is the fee title owner of the following parcel of land:

> The Northeast quarter of the Southeast quarter of Section 24, Township 16 South, Range 2 East in the County of San Diego, State of California.

WHEREAS, WILLIAM C. BARKER and FLORENCE D. BARKER, husband and wife, as joint tenants, hereinafter referred to as Grantees, are the fee title owners of a parcel of property adjoining the property of the grantor, which adjoining property of the grantees is described as follows:

> The Northwest quarter of the Southeast quarter of Section 24, Township 16 South, Range 2 East in the County of San Diego, State of California.

WHEREAS the grantor and the grantees are desirous of establishing a right-of-way or easement of ingress and egress over the property of the grantor;

NOW, THEREFORE, for good consideration, receipt of which is hereby acknowledged, the grantor does hereby grant and convey unto the said grantees and their heirs, successors and assigns an easement or right-of-way, not less than 25 feet in width, over the grantor's land for the purpose of providing ingress and egress from the County Road known as Japatul Road to the property of the grantees.

It is the intention of the said grantor and grantees that at some future date they or their successors in interest will by mutual agreement determine the exact location of the easement herein granted and prepare and record a description thereof.

DATED: Feb 14 Th 1968

H. Vincent Daniels

H. Vincent Daniels

Recording requested by:
Title Insurance and Trust

1421

When recorded mail to:
William C. Barker, Sr.
4395 Hawk Street
San Diego, Ca. 92103

K-998881

Parcel No. 521-130-05

DOCUMENTARY TRANSFER TAX is none
☐ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
☐ COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES REMAINING THEREON AT TIME OF SALE.
Title Insurance and Trust Co.
By: [signature]
Signature of declarant or agent determining tax — Firm Name
☒ Unincorporated Area ☐ City of

GRANT OF EASEMENT

WHEREAS, H. VINCENT DANIELS, a married man, hereinafter referred to as Grantor, is the fee title owner of the following real property, hereinafter referred to as the "Servient Tenement":

The Northeast Quarter of the Southeast quarter of Section 24 Township 16 South, Range 2 Eas. in the County of San Diego, State of California.

WHEREAS, WILLIAM C. BARKER and FLORENCE D. BARKER, husband and wife, as joint tenants, hereinafter referred to as Grantees, are the fee title owners of a parcel of real property adjoining the property of the grantor, hereinafter referred to as the "Dominant Tenement", and described as follows:

The Northwest quarter of the Southeast quarter of Section 24, Township 16 South, Range 2 East in the County of San Diego, State of California.

WHEREAS the grantees are desirous of acquiring an easement in the Servient Tenement for public utilities.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, the grantor does hereby grant and convey unto the said grantees, their heirs or assigns, an easement in the Servient Tenement for sewer, gas pipes, telephone and power lines and poles, and conduits for any other public utility. The easement granted herein is appurtenant to the Dominant Tenement.

DATED: June 4, 1976

H. Vincent Daniels
H. VINCENT DANIELS
Grantor

76-201511
FILE/PAGE NO.
BOOK 1976
RECORDED REQUEST OF
TITLE INSURANCE & TRUST CO.
JUN 28 2 48 PM '76
OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
HARLEY E. BLOOM
RECORDER

$4.00

Recording requested by: 1419
Title Insurance and Trust Co.

When recorded mail to:
William C. Barker, Sr.
4395 Hawk Street
San Diego, California 92103

K-998881

FILE/PAGE NO. 76-201510
BOOK 1976
RECORDED REQUEST OF
TITLE INSURANCE & TRUST CO.
JUN 28 2 48 PM '76
OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
HARLEY F. BLOOM
RECORDER

$4.00

Parcel No. 521-130-05

DOCUMENTARY TRANSFER TAX $ none
☐ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
☐ COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES REMAINING THEREON AT TIME OF SALE
Consideration less than $100.00
Title Insurance and Trust Company
By: Mary Fadel
Signature of declarant or agent determing tax - Firm Name
☒ Unincorporated Area ☐ City of

GRANT OF EASEMENT

WHEREAS, H. VINCENT DANIELS, a married man, hereinafter referred to as Grantor, is the fee title owner of the following real property, hereinafter referred to as the "Servient Tenement":

The Northeast quarter of the Southeast quarter of Section 24, Township 16 South, Range 2 East in the County of San Diego, State of California.

WHEREAS, WILLIAM C. BARKER and FLORENCE D. BARKER, husband and wife, as joint tenants, hereinafter referred to as Grantees, are the fee title owners of a parcel of real property adjoining the property of the grantor, hereinafter referred to as the "Dominant Tenement", and described as follows:

The Northwest quarter of the Southeast quarter of Section 24, Township 16 South, Range 2 East in the County of San Diego, State of California.

WHEREAS the grantees are desirous of acquiring water rights in the land of the grantor;

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, the grantor does hereby grant and convey unto the said grantees, their heirs or assigns, an easement as hereinafter described.

The easement granted herein is a right to install a well on the Servient Tenement and to take or use water from said well. The easement granted herein is appurtenant to the Dominant Tenement. Concommitant and co-extensive with this right is the further right in said grantees, their heirs and assigns, of ingress and egress over the grantor's land to effect the purposes of said easement including

OFFICIAL RECORDS, SAN DIEGO COUNTY, HARLEY F. BLOOM, RECORDER

but not limited to the right to lay a pipeline over or under the grantor's land from the well to the Dominant Tenement.

It is the intention of the grantor and grantees that at some future date they or their successors in interest will by mutual agreement determine the exact location of the easement herein granted and prepare and record a description thereof.

DATED: June 4, 1976

H. Vincent Daniels
H. VINCENT DANIELS
Grantor

CONSENT OF GRANTOR'S SPOUSE

I acknowledge that the interests conveyed in this instrument are the separate property of my spouse. I have read the foregoing instrument carefully and consent to its execution and performance in all respects.

Esther V. Daniels
ESTHER V. DANIELS

ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS

On June 4, 1976, before me, Piper Westbrook, a Notary Public for the State of California, personally appeared H. VINCENT DANIELS and ESTHER V. DANIELS known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

Piper Westbrook
NOTARY PUBLIC

OFFICIAL SEAL
PIPER WESTBROOK
NOTARY PUBLIC - CALIFORNIA
Principal Office, San Diego Co. Calif.
My Commission Exp. Sept. 24, 1979

OFFICIAL RECORDS, SAN DIEGO COUNTY, HARLEY F. BLOOM, RECORDER

G

HALCON / COVERT CANYON

ON OCT 16 1974 FILE/PAGE NO 74-276614 HARLEY E. BLOOM, COUNTY RECORDER

74-29

Assessor's Parcel 521-130-08

Tacoma Contract

APB6 Contract # 74-29

LAND CONSERVATION CONTRACT

(JAPATUL Agricultural Preserve No. 36)

THIS CONTRACT, made and entered into this 8th day of October, 19 74, by and between William C. Barker, Jr.

hereinafter referred to as "Owner", and the County of San Diego, a political subdivision of the State of California, hereinafter referred to as "County":

W I T N E S S E T H:

WHEREAS, the Owner represents that he is the owner of certain land located in the County of San Diego, State of California, which land is presently devoted to agricultural uses, recreational uses, open space, or combination thereof, as authorized in Exhibit "B" attached hereto and lies within an agricultural preserve heretofore established or to be established and designated the JAPATUL Agricultural Preserve No. 36, said land being more particularly described in Exhibit "A" attached hereto and hereinafter referred to as the Premises; and

WHEREAS, the Owner has made application to the County of San Diego to enter into a contract pursuant to the California Land Conservation Act of 1965 (Section 51200 et seq., Government Code) with respect to the Premises; and

WHEREAS, the Owner and the County desire to limit the use of Premises to agricultural and compatible uses, recreational uses or open space uses or some combination thereof; NOW THEREFORE

IT IS AGREED by and between the Owner and the County as follows:

Section 1. CONTRACT. This is a "Contract" made pursuant to the California Land Conservation Act of 1965, as amended as of the date first above written, including amendments enacted at the 1970 Regular Session of the California Legislature, (hereinafter referred to as the "Act") and is applicable to the Premises.

Section 2. TERM. This Contract shall take effect on _____ February 28 _____, 19 75 , and shall remain in effect for a period of ten years therefrom and during any renewals of this Contract.

Section 3. RENEWAL. NOTICE OF NONRENEWAL. This Contract shall be automatically renewed for a period of one year on the first day of the first January after the effective date, and on the first day of each January thereafter unless written notice of nonrenewal is served by the Owner on the County at least 90 days prior to said date or written notice of nonrenewal is served by the County on the Owner at least 60 days prior to said date. Under no circumstances shall a notice of renewal to either party be required to effectuate the automatic renewal of this Contract.

Upon receipt by Owner of a notice from County of nonrenewal, the Owner may make written protest of such nonrenewal. County may at any time prior to the renewal date withdraw the notice of nonrenewal. Upon request of Owner, the Board of Supervisors may authorize Owner to serve a notice of nonrenewal on a portion of the land which is the subject of this Contract. If either party serves notice of intent in any year not to renew this Contract, this Contract shall remain in effect for the balance of the period remaining on the term since the original execution or the last renewal of this Contract as the case may be.

Section 4. AUTHORIZED USES. During the term of this Contract and any and all renewals thereof, the Premises shall be devoted to agricultural uses and compatible uses and shall not be used for any purposes other than agricultural uses or compatible uses as specified in Exhibit "B" attached hereto.

Section 5. ADDITION OR ELIMINATION OF AUTHORIZED USES. The Board of Supervisors of the County, by resolution, may from time to time during the term of this Contract or any renewals thereof amend the resolution establishing said Agricultural Preserve to add to those authorized uses or eliminate a use listed in Exhibit "B" which authorized uses shall be uniform throughout said Agricultural Preserve; provided, however, no amendment of such resolution during the term of this Contract or any renewal thereof so as to eliminate any use shall be applicable to this Contract unless the Owner consents to such elimination.

Section 6. POLICE POWER. Nothing in this Contract shall be construed to limit the exercise by the Board of Supervisors of the police power or the adoption or readoption or amendment of any zoning

ordinance or land use ordinance, regulation or restriction pursuant to the Planning and Zoning Law (Sections 65000 et seq., Government Code) or otherwise.

Section 7. ZONING. This Contract shall not be construed to authorize the establishment or continuation of a use of real property contrary to any provision of The Zoning Ordinance (Ordinance No. 1402 (New Series)), including any amendments thereto, heretofore or hereafter adopted.

Section 8. EMINENT DOMAIN. (a) Except as provided in subdivision (d) of this Section 8, when any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to this Contract is filed or when such land is acquired in lieu of eminent domain for a public improvement by a public agency or person or whenever there is any such action or acquisition by the Federal government or any person, instrumentality or agency acting under authority or power of the Federal government, this Contract shall be deemed null and void as to the land actually being condemned or so acquired as of the date the action is filed and for the purposes of establishing the value of such land, this Contract shall be deemed never to have existed. Upon the termination of such proceeding, this Contract shall be null and void as to all land actually taken or acquired.

(b) Except as provided in subdivision (d) of this Section 8, when such an action to condemn or acquire less than all of a parcel of land subject to this Contract is commenced, this Contract shall be deemed null and void as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to this Contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to this Contract.

(c) The land actually taken shall be removed from this Contract. Under no circumstances shall land be removed that is not actually taken, except as otherwise provided in the Act.

(d) The provisions of subdivisions (a) and (b) of this Section 8 shall not apply to or have any force or effect with respect to (1) the filing of any action in eminent domain for the condemnation of any easement for the erection, construction, alteration, maintenance, or repair of any gas, electric, water or communication facilities by any public agency (including the County) or public utility or to the acquisition of any such easement by any public agency (including the County) or public utility, or (2) the filing of any action in eminent domain by any public agency (including the County) for the

condemnation of the fee title or lesser estate for the establishment, construction (including the widening and realignment) and maintenance of any road, street or highway, whether existing or planned for the future, depicted on the circulation element of the San Diego County General Plan adopted by the San Diego County Board of Supervisors (including any amendments thereto adopted by said Board prior to the date of this Contract) or depicted on the plat attached to this Contract and marked Exhibit "C" or to the acquisition of any such fee title or lesser estate for such purposes by the State of California or any public agency (including the County); and the filing of any such action in eminent domain for the condemnation of or the acquisition of any such easement, fee title or lesser estate shall not terminate, nullify or void this Contract and in the event of the filing of any such action in eminent domain or acquisition this Contract shall be considered in the valuation process.

Section 9. NO PAYMENT BY COUNTY. The Owner shall not receive any payment from the County in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of the Contract is the substantial public benefit to be derived therefrom, and the advantage which will accrue to the Owner as a result of the effect on the assessed valuation of land described herein due to the imposition of the limitations on its use contained herein.

Section 10. CANCELLATION. (a) The Owner may petition the Board of Supervisors for cancellation of this Contract as to all or any portion of the land which is subject to this Contract but this Contract may not be canceled in whole or in part except by mutual agreement of the Owner and County pursuant to Section 51282 of the Act (Government Code). County may only consent to the cancellation of this Contract in whole or in part when, after a public hearing has been held in accordance with the provisions of Section 51284 of the Act (Government Code), the Board finds (1) that the cancellation is not inconsistent with the purposes of the Act, (2) that the cancellation is in the public interest, and (3) that it is neither necessary nor desirable to continue the restrictions imposed by this Contract; provided, however, this Contract shall not be canceled until the hereinafter specified cancellation fee has been paid, unless such fee or some portion thereof is waived or deferred pursuant to subdivision (c) of Section 51283 of the Act (Government Code). As provided in said Section 51282, the existence of an opportunity for another use of the land involved (Premises) shall not be sufficient reason for cancellation and a potential alternative use of the land may be considered only if there is no proximate, noncontracted land suitable for the use to which it is proposed the land (Premises) be put. The uneconomic character of an existing agricultural use shall likewise not be

sufficient reason for cancellation and the uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land (Premises) may be put.

(b) Prior to any action by the Board of Supervisors giving tentative approval to the cancellation of this Contract, the County Assessor shall determine the full cash value of the land as though it were free from the restrictions of this Contract. The Assessor shall multiply such value by the most recent County ratio announced pursuant to Section 401 of the Revenue and Taxation Code and shall certify the product to the Board of Supervisors as the cancellation valuation of the land for the purpose of determining the cancellation fee hereinafter specified.

(c) Prior to giving tentative approval to the cancellation of this Contract the Board of Supervisors shall determine and certify to the County Auditor the amount of the cancellation fee which the Owner must pay the County Treasurer as deferred taxes upon cancellation. Notwithstanding the provisions of subdivision (b) of Section 51283 of the Act (Goverment Code), if cancellation occurs within the first five-year period of the term of this Contract, the cancellation fee shall be 100% of the cancellation valuation of the land; if cancellation occurs after the expiration of the first five-year period of the term of this Contract the cancellation fee shall be an amount equal to 100% of the cancellation valuation of the land less 5% of said cancellation valuation for each year this Contract has remained in effect in excess of the aforementioned first five-year period; provided, however, in no event shall the cancellation fee be less than an amount equal to 50% of the cancellation valuation of the land. If after the date this Contract is initially entered into the publicly announced County ratio of assessed to full cash value is changed, the percentage payment specified in this paragraph shall be changed so no greater percentage of full cash value will be paid than would have been paid had there been no change in such ratio.

(d) The Board of Supervisors may waive or defer payment of the cancellation fee or any portion thereof in accordance with subdivision (c) of Section 51283 of the Act (Government Code).

(e) Upon approval by the Board of Supervisors of the above mentioned cancellation petition and payment of the cancellation fee, the Clerk of the Board of Supervisors shall record in the office of the County Recorder a certificate which shall set forth the name of the owner of such land at the time the Contract is canceled with the amount of the cancellation fee specified by the Board of Supervisors pursuant to Article 5 of the Act (Section 51281 et seq., Government

Code) and a legal description of the property. From the date of recording of such certificate, this Contract or such portion thereof as is appropriate shall be finally canceled.

(f) Upon tentative approval by the Board of Supervisors of the above mentioned cancellation petition and waiver or deferment in whole or in part of the cancellation fee, the Clerk of the Board of Supervisors shall record in the office of the County Recorder a certificate which shall set forth the name of the owner of such land at the time the contract is canceled with the amount of the cancellation fee specified by the Board of Supervisors as being due pursuant to Article 5 of the Act (Section 51281 et seq., Government Code), the contingency of such waiver or deferment of payments, and a legal description of the property. From the date of recording of such certificate the Contract shall be finally canceled, and to the extent the cancellation fee has not yet been paid or waived, a lien shall be created and attached against the real property described therein and any other real property owned by the person named therein as the owner and located within this County. Such lien shall be in favor of the County, shall have the force, effect and priority of a judgment lien and shall remain in effect until the unwaived portion of the cancellation fee is paid in full. Upon the payment of the cancellation fee or any portion thereof, the Clerk of the Board of Supervisors shall record with the County Recorder a written certificate of the release in whole or in part of said lien.

Section 12. DIVISION OF LAND - MINIMUM SIZE PARCELS. The Owner shall not divide the Premises contrary to the restrictions on the division of Premises as set forth in Exhibit "B" attached hereto.

Section 13. CONTRACT BINDS SUCCESSORS. The term "Owner" as used in this Contract shall include the singular and plural and this Contract shall be binding upon and inure to the benefit of all successors in interest of the Owner including but not limited to heirs, executors, administrators and assignees. In the event the land under this Contract or any portion thereof is divided, the Owner of any parcel may exercise, independent of any other owner of a portion of the divided land, any of the rights of the Owner in the original Contract including the right to give notice of nonrenewal and to petition for cancellation. The effect of any such action by the owner of a parcel created by the division of land or any portion thereof subject to this Contract shall not be imputed to the owners of the remaining parcels and shall have no effect on this Contract as it applies to the remaining parcels of the divided land.

Section 14. REMOVAL OF LAND FROM PRESERVE. Removal of any land under this Contract from an agricultural preserve, either by change

of boundaries of the preserve or disestablishment of the preserve shall be the equivalent of a notice of nonrenewal by the County; provided, however, that the County shall, at least 60 days prior to the next renewal date following the removal, serve a notice of non-renewal as provided in Section 51245 of the Act (Government Code). Such notice of nonrenewal shall be recorded as provided in Section 51248 of the Act (Government Code).

Section 15. CONVEYANCE CONTRARY TO CONTRACT. Any conveyance, contract or authorization (whether oral or written) by the Owner or his successors in interest which would permit the use of the Premises or create a division of the Premises contrary to the terms of this Contract, or any renewal thereof may be declared void by the Board of Supervisors of the County; such declaration or the provisions of this Contract may be enforced by the County by an action filed in the Superior Court of the County for the purpose of compelling compliance or restraining a breach thereof.

Section 16. OWNER TO PROVIDE INFORMATION. The Owner, upon request of the County, shall provide information relating to the Owner's obligations under this Contract.

Section 17. NOTICE. Any notice given pursuant to this Contract may, in addition to any other method authorized by law, be given by United States mail, postage prepaid. Notice to the County shall be addressed as follows:

Clerk of the Board of Supervisors
Room 306 County Administration Center
1600 Pacific Highway
San Diego, California 92101

Notice to the Owner shall be addressed as follows:

Mr. William C. Barker, Jr.
4901 La Cruz Drive
La Mesa, CA 92041

IN WITNESS WHEREOF, the Owner and the County have executed this Contract on the day first above written.

William C. Barker, Jr.

Owner

APPROVED AS TO FORM:
ROBERT G. BERREY
County Counsel

By John McEvoy
Deputy

COUNTY OF SAN DIEGO

Chairman, Board of Supervisors

NOTE: All signatures of owners must be acknowledged before a notary public or public officer authorized to take acknowledgments.

TO 447 CA (4-73)
(Individual)

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA } SS.
COUNTY OF San Diego

On Sept. 23, 1974 before me, the undersigned, a Notary Public in and for said State, personally appeared William C. Barker, Jr., known to me to be the person whose name subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

Signature Patricia J. Ramsbacker

PATRICIA J. RAMSBACKER
Name (Typed or Printed)

OFFICIAL SEAL
PATRICIA J. RAMSBACKER
NOTARY PUBLIC - CALIFORNIA
Principal Office, San Diego Co. Calif.
My Commission Exp. Sept. 3, 1977

(This area for official notarial seal)

STAPLE HERE

The Southeast Quarter of the Southeast Quarter of Section 24, Township 16 South, Range 2 East, S.B.M., in the County of San Diego, State of California.

This is to certify that the foregoing contract is hereby executed on behalf of the Board of Supervisors of said County of San Diego pursuant to authority conferred by Policy I-38 of said Board adopted on June 25, 1974 (minute item 116) and the County consents to recordation thereof by its duly authorized officer.

Oct 10 1974
Date

By R. J. PELLEGRINI, Acting Director
Department of Real Property

(For use in Agricultural Preserve Zoned A-4)

EXHIBIT B

JAPATUL Agricultural Preserve No. 36

Section 1. In the above named Agricultural Preserve only the following uses are permitted:

A. The following agricultural uses:

1. Agricultural crops.

2. Fruit trees, nut trees, vines and horticultural stock for producing trees, vines and other horticultural stock.

3. Flowers and vegetables.

4. The keeping of the following poultry and animals:

(a) Poultry, rabbits, chinchillas, hamsters, and other small animals.

(b) Horses as a private stable.

(c) Bovine animals, sheep, goats and swine as follows:

(1) On any premises having a net area of less than one and one-half (1-1/2) acres there may be kept a maximum of two (2) of any one or combination of said animals.

(2) On any premises having a net area of more than one and one-half (1-1/2) acres but not more than four (4) acres, there may be kept a maximum of eight (8) of any one or combination of said animals provided that the number of such animals shall not exceed one animal per half (1/2) acre of area.

(3) On any premises having a net area of more than four (4) acres such animals may be kept without limitation as to the number of animals.

5. Buildings and structures necessary and incidental to the agricultural use of the land.

B. The following compatible uses:

1. One-family dwellings incidental to the agricultural use of the land for the residence of the owner and his family or the lessee of the owner and the lessee's family. Owner or lessee shall be construed to include:

   (a) Stockholders in a family corporation.

   (b) Beneficiaries of family trusts and estates.

   (c) Owners of individual interests in the fee.

2. The following accessory buildings and structures: Private garages, swimming pools, children's playhouses, radio and television receiving antennas, shops, offices, and other required for the conduct of the compatible uses as permitted by this section.

3. Guest houses for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises. A guest house shall have no kitchen facility and shall not be rented or otherwise used as a separate dwelling.

4. Home occupations. Home occupation means an occupation customarily conducted entirely within a dwelling by the occupant of the dwelling as a secondary use in connection with which there is no display, no stock in trade or commodity sold upon the premises, and no person employed.

5. Processing for market of crops raised on premises, or on other property owned or leased by the processor.

6. One stand for the display and sale of only those products produced on the premises, or on other property owned or leased by the vendor; provided that it does not exceed an area of two-hundred (200) square feet, and is located not nearer than fifteen (15) feet to any street or highway.

7. Farm employee housing, exclusive of trailer coaches and mobilehomes.

8. Farm labor camps, exclusive of trailer coaches and mobilehomes, on premises having a net area of not less than 10 acres.

9. The following signs:

   (a) One (1) unlighted sign not larger than twelve (12) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.

   (b) One (1) sign not larger than twelve (12) square feet in area identifying and advertising products produced on the premises.

   (c) One (1) sign not larger than four (4) square feet in area identifying the premises as being associated with a trade organization, or as producing products under a registered trade name.

   (d) One (1) name plate not exceeding two (2) square feet in area containing the name and occupation of the occupant of the premises.

10. The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities, unless the Board of Supervisors makes a finding after notice and hearing that any or all such facilities are not a compatible use.

11. The following uses, provided a special use permit authorizing such use is issued by the Planning Commission or Board of Supervisors of the County of San Diego. Such special use permit shall be applied for, considered, granted or denied in the manner prescribed by The Zoning Ordinance of the County of San Diego for the application for, consideration, granting or denying of applications for special use permits under that ordinance.

   (a) Packing or processing plants for farm crops.

   (b) Aviaries.

   (c) The following farm employee housing and farm labor camps:

      (1) Farm employee housing containing one or more trailer coaches or mobilehomes.

      (2) Farm labor camps containing one or more trailer coaches or mobilehomes.

      (3) Farm labor camps on premises having a net area of 10 acres or less.

   (d) Public stables.

   (e) Kennels.

(f) Chinchillas.

(g) Radio or television transmitter.

(h) Airport (landing strip).

(i) Livestock auction yard.

(j) Animal waste processing.

12. The establishment, widening, realignment or improvement of any road, street or highway, whether existing or planned for the future, depicted on the circulation element of the San Diego County General Plan including any amendments thereto heretofore adopted by the Board of Supervisors.

13. The location and construction of any improvements specified in Section 51238 of the Government Code when located or constructed by a public agency or public utility, unless the Board of Supervisors makes a finding pursuant to said Section 51238 that such improvements are not compatible uses.

C. The following recreational uses, provided a special use permit authorizing such use is issued by the Planning Commission or Board of Supervisors of the County of San Diego. Such special use permit shall be applied for, considered, granted or denied in the manner prescribed by The Zoning Ordinance of the County of San Diego for the application for, consideration, granting or denying of applications for special use permits under that ordinance.

1. Use of land by the public, with or without charge, for any of the following:

(a) Walking

(b) Hiking

(c) Picnicking

(d) Camping

(e) Swimming

(f) Boating

(g) Fishing

(h) Hunting

(i) Other outdoor games or sports for which facilities are provided for public participation.

Any fee charged for the recreational use of land as defined herein shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public.

D. The use or maintenance of the land within said agricultural preserve in such a manner as to preserve its natural characteristics, beauty and openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife or for the solar evaporation of sea water in the course of salt production for commercial purposes is authorized and such use shall be defined as "Open Space Uses" if such land is within:

1. A scenic highway corridor, as defined in subdivision (i) of Section 51201, Government Code.

2. A wildlife habitat area, as defined in subdivision (j) of Section 51201, Government Code.

3. A saltpond, as defined in subdivision (k) of Section 51201, Government Code.

4. A managed wetland area, as defined in subdivision (l) of Section 51201, Government Code.

5. A submerged area, as defined in subdivision (m) of Section 51201, Government Code.

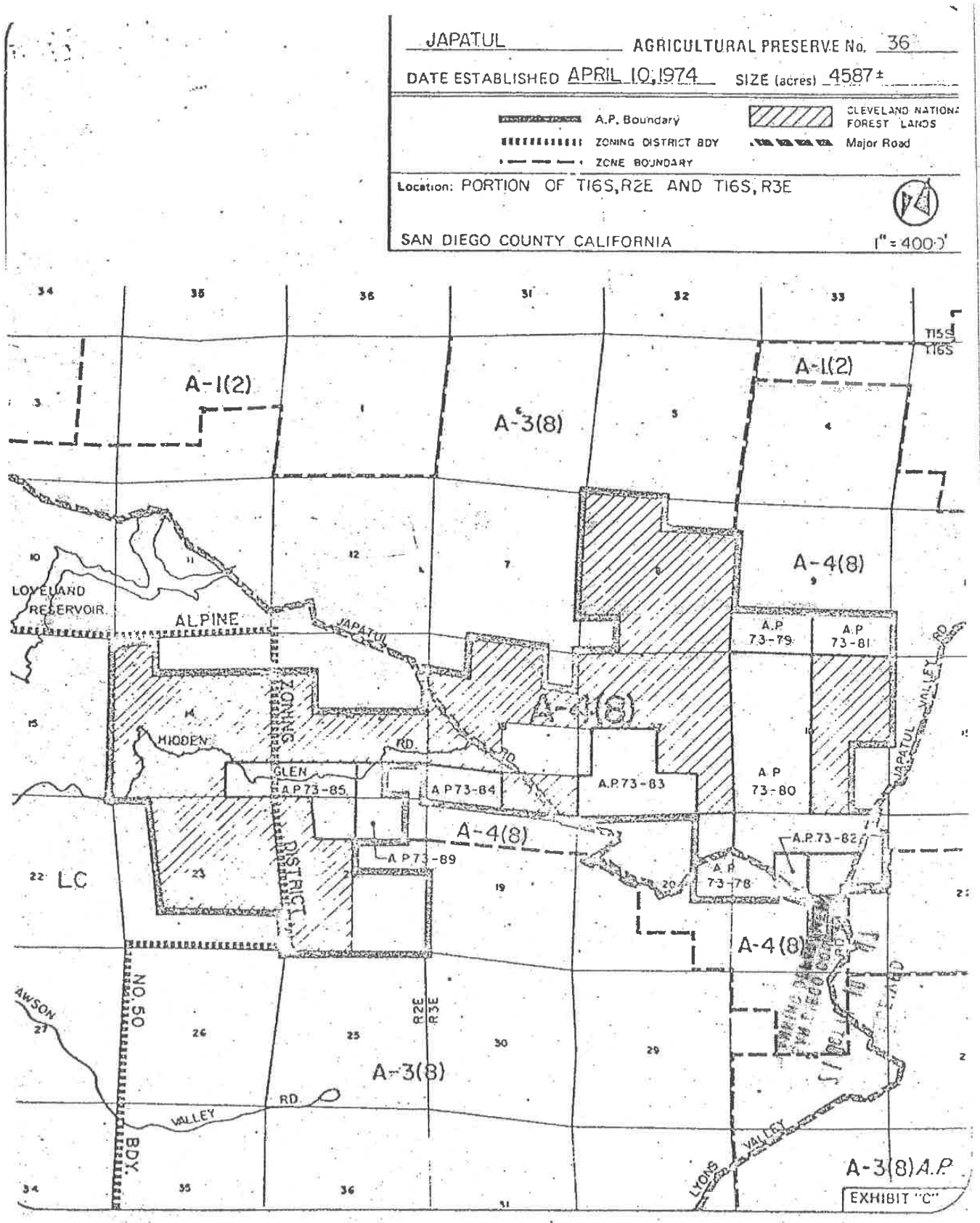
Section 2. Notwithstanding the provisions of Section 1, no dwelling, guest house, farm employee housing or farm labor camp shall be constructed, erected or maintained upon any premises containing an area of less than 600 acres; provided, however, one single family dwelling may be constructed and maintained on the premises subject to this Contract.

Section 3. Nothing herein shall be construed to authorize the establishment or continuation of a use of real property contrary in any provision of The Zoning Ordinance (Ordinance No. 1402 (New Series) of the County of San Diego) including any amendments thereto, heretofore or hereafter adopted.

Section 4. The premises subject to this Contract shall not be divided so as to create a parcel of land having an area of less than 600 acres, provided that this restriction shall not be construed as prohibiting the owner of premises having an area of more than 600 acres (hereinafter referred to as the Grantor) from conveying to the owner of contiguous premises subject to a Contract of equal or longer unexpired term a parcel containing less than 600 acres for the purpose of enlarging such contiguous premises where the remainder of the Grantor's premises after such conveyance has an area of not less than 600 acres.

Section 5. "Area' means an area of land inclusive of that land within easements or rights of way for roads, streets and/or highways.

Section 6. Definitions. The definition of words set forth in The Zoning Ordinance of the County of San Diego shall apply to the words used herein unless otherwise specifically defined herein.


JAPATUL AGRICULTURAL PRESERVE No. 36
DATE ESTABLISHED APRIL 10, 1974 SIZE (acres) 4587±
A.P. Boundary
ZONING DISTRICT BDY
ZONE BOUNDARY
CLEVELAND NATIONAL FOREST LANDS
Major Road
Location: PORTION OF T16S, R2E AND T16S, R3E
SAN DIEGO COUNTY CALIFORNIA
1" = 400'
A-1(2)
A-3(8)
A-4(8)
LOVELAND RESERVOIR
ALPINE
JAPATUL
HIDDEN GLEN
A.P 73-85
A.P 73-84
A.P 73-83
A.P 73-80
A.P 73-79
A.P 73-81
A.P 73-82
A.P 73-89
A.P 73-78
LC
DISTRICT
NO. 50
AWSON
VALLEY RD.
BDY.
R2E
R3E
LYONS VALLEY
A-3(8) A.P.
EXHIBIT "C"


G0

CLG
COAST LAW GROUP LLP

169 Saxony Road
Suite 204
Encinitas, CA 92024

Tel 760-942-8505
Fax 760-942-8515
www.coastlawgroup.com

VIA United States MAIL
June 5, 2007

Bridgett Luther
Director, Department of Conservation
State of California
801 K Street, MS 24-01
Sacramento, CA 95814-3528

Re: **Request for Williamson Act Enforcement**
Japatul Agricultural Preserve No. 36, San Diego County
Contract No. 74-29
Covert Canyon, Marc Halcon

Dear Ms. Luther:

Please accept this letter on behalf of Save Our Forest and Ranchlands (SOFAR), a watchdog environmental group committed to defending the San Diego backcountry against urban sprawl & working toward the adoption and implementation of plans to preserve rural resources. Throughout its existence, SOFAR has endeavored to monitor and enhance the County of San Diego's administration of Williamson Act contracts pursuant to the California Land Conservation Act. It is in this regard that we seek enforcement assistance from the Department of Conservation.

We have recently discovered that an individual named Marc Halcon owns and has been operating an unpermitted commercial shooting range and paramilitary training facility under the name "Covert Canyon" on a parcel of land he owns in the San Diego County backcountry. See www.covertcanyon.com and attached Union Tribune newspaper article dated May 26, 2007.

The subject parcel is located at the end of High Glen Road near the County township of Alpine, with Assessor's Parcel Number 521-130-08. The property is within the boundary of the Japatul Agricultural Preserve No. 36, and has been under Williamson Act Land Conservation Contract (No. 74-29) since 1974. Mr. Halcon may be reached at:

Marc A. Halcon, President
American Shooting, Center, Inc.
5590 Ruffin Road
San Diego, CA 92123

In addition to the commercial uses at the property inconsistent with the Williamson Act, SOFAR is concerned that Mr. Halcon has removed and/or destroyed significant wetland and montane mountain meadow wildlife habitat. We will be contacting appropriate enforcement personnel with the California Department of Fish and Game and the United States Fish and Wildlife Service with these concerns. Any assistance the Department of Conservation can lend in this regard would be much appreciated.

Thank you for your careful consideration of this issue and we look forward to assisting the Department of Conservation in any manner possible to ensure the integrity of the Williamson Act is maintained. Do not hesitate to contact me with any questions or concerns.

Sincerely,

Marco A. Gonzalez
COAST LAW GROUP LLP

CC: Steve Oliva, Staff Counsel, Dept. of Conservation; MS 24-03
Brian Leahy, Asst. Dir., DLRP, Dept. of Conservation; MS 13-71

Glenn S. Russell, Chief Regulatory Planning, Department of Planning and Land Use
County of San Diego, 5201 Ruffin Road, Suite B, San Diego, CA 92123-1666
Supervisor Dianne Jacob, County of San Diego, County Administration Center
1600 Pacific Highway, San Diego, CA 92101

Client

MAG/ms

FILE COPY

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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April 7, 2009

California Department of Conservation
Division of Land Resource Protection
801 K Street MS 18-01
Sacramento, CA 95814-3530

CASE NAME AND NUMBERS: COVERT CANYON; AG PRESERVE DISESTABLISHMENT AP07-002/ MUP 07-011; ER NO.: 07-15-002:

RE: PROJECT STATUS; C.A. DOC STATUS REPORT:

Mr. Barr,

The County of San Diego Department of Planning and Land Use is currently processing a request to cancel a Williamson Act Contract pursuant to the County of San Diego Board Policy I-38 and CA Government Code Section(s) 51280-51287. The contract cancellation is to allow an application for a Major Use Permit to permit the property to be used as a Local Law Enforcement Tactical Training Facility.

WILLIAMSON ACT:
The proposed project involves a request for cancellation of the Agricultural (Williamson Act) Contract for parcel 531-130-08 (AP74-29). The project site (APN#s 531-130-05, -07, and -08) is within Agricultural Preserve #36 and have a County of San Diego Special Area Regulation Designator "A" denoting the overlay of the Agricultural Preserve. Therefore, the County is requiring the applicant to also include an application for the Alteration to the Boundaries of an Agricultural Preserve to remove the subject

parcels from the Agricultural Preserve #36, as well as a Rezone to remove the associated "A" Special Area Regulation Designator.

Currently, the property owner/applicant filed and recorded the required "Notice of Non-Renewal" dated October 8, 2007 pursuant to Government Code Section 51245. A "Petitioned for Cancellation of the California Land Conservation Contract" dated December 17, 2008, has been also filed with the County of San Diego (See Attached Documents). The applicant is requesting the County to Cancel the Contract pursuant to California Government Code Section 51282(a)(2) because the proposed project would be in the public's interest.

DETAILED PROJECT DESCRIPTION:
The project is a request for a Major Use Permit, and Agricultural Contract Cancellation, to operate a weapons training facility for local law enforcement and military groups that includes live fire training activities for local and national security purposes. The project also includes the approval of a Restoration Plan for on and offsite grading and clearing violations that currently exist. The project would consist of the following: Two small arms ranges (Small Caliber Automatic Weapons, Pistols, and Shotguns), one 10 to 600 yard variable long riffle range, a 1600 sq/ft urban warfare training house, a 960 sq/ft simulated ship training structure, seven 8'X40' storage units (2,240 sq/ft), a nighttime training and special operations area, and incidental helicopter activities for emergency evacuation and training, an 800 sq/ft repelling and training tower 45 feet in height, a trailer coach for a caretaker's residence, an 800 sq/ft office/training room including bathroom and shower, and a 2320 sq/ft maintenance shop/garage.

The site contains an existing single-family residence, an unpermitted guest living quarters, out buildings, garage, and a storage unit that would be retained. Access would be provided by a driveway connecting to High Glen Road (private road). The project would be served by on-site septic systems and groundwater. The earthwork will consist of 5,000 cubic yards of cut and fill on and offsite.

The project site is located at 19150/19191 High Glen Road near the intersection of Lawson Hill Road in the Alpine Community Planning Group, within unincorporated San Diego County. The site is subject to the General Plan Regional Category 1.4 RDA (Rural Development Area) and 1.6 ECA (Environmental Constrained Areas), Land Use Designation 20 (General Agriculture)/23 (National Forest/State Parks). Zoning for the site is A72 (General Agricultural). The property is zoned A72 which permits the proposed project as a Major Impact Service and Utility through issuance of a Major Use Permit pursuant to Zoning Ordinance Section 2725.b.

The Department will keep the DOC apprised of any Major Project Milestones and applicable correspondence that is relevant to the cancellation of the Agricultural Preserve Contract Cancellation and Preserve Realignment. If you have any questions

or need additional information, please contact me at (858) 694-3011 Patrick Brown or at Patrick.Brown@sdcounty.ca.gov.

Sincerely,

Patrick P. Brown

Patrick Brown, Project Manager
Project Planning Division

Attachments: Notice of Non-Renewal, Petition for Cancellation

cc: Marc Halcon, Covert Canyon, LLC, 5590 Ruffin Road, San Diego, CA 92124
RBF Consulting, Attn: Daniel Hortert 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124

email cc:

Donna Beddow, Planning Manager, Department of Planning and Land Use M.S.O650
Brian Baca, Chief, Department of Planning and Land Use M.S.O650
Mark Mead, Senior Deputy County Counsel, Office of County Counsel, MS A12
John Barr California Department of Conservation, Division of Land Resources
John.Barr@conservation.ca.gov

COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

APPLICATION DEPOSIT ACKNOWLEDGEMENT AND AGREEMENT

INTRODUCTION

It is the policy of the County of San Diego to recover from applicants for land development approvals the full cost of processing such applications. (See Board of Supervisors' Policy B-29.) An advance **deposit** is required for certain applications, in an amount as set by ordinance, based upon average costs as past experience demonstrates. This initial deposit amount is **only an estimate** of the amount which will be required to process an application of a particular type; for an individual case, the actual cost may be substantially less or more than the initial deposit amount.

As work proceeds on an application, actual County costs will be recorded. When actual County costs reach approximately 75% of the initial deposit amount, the case will be reviewed and a determination will be made whether additional funds are required to cover anticipated future County costs. (County work normally will be proceeding while such review is being conducted, and in some cases, the amount of resulting County costs may then exceed the amount on deposit, resulting in a deficit account.) On applications, if anticipated or actual County costs exceed the amount of the initial deposit, the applicant is required to pay the additional amount necessary to cover such costs. When a case is completed, any unused amount on deposit will be refunded.

It may become necessary for the County to engage the services of an outside contractor to assist with processing an application. Costs for such services are considered County costs, and are to be paid by the applicant as with the above.

AGREEMENT

The person named below as "Depositor" is herewith depositing, or has previously deposited with the County of San Diego the sum of $ 3,750 for processing the following application being filed with the County:

Agricultural Preserves Contract Canellation

Said deposit is made on behalf of the person, corporation or partnership named below as the "Applicant". With reference to said application to said application and deposit, Depositor and Applicant hereby acknowledge and agree as follows:

1. Said deposit shall be held by the County in an account under the name of Applicant, and Applicant shall be considered as the owner of all funds in said account, and Depositor (if different from Applicant) releases any interest in said funds. Except as provided below, any funds remaining in said account at the completion of work on said application shall be refunded to the Applicant at the address below.

2. All costs incurred by the County in processing said application, including overhead, whether within or over the amount of said deposit, shall be paid by Applicant. This is Applicant's personal obligation and shall not be affected by sale or transfer of the property subject to the application, changes in Applicant's business organization, or any other reason. County is authorized to deduct such costs from said deposit at such times and in such amounts as County determines. If the Applicant withdraws an application not involving a violation of a County ordinance, County will cease work thereon within one day.

3. "Costs incurred by the County" under paragraph 2 include costs for the services of an outside contractor, where the County determines to use contract services.

4. In the event that County determines that said deposit must be increased by additional sums in order to cover work anticipated to be necessary to complete processing of said application, County may make a written demand for such increased deposit and mail the same to Applicant at the address below. Applicant will deposit with County such additional sums demanded within thirty days of the date of County's request.

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COUNTY OF SAN DIEGO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

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Purpose

To set forth policies for the implementation of the California Land Conservation Act of 1965, the Williamson Act.

Background

In 1965 the State Legislature added to the Government Code Sections 51200 et. seq. which authorized the County to establish agricultural preserves. An agricultural preserve is an area devoted to either agricultural use, open space use, recreational use, or any combination of such uses, and compatible uses which are designated by the County. Preserves are established for the purpose of defining the boundaries of those areas within which the County will be willing to enter into contracts pursuant to the Act. Landowners within a preserve may enter into a Contract with the County to restrict their land to the uses stated above whereby the assessment on their land will be based on its restricted use rather than on its market value.

Policy

It is the policy of the Board of Supervisors that:

1. CRITERIA FOR ESTABLISHMENT OF PRESERVES

   a. PUBLIC BENEFIT. An agricultural preserve shall be created only when its establishment will be of benefit to the public.

   b. ELIGIBLE AREAS. Subject to the other requirements set forth in these criteria, applications shall be accepted from all geographical areas of the County. However, it is the intent of the Board of Supervisors to look more favorably upon applications for agricultural preserves for areas which are in the path of development. Areas in the path of development would include those areas designated as being within an urban land use classification in the General Plan or areas presently having such urban level services such as sewer and water or a reasonable expectation of having those services in the near future.

   c. UNREASONABLE TAX BURDEN NOT CREATED. The establishment of the agricultural preserve and consequent reduction in assessed value of land, if any, shall not place an unreasonable tax burden on other property owners. To assist in determining any possible tax burden, the Auditor and Controller prior to establishment of a preserve, shall make a study of the potential impact of the preserve on local taxing agencies and submit a report thereon to the Board of Supervisors.

d. MINIMUM PRESERVE SIZE. The minimum size of an agricultural preserve shall be 100 acres, provided that in order to meet this requirement the preserve may include two or more ownerships if they are contiguous. Consideration will be given to the establishment of smaller preserves where there are exceptional circumstances. Exceptional circumstances shall include those situations where smaller preserves are justified due to the unique characteristics of the agricultural enterprises of the County and where such preserves would be consistent with the County General Plan. The minimum size preserve to be considered under this provision shall be in accordance with the minimum ownership size specified in paragraph three below.

2. HEARINGS PREREQUISITE TO ESTABLISHMENT. Agricultural preserves shall be established by resolution of the Board of Supervisors. The same procedure shall apply to any proposal to expand boundaries of or to disestablish a preserve or to diminish the size of or otherwise remove all land from an agricultural preserve.

3. MINIMUM OWNERSHIP SIZE. The resolution authorizing each agricultural preserve shall prescribe minimum ownership sizes that landowners must meet to be eligible for a contract. For improved agricultural land and on which there may be a dwelling or dwellings, provided said dwellings are for the use of the immediate family or employees engaged in the agricultural production of the premises, the recommended minimum ownership size for the various agricultural activities are:

Grazing	80 acres
Dry Farming	40 acres
Cattle Breeding	40 acres
Horse Breeding	40 acres
Poultry	10 acres
Dairies	20 acres
Tree Crops	10 acres
Truck Crops	10 acres
Flowers (Field)	10 acres
Flowers (Hothouse)	10 acres

For recreation use or open space the recommended minimum ownership size is 20 acres. Any of the above specified minimum acreages may be reduced when there are exceptional circumstances that warrant a reduction in the required areas. Ownerships existing at the time of establishment of a preserve shall be exempted from the foregoing minimum acreages..

4. ZONING REGULATIONS. Zoning regulations shall be applied to all

lands included in an agricultural preserve and shall permit only agricultural uses, open space use, recreational use and other uses determined to be compatible with such uses. The application of such zoning regulations shall be considered concurrently with any action to establish or expand an agricultural preserve so that both shall become effective simultaneously.

5. CONTRACT CRITERIA

a. ELIGIBLE LAND. To be eligible to file an application for an agricultural preserve and enter in a contract with the County an applicant must own land devoted to agricultural use, open space use, as defined in subdivision (o), Section 51201 Government Code, recreational use, as defined in subdivision (n), Section 51201 Government Code, or combination thereof. The owner must be willing to restrict the use of his land to the uses set forth in the "standard contract form" which is made part of the resolution establishing an agricultural preserve. Summary definitions of these uses are:

(1) "Agricultural use" means use of the land for the purpose of producing agricultural commodities for commercial purposes.

(2) "Open space" means the use of the land to preserve its natural characteristic beauty, or openness for the benefit of the public, if such land is in:

(a) A scenic highway corridor
(b) A wildlife habitat
(c) A saltpond
(d) A managed wetland
(e) A submerged area

(3) "Recreational use" means the use of the land by the public with or without charge, for uses such as: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports. Any fee charged for recreational use of land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Owners who file an application for the purpose of using their land for recreational use must apply for and obtain approval of a use permit in accordance with the County Zoning Ordinance.

b. ELIGIBLE OWNERSHIPS. To be eligible to enter into a contract with the County, an applicant must comply with the recommended minimum ownership size provisions of Section 3, above.

c. LIMITATION ON DIVISION OF LAND. Each contract shall contain a provision prohibiting an owner from dividing his land so as to create a parcel of land having a net area of less than a prescribed minimum to be determined by the Board of Supervisors. The Director of the Department of Planning and Land Use shall recommend a prescribed minimum in accordance with the minimums specified in Section 3., above, and in relation to the characteristic and use of the land.

d. NONCONFORMING USES TO BE ELIMINATED. All land in an agricultural preserve shall be used only for agricultural purposes for producing agricultural commodities, or for recreational or open space uses and uses compatible therewith. Any other uses which may have existed prior to the establishment of a preserve shall be treated as legal nonconforming uses as such uses are defined in the Zoning Ordinance, provided that any nonconforming use shall be eliminated from any land with respect to which a contract is executed, and such contract shall not be effective until such nonconforming use is eliminated.

e. TERM. The initial term of contract shall be for a minimum period of 10 years. An initial term of more than 10 years may be required by the Board of Supervisors for certain preserves where it is determined to be in the public interest. Also, an initial term of more than 10 years may be authorized by the Board upon a request by a property owner.

f. AUTOMATIC RENEWAL. When the initial term of contract is for less than 20 years, beginning with the first day of January after the effective date of the contract, a year shall be added automatically to the initial term and on each succeeding anniversary thereafter unless or until a notice of nonrenewal is given as provided below. When the initial term of contract is for 20 years or more, beginning with the anniversary date on which the contract will have an unexpired term of nine years, a year shall be added automatically to the initial term on each succeeding anniversary date thereafter unless or until a notice of nonrenewal is given as provided below.

g. NONRENEWAL. If either the owner or the County desires in any year not to renew the contract, the party shall serve written notice of nonrenewal upon the other party in advance of the annual renewal date. A notice of nonrenewal of a contract shall be given in the same manner as provided in Section 51245 of the Government Code, and such notice, whether by a property owner or the County, shall be recorded with the County Recorder by the Clerk of the Board of Supervisors prior to the January 1 renewal date.

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6. CANCELLATION OF CONTRACT

a. MUTUAL CONSENT AND NECESSARY FINDINGS. An owner may petition the Board of Supervisors for cancellation of a contract as to all or any portion of the land which is subject to the contract, but the contract may not be canceled, in whole or in part, except by mutual agreement of the owner and County pursuant to Section 51282 of the Act (Government Code). The County may only consent to the cancellation of a contract, in whole or in part, when after a public hearing has been held in accordance with the provisions of Section 51284 of the Act (Government Code) the Board finds (1) that the cancellation is consistent with the purposes of the Act, or (2) that the cancellation is in the public interest. The cancellation is consistent with the purposes of the Act if all of the following findings are made:

1. A Notice of Nonrenewal (Government Code 51245) has been served.

2. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.

3. Cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.

4. Cancellation will not result in discontiguous patterns of urban development.

5. There is no proximate, non-contracted land which is both available and suitable for the same proposed use, or that the development of the contracted land would provide a more contiguous pattern of urban development than development of proximate, non-contracted land.

The cancellation is in the public interest only if the Board of Supervisors finds that other public concerns substantially outweigh the objectives of the Act and there is no proximate non-contracted land which is both available and suitable for the proposed use or that the development of the contracted land would provide a more contiguous pattern of urban development than development of proximate non-contracted land.

A contract shall not be canceled until the hereinafter specified cancellation fee has been paid.

b. CANCELLATION FEE.

1. Williamson Act Mandated Fees

In determining the State portion of the Contract cancellation fee collected pursuant to Government Code 51283, the County Assessor shall determine the full cash value of the land as though it were free of the contractual restriction. The Assessor shall certify to the Board the cancellation valuation of the land for the purpose of determining the cancellation fee.

Prior to giving tentative approval to the cancellation of any contract, the Board shall determine and certify to the County Auditor the amount of the cancellation fee which the property owner must pay the County Treasurer. That fee shall be an amount equal to 12 1/2% of the cancellation valuation of the property.

The Board of Supervisors may waive said fee or portions thereof pursuant to Section 51283c of the Government Code.

2. County Imposed Fees

The County is authorized, pursuant to Government Code 51240, to collect additional fees for contract cancellations. Existing contracts entitle the County to collect and retain as much as an additional 12 1/2% of the cancellation valuation depending upon the length of time the property has been under contract. If cancellation occurs within the first five year period of the contract, the cancellation fee due the County shall be an amount equal to 12 1/2% of the FULL CASH VALUE of the land unencumbered by the Contract as determined by the Assessor; if cancellation occurs after the first five year period of the contract, the cancellation fee shall be an amount equal to 12 1/2% of the FULL CASH VALUE less 10% for each year the contract has remained in effect in excess of the first five year period.

7. EMINENT DOMAIN

a. Except as provided in subdivision d. below, when any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to a contract is filed or when such land is acquired in lieu of eminent domain for a public improvement, the contract shall be deemed null and

void as to the land actually being condemned or so acquired as of the date the action is filed and for the purposes of establishing the value of such land, the contract shall be deemed never to have existed.

b. Except as provided in subdivision d. below, when such an action to condemn or acquire less than all of a parcel of land subject to a contract is commenced the contract shall be deemed null and void as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to the contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to the contract.

c. The land actually taken shall be removed from the contract. Under no circumstances shall land be removed that is not actually taken, except as otherwise provided in the Act.

d. The provisions of subdivisions a. and b. and the provisions of Section 51295 of the Act shall not apply to or have any force or effect with respect to (1) the filing of any action in eminent domain for the condemnation of any easement for the erection, construction, alteration, maintenance, or repair of any gas, electric, water or communication facilities by any public agency or to the acquisition of any such easement by any public agency or (2) the filing of any action in eminent domain by any public agency for the condemnation of the fee title or lesser estate for the establishment, construction (including the widening and realignment) and maintenance of any road, street or highway, whether existing or planned for the future, depicted on the circulation element of the San Diego County General Plan adopted by said Board prior to the date of the contract, and in the event of the filing of any such action in eminent domain or acquisition the contract shall be considered in the valuation process.

8. PROCESSING APPLICATIONS. Any application filed pursuant to this policy shall be accompanied by a written statement disclosing the following information:

a. The names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved.

b. If any person identified pursuant to paragraph a. above is a corporation or partnership, the names of all persons owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

c. If any person identified pursuant to paragraph a. above is a non-profit organization or a trust, the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

9. APPLICATION FEES.

a. ESTABLISHMENT OF PRESERVE.

The fee for filing an application for the establishment of an agricultural preserve consisting of a single ownership shall be as prescribed in a resolution adopted by the Board of Supervisors.

b. INCLUSION WITHIN A PRESERVE BY EXTENSION OF PRESERVE BOUNDARIES

The fee for filing an application for extending the boundaries of an established agricultural preserve to include a single ownership, shall be as prescribed in a resolution adopted by the Board of Supervisors.

c. APPLICATION FOR CONTRACT COVERING LAND INCLUDED WITHIN AN ESTABLISHED PRESERVE.

Where an owner has filed an application for establishment of his land as an agricultural preserve or for inclusion of such land in an agricultural preserve, the fee for such application shall be deemed to have included the fee for an application to enter into a contract covering such land. Where the owner of land which is included within an established agricultural preserve, but which is not covered by a contract makes application with the County to enter into a contract covering such ownership, the fee for filing such application shall be as prescribed by a resolution adopted by the Board of Supervisors.

d. REFUND OF FEES

(1) REFUND OF FEES UPON WITHDRAWAL OF APPLICATION. At any time prior to final action on any application filed pursuant to this policy the applicant by written request filed with the Planning Department, or with the Board of Supervisors may withdraw the application and terminate further consideration thereof. Where such written request has been filed and the application withdrawn, there shall be refunded to any applicant who paid a fee the total amount of such fee less any costs incurred

by the County incidental to action or proposed action on the application, provided that where no hearing on the application has been set before the Board of Supervisors the amount refunded shall not be less than 50% of the fee.

(2) REFUND OF FEES UPON TERMINATION OF PROCESSING OF APPLICATION BY BOARD OF SUPERVISORS. Where the Board of Supervisors determines that processing of any application should be terminated in the public interest, it may order such processing terminated and may thereon refund to the applicant all or a portion of the fees paid for said application.

e. ESTABLISHMENT OF TRUST FUND. The Director of Planning shall establish a trust fund, into which all fees received from applicants shall be deposited. Each such fee shall remain in the trust fund until one of the following events occurs: (1) the application is rejected; (2) the application is withdrawn; or (3) the application is heard by the Board of Supervisors. At that time, the Director of Planning shall compute and pay from the trust fund any refund which is due to the applicant pursuant to paragraph 7.d, above. The portion of the fee which is not refunded shall be transferred to the General Fund.

10. APPLICATION TO REMOVE LAND FROM A PRESERVE. If an owner of land in an agricultural preserve that is or is not subject to a contract wishes to remove his/her land from the preserve he/she must file an application. The same procedures shall be followed for the removal of land from the preserve that is followed for the enlargement of a preserve and in compliance with all provisions specified in the Act. The filing fee for such application shall be computed the same as paragraph 9.b above. However, if the owner is also making application for the reclassification of land to a different zone category the filing fee shall be waived in favor of the fee which is paid for the processing of the rezone application.

11. EXECUTION OF CONTRACTS COVERING LAND INCLUDED WITHIN AN ESTABLISHED PRESERVE. Where the owner of land which is included within an established agricultural preserve, but which is not covered by a contract, makes application with the County to enter into a contract covering such ownership, the contract will be processed by the Real Property Division. The Real Property Director is authorized to execute such contracts in the name of the County.

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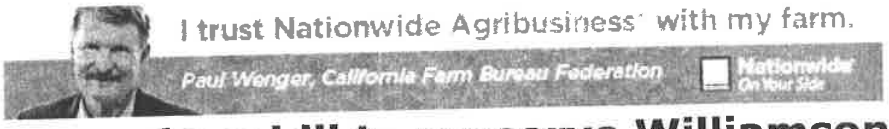
References

B/S Action 9-11-68	(5)
B/S Action 9-30-68	(61)
B/S Action 7-22-69	(143)
B/S Action 11-11-71	(6)
B/S Action 11-23-71	(10)
B/S Action 6-25-74	(116)
B/S Action 7-8-75	(59b)
B/S Action 7-19-77	(17)
B/S Action 8-2-77	(15)
B/S Action 10-19-77	(14)
B/S Action 8-15-78	(25)
B/S Action 4-14-82	(27),
B/S Action 12-15-82	(39), operative 3-1-83

California Farm Bureau Federation



Gov. Brown signs bill to preserve Williamson Act

SHARE

Issue Date: July 20, 2011

By Kate Campbell
Assistant Editor



After months of uncertainty, a bill signed by Gov. Brown last week reinstates a revised Williamson Act program intended to preserve the state's landmark farmland-conservation law. Brown signed Assembly Bill 1265 by Assemblyman Jim Nielsen, R-Gerber, which establishes the revised form of the Williamson Act through 2016.

The bill, which takes effect immediately, authorizes counties to revise the term for Williamson Act contracts from 10 years to nine years or from 20 to 18 years—a 10 percent reduction in contract length in return for retaining 90 percent of the property tax relief offered by the act.

"For more than 45 years, the Williamson Act has served as an effective conservation program that helps farmers withstand development pressures and stay in farming," California Farm Bureau Federation President Paul Wenger said. "We applaud the governor for upholding the real benefits of the Williamson Act."

The act became law in 1965 and protects 16.5 million acres of California farmland. Named for its author, Kern County Assemblyman John Williamson, the law requires farmland enrolled in the program to be assessed on its production value, rather than its "factored base-year value" under Proposition 13. Participating landowners agree to retain their land in agricultural use for the length of the contract.

For many years, the state reimbursed participating counties their foregone property tax revenue. But those payments, known as subventions, became a frequent bargaining point in state budget talks and eventually were eliminated.

That caused some counties to consider discontinuing the Williamson Act. Farm Bureau proposed the program contained in AB 1265 as an alternative to encourage counties to maintain the Williamson Act.

Wenger said the law signed by the governor "will save farmers and ranchers throughout California millions of dollars in property taxes and we're glad he signed it. The benefits to all Californians include locally produced food and contracts that ensure land enrolled in the program cannot be used for any purpose besides agriculture."

Having the law officially back on the books is especially important for eight counties that have already

adopted the revised version of the farmland protection program. Kings, Madera, Merced, Mendocino, Shasta, Stanislaus, Tulare and Yolo counties all adopted an earlier version of the program under Senate Bill 863 last year, only to see it repealed in March as part of budget legislation. The governor's action means the counties currently participating in the program can continue to implement the shorter-term contracts for the 2011 tax year.

The provisions of the alternative funding mechanism include:

- If counties receive less than one-half of their foregone General Fund property tax revenue from the Open Space Subvention Program, they would be authorized to implement a new provision of the Williamson Act to allow contracts to go from 10 years to nine years or, in the case of 20-year Williamson Act contracts, to 18 years.

- The 10 percent reduction in the length of the contract restrictions would trigger a recapture of 10 percent of the participating landowners' property tax savings.

- Any increased revenues generated by properties under a new contract will be paid to the county. Because the increased revenue will be allocated exclusively to counties, they would recoup 50 percent or more of their foregone property tax revenue.

- Landowners may choose not to renew their contracts and begin the termination process.

"The eight participating counties can expect to recoup $6 million in revenue through this revised program," said John Gamper, CFBF taxation and land use director. "Once adopted by counties, the program's operations should be pretty simple."

At the same time, the benefits to the public of protecting farmland have been retained, Wenger said.

"Besides locally produced food, experts agree agriculture will provide economic stimulus for the foreseeable future," he said. "We've reached a point where people understand how significant food production is and that in California the pressures on farmland and farmers are intense, which tends to drive up land values.

"The Williamson Act helps address some of those issues and at the same time preserves open space for species and habitat protection," Wenger said. "And, with the revised Williamson Act signed by the governor, funds to cover subventions to counties for foregone property tax no longer come from the state's General Fund, but the benefits to farmers and the public remain."

Along with acknowledging Nielsen's role in introducing the bill, CFBF Administrator Rich Matteis noted that Sens. Lois Wolk, D-Davis, and Doug La Malfa, R-Richvale, both served as principal co-authors.

"Of course, we also want to express our sincere appreciation to Gov. Brown for helping to save this valuable land conservation program," Matteis said, "and to all the members of the Save the Williamson Act Coalition who worked diligently for re-enactment of the law."

In a prepared statement, Nielsen said the new law "will provide peace of mind and hope for the future for our hard-working California farm families and their employees."

(Kate Campbell is an assistant editor of Ag Alert. She may be contacted at **kcampbell@cfbf.com**.)

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COMMENT

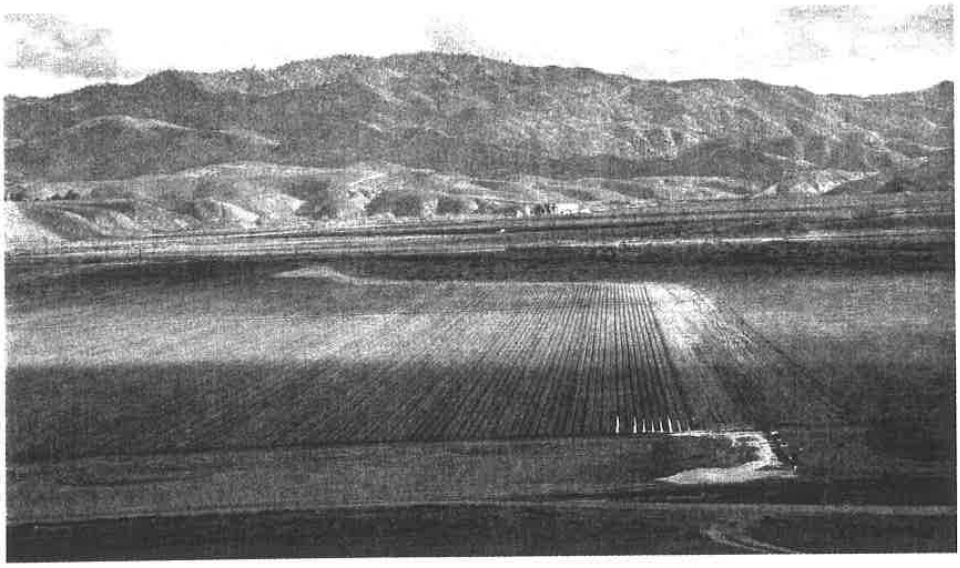
Preserving the Williamson Act will conserve farmland

By John Gamper



John Gamper

Since its adoption 44 years ago, the California Land Conservation Act, popularly known as the Williamson Act, has grown into the state's most important farmland protection program. The Williamson Act has served California very well, but it is facing its most significant challenge due to the ongoing state budget crisis.



In addition to protecting one of our state's most valuable resources—our agricultural land—other significant benefits of the act must also be recognized and appreciated for their contribution to our quality of life: the protection of our precious watersheds; the availability of and access to a local, safe and affordable food supply; wildlife habitat; and the beautiful landscapes that are so important to all of our citizens.

The Williamson Act is a voluntary program that provides property tax incentives for landowners who sign a strict contract prohibiting development on the land for an ongoing 10- or 20-year period. The state constitution requires that the land be "enforceably restricted" with a binding contract that limits its use to agriculture, open space or uses that are compatible with agriculture and open space.

The program currently protects more than 16 million acres of agricultural land, much of it having scenic open space and wildlife value. More than half of the state's best or prime farmland in 53 counties is protected by the act.

In addition to its significant impacts on the state and local economies, the Williamson Act is widely appreciated by those in the environmental, agricultural and business communities, as well as by state and local government officials, as one of the most important environmental laws ever adopted in California. It has encouraged good land use planning and prevented leapfrog developments that can be devastating to agricultural and natural resources.

The Williamson Act also provides landowners with an important measure of certainty in a very uncertain marketplace and regulatory environment: certainty that they can continue to farm or ranch their land without the intrusion of incompatible, nonagricultural uses. Farmers and ranchers have demonstrated that they are more than willing to restrict their development rights if they can gain some security that their neighbors won't convert their land to incompatible, nonfarming uses.

The Open Space Subvention Act has provided the state's contribution to farmland protection since 1971. The state subventions, currently $34.7 million, go to local governments based on the land's location and quality. Specifically, for land in the Williamson Act that is defined as prime agricultural land, the county receives $5 per acre. For land considered nonprime, the county receives $1 per acre. For land enrolled in the 20-year Williamson Act contract known as a Farmland Security Zone, counties receive $8 per acre for land within three miles of a city's sphere of influence, $5 per acre for prime agricultural land outside the three-mile line, and $1 per acre for nonprime agricultural land outside the three-mile line.

For the last several years, Gov. Schwarzenegger has proposed eliminating state funding for the Open Space Subvention Program. Thankfully, the funding has always been restored as part of budget negotiations. With the deepening budget crisis, the program was once again proposed for elimination in the annual May budget revision, and the Budget Conference Committee has adopted a one-year suspension of the funding.

The consequences of defunding the Open Space Subvention Program will leave counties with several very undesirable alternatives. For example, they could serve nonrenewal notices to all participating landowners and begin the nine-year exit from the contract. This would permanently eliminate the Williamson Act as a tool for farmland protection in California.

The Williamson Act offers an innovative approach to farm and ranch land protection by building an interrelated set of property tax, land use and conservation measures in a single policy package. The Williamson Act is an important component in providing a favorable business climate where farmers and ranchers can continue to produce food for our state, our nation and the world. It also helps protect the environment and provides open space.

Let's not bite the hands that feed us. Urge your county representatives to preserve funding for the Williamson Act.

(John Gamper is the director of taxation and land use for the California Farm Bureau Federation. He can be reached at jgamper@cfbf.com.)

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LETTERS TO THE EDITOR

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The Williamson Land Conservation Act

Inquire about the availability of documents in alternate formats.

The California Land Conservation Act of 1965--commonly referred to as the Williamson Act--enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are often much lower than they would be under Proposition 13 because they are based upon farming and open space uses as opposed to full market value. Local governments then receive an annual subvention of property tax revenues from the state via the Open Space Subvention Act of 1971 that helps to offset revenues lost to this program.

The Assessor's Office often refers to Williamson Act properties as LCA or CLCA properties. Click here to open our comprehensive Williamson Land Conservation Act Questions & Answers guidelines.

The California State Department of Conservation also maintains web pages devoted to discussions of the CLCA at: www.consrv.ca.gov/dlrp/LCA/index.htm and www.consrv.ca.gov/dlrp/index.htm.

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California Wetlands Information System

Williamson Act (Land Conservation Act of 1965)

The Williamson Act provides for lowered property taxes for lands maintained in agricultural and certain open space uses. The landowner enters into a contract with the county or city to restrict land uses to those compatible with agriculture, wildlife habitat, scenic corridors, recreational use, or open space. In return, the local authorities calculate the property tax assessment based on the actual use of the land instead of its potential value assuming full commercial development. To be eligible, the land must be designated by a city or county as agricultural preserve, scenic highway corridor, or wildlife habitat area; or it must be actively used for the three years immediately preceding the beginning of the contract as a saltpond, managed wetland, or recreational or open space area.

Each year the contract is automatically renewed for a new ten-year period, unless the landowner notifies the local government of a desire not to renew. In that case, the land use restrictions remain in effect until the remaining nine years of the contract have passed. There are also provisions for cancelling the contract if cancellation is consistent with the purposes of the Williamson Act or otherwise found to be in the public interest. A cancellation fee and deferred taxes, which under some circumstances can be waived, must be paid upon cancellation.

Availability

Statewide. Contact your local planning or community development department.

This page is an exerpt from ***Options for Wetland Conservation: A Guide for California Landowners***, a publication of the California State Coastal Commission. To obtain a copy of the guide or for more information about the Coastal Conservancy contact:

California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612
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State of California
Department of Conservation

DLRP ⇾ LCA ⇾ LRCC

Williamson Act 2000 Amendments

LEGISLATIVE AMENDMENTS EFFECTIVE JANUARY 1, 2000

In this legislative session several bills competed for proposed changes to certain sections. For example, SB 649 and SB 985 both proposed changes to the same section of the Williamson Act. In such cases, the bill with the higher chapter number supercedes the competing language of other bills with lower chapter numbers.

SB 649, Costa, Chapter 1019, Statutes of 1999

Open Space Subvention Funds for Farmland Security Zones (GC §51296)

Existing law, Local governments are now entitled to continue to receive Open Space Subvention Funds for 10 years from the date nonrenewal is initiated on lands enrolled under a Farmland Security Zone (FSZ) contract. This state appropriation is capped at $100,000 per year until 2005.

SB 649, Local governments with FSZ contracted land within an incorporated city, or within three miles of an incorporated city's sphere of influence, are now eligible to receive eight dollars ($8) for each acre of that contracted land, as appropriated by the Open Space Subvention Act.

SB 649, Costa, Chapter 1019, Statutes of 1999; Supercedes SB 985, Johnston, for this section

Cancellation Provisions for Farmland Security Zones (GC §51296)

As of January 1, 2000, the FSZ program will contain contract cancellation provisions. Only the landowner may file a petition for FSZ contract cancellation. The local government may grant a petition for cancellation only if all the following findings are met:

a) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.

b) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

c) That cancellation is for an alternative use which is consistent with the application provision of the city or county general plan.

d) That cancellation will not result in discontiguous patterns of urban development.

e) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

f) That other public concerns substantially outweigh the objectives of this chapter.

g) That no beneficial public purpose would be served by the continuation of the contract.

h) That the uneconomic nature of the agricultural use is primarily attributable to circumstances beyond the control of the landowner and the local government.

i) That the landowner has paid a cancellation fee equal to 25 percent of the cancellation valuation calculated in accordance with subdivision (b) of Section 51283.

Cancellations must be approved by the Director of Conservation. The director may approve the cancellation after reviewing the record if he or she finds both the following:

a) That there is substantial evidence in the record supporting the decision.

b) That no beneficial public purpose would be served by the continuation of the contract

For those FSZ contracts in existence prior to January 1, 2000 which incorporated the Williamson Act cancellation provisions (GC §51282), the contract will revert back to its original Williamson Act contractual status unless both parties agree to conform it to SB 649's FSZ cancellation provisions.

For those FSZ contracts in existence prior to January 1, 2000 which contain no cancellation provisions or a prohibition on cancellation, may remain in effect unmodified—unless the parties agree to modify the contract to include SB 649's FSZ cancellation provisions.

Local governments can rescind a portion or portions of an underlying Williamson Act contract for the purpose of immediately enrolling the land in a FSZ, so long as the remaining land is retained in a Williamson Act contract and the local government determines that its action would improve the conservation of agricultural land.

SB 985, Johnston, Chapter 1018, Statutes of 1999

"Recreational Use" definition (GC §51201(n))

SB 985 clarified that "Recreational Use" is the use of land in its "agricultural or natural state".

Agricultural Preserves (GC §51230)

Existing law allows agricultural preserves to contain land other than agricultural land not under contract if the land is restricted within two years of the effective date of the contract.

SB 985 limits the means of restriction to zoning.

Existing provisions of the Williamson Act do not require that local zoning of designated agricultural preserves be consistent with the minimum parcel size under the act.

SB 985 requires local governments to rezone their agricultural preserves to reflect minimum parcel sizes required by the Williamson Act in their general plans and zoning ordinances.

Existing law requires that a proposal to establish an agricultural preserve be submitted to the local planning department or planning commission. The planning department or planning commission will submit a report to the county board of supervisors or the city council which includes a statement that the preserve is consistent or inconsistent with the general plan, and the board or council is required to make a finding to that effect.

SB 985 requires that the report include a statement that the preserve is consistent with the general plan, and the board or council makes a finding to that effect.

SB 985, Johnston, Chapter 1018, Statutes of 1999; Supercedes SB 831, Baca, for this section

1240 Land Exchange (GC §51256)

Existing law, under the Williamson Act, the parties to a contract may enter into an agreement to rescind a contract in order to simultaneously place other land under an agricultural conservation easement, if specified findings are made. SB 985 requires contracts to be rescinded pursuant to the cancellation provisions of Government Code section 51282.

SB 985 clarifies that the land to be placed under an agricultural conservation easement must be located within the same county or city where the Williamson Act contract is rescinded.

When evaluating a conservation easement pursuant to the selection criteria in Public Resources Code section 10252, SB 985 requires the board or council to make a finding that the proposed easement will make a beneficial contribution to the conservation of agricultural land in its area. Existing law requires the board or council to receive approval for a proposed agreement from the Director of Conservation. The Director of Conservation may approve the agreement if he or she finds that findings of the board or council, as required by section 51256, are supported by substantial evidence, and that the proposed conservation easement is consistent with the criteria set forth in Sections 10251 and 10252 of the Public Resources Code. In addition to the above, SB 985 allows the director to

approve the agreement if it finds that the board or council's findings made pursuant to 51282 are supported by substantial evidence and that the proposed conservation easement will make a beneficial contribution to the conservation of agricultural land in its area.

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Lot Line Adjustments (GC §51257)

Existing law, to facilitate a lot line adjustment, parties to a Williamson Act contract may mutually agree to rescind the contract and simultaneously enter into a new contact provided that specified findings are made by the board or council. In addition to the existing specified findings.

SB 985 requires the board or council also find that "the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan."

Public Acquisitions (GC §51291)

Existing law, under the Williamson Act, whenever it appears that land within an agricultural preserve may be acquired by a public agency for a public use, the public agency is required to provide specified notices and findings to the Director of Conservation and the local governing body administering the preserve. The act also provides that the required notices and findings may be given and contained in California Environmental Quality Act (CEQA) documents as long as they comply with specified timelines.

SB 985 repeals the provisions that allow CEQA documents to provide the required notices and findings.

SB 985 exempts acquisitions of land for the erection, construction, or alteration of gas, electric, piped subterranean water or wastewater, or communication facilities from the early notice requirements of Section 51291(b).

Under the Williamson Act, whenever a public agency acquires land within an agricultural preserve it is required to make specified findings. For the acquisition of contracted prime land, the public agency was required to find that: the lower cost of the agricultural preserve land was not a primary consideration and there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

SB 985 deletes the word "Prime" in Section 51292(b), thus making all acquisitions of contracted land, regardless of whether the soil is prime or nonprime, subject to both of these findings.

SB 985, Chapter 1018, Statutes 1999; AB 1505, Ducheny, Chapter 967, Statutes of 1999

Subdividing Williamson Act Contracted Land (GC §66474.4)

Existing law requires the legislative body of a city or county to deny approval of a tentative map or parcel map if it finds that the land is enrolled under a Williamson Act contract and that the resulting parcel(s) following a subdivision of the land would be too small to sustain agricultural use. SB 985 also requires the legislative body to deny approval if the subdivision will result in residential development not incidental to the commercial agricultural use of the land.

AB 1505 authorizes a landowner subject to a Williamson Act contract to subdivide no more than five acres of contracted land then to sell or lease it to a nonprofit organization, city, county, housing authority, or state agency for agricultural laborer housing upon making specified findings.

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Department of Conservation

Land Conservation (Williamson) Act

Legislative Amendments

effective January 1, 2000

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Part I
Open Space Element
San Diego County General Plan

Adopted
December 20, 1973
Amended
April 17, 2002
GPA 01-01

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CERTIFICATE OF ADOPTION

I hereby certify that this is the text of the **Open Space Element**, Section I, Part 1, which consists of two maps, an appendix, and this text, of the San Diego County General Plan - 1990, as amended by General Plan Amendment 01-01, and that it was considered by the San Diego County Planning Commission on the 8th day of March 2002.

David B. Kreitzer, Chair

Attest: Gary L. Pryor, Secretary

I hereby certify that this is the text of the **Open Space Element**, Section I, Part 1, which consists of two maps, an appendix, and this text, of the San Diego County General Plan - 1990, as amended by General Plan Amendment 01-01, and that it was adopted by the

San Diego County Board of Supervisors on the 17th day of April 2002.

_____

Ron Roberts, Chairman

_____

Attest: Thomas J. Pastuszka, Clerk of the Board
Adopted December 20, 1973 (4)
Latest Amendment April 17, 2002, GPA 01-01
A complete history of the amendments to this Element, both map and text, is available at the Department of Planning and Land Use.

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OPEN SPACE ELEMENT
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INTRODUCTION

This Open Space Element is the Open Space Plan for the unincorporated area of San Diego County. The Open Space Plan is not a land use plan. The San Diego County General Plan Land Use Element sets forth the intensity and density of various land uses. It is not the intent of this Open Space Element in any way to preclude the filing or approval of a private development plan as set forth in County ordinances and policies. It is not the intent of this Plan to restrict or regulate privately owned land in any way

except as is necessary to facilitate the public health, safety, and welfare.
The Open Space Element is not intended, and shall not be construed, as authorizing the County to exercise its power to adopt, amend or repeal an Open Space Zoning Ordinance in a manner which will take or damage private property for public use without payment for just compensation therefor. This Plan is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or of the United States.

The County General Plan, the Williamson Act, and Zoning Overview
The Land Use Element of the San Diego County General Plan sets out the general distribution and the location of land that is intended for **agricultural** use. Two land use designations are specifically intended to promote **agricultural** use as the principal and dominant land use; the (19) Intensive Agriculture Designation, and the (20) **Agricultural Preserve** Designation, which is proposed for amendment by GPA 96-03.
The (19) Designation covers approximately 27,654 acres, and promotes a variety of **agricultural** uses, including minor commercial, industrial, and public facility uses appropriate to **agricultural** operations or supportive of the **agricultural** population. This designation permits minimum lot sizes of 2, 4, or 8 acres, or a maximum density of 0.5, 0.25, or 0.125 dwelling units per acre when clustering provisions are employed.
The existing (20) Designation is applied to approximately 191,000 acres within the County, and previously provided for a minimum lot size of eight acres. Lands subject to

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Williamson Act contracts are additionally required to maintain parcel sizes consistent with
their contract. Although the (20) Designation was called **Agricultural Preserve**, the name of
the designation was misleading, as about half of Williamson Act **agricultural** preserves are
located in other land use designations, and the Designation was not intended to be applied exclusively to Williamson Act preserves or contract lands.
Other land use designations also provide for minor **agricultural** uses; the (1) and (2) Residential Designations provide for low-density residential uses and minor agriculture. There are approximately 31,378 and 10,284 acres of land within these designations Countywide. The Land Use Element states that the non-urban residential designations are intended to retain the rural character of non-urban land, and to encourage the continuation and expansion of **agricultural** uses in appropriate areas of unincorporated San Diego County. Another designation that provides for minor **agricultural** uses is the (17) Estate Designation; it specifically provides for minor agriculture and low-density residential uses.
There are approximately 77,105 acres with the (17) Estate Designation.
The Regional Land Use Element contains additional goals and policies regarding agriculture. Land Use goals promote the wise use of the County's land resources, preserving options for future use, and also encourage continuation and expansion of **agricultural** uses in appropriate portions of the unincorporated County.
The Regional Land Use Element Matrix sets out zones (Use Regulations) which are compatible with each of the 27 Land Use Designations. The Commercial and Industrial Land Use Designations do not allow **agricultural** zones. However, **agricultural** zones could
be applied in all the other Designations. The A70 (Limited Agriculture) and the A72 (General Agriculture) zones can be found to be consistent with all of the Urban Residential
Designations under special circumstances. The **agricultural** zones are consistent with the

(17) Estate, (18) Multiple Rural Use, (19) Intensive Agriculture, (20) **Agricultural Preserve**,
and the (25) Extractive Designation. The A70 zone is consistent, and the A72 zone is consistent, under special circumstances, with the (23) National Forest and State Parks Designation, and the (24) Impact Sensitive Designation. These **agricultural** zones may also be found to be consistent with the (21) Specific Plan Area Designation, and the (22) Public/Semi-Public Land Use Designation.
The Conservation Element of the San Diego County General Plan, which is proposed for amendment by GPA 96-03, sets out goals and policies regarding agriculture. It does not discuss the preservation of **agricultural** soils in depth, but instead refers to the preparation of an **Agricultural** Element, where it was proposed that soils and other factors
that determine suitability of an area for agriculture would be discussed. GPA 96-03 proposes deletion of the reference to the preparation of an **Agricultural** Element, and instead proposes changes and additions to the Conservation and Open Space Elements to include mandated information. The amendments include the addition of information on **agricultural** soils and adoption of a map, and other factors that influence agriculture.
The Open Space Element is also proposed for amendment by GPA 96-03. This

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element also currently refers to preparation of an **Agricultural** Element, and the reference is
proposed for deletion. Currently, **agricultural** preserves established pursuant to the Williamson Act and open space easements are considered as a category of open space. Proposed changes include the addition of the (19) and (20) **Agricultural** Land Use Designations as another category of open space.
The California Land Conservation Act, the Williamson Act, allows counties and cities in California to establish **agricultural** preserves, and offers contracts to landowners for the
purpose of protecting **agricultural** land from premature conversion to other uses. The program is voluntary, and the County of San Diego, like many of the counties and cities in
the state, participates in the program.
The Williamson Act provides for the establishment of preserves that delineate the boundaries of those areas where the County is willing to enter into contracts. Owners of qualified land who contract with the County agree to continue their **agricultural** use or compatible activity under a rolling ten-year contract. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value, foregone as a result of participation in the program.
Within the County of San Diego, there are about 401,500 acres of land in Williamson Act **Agricultural** Preserves. However, there are only about 91,463 acres under contract. Approximately 60,500 acres of land under contract are in the (20) Land Use Designation. Most of the preserves were established in the late 1960s and the 1970s. Most areas in preserves do not have **agricultural** contracts, and, in fact, some of the lands are not suitable for **agricultural** use due to lack of water and topography. Many preserves were

established by property owners at a time when property values and the corresponding tax burden were increasing, with the owner's future objective to be reducing the tax burden rather than for **agricultural** use.
The (18) Multiple Rural Use Designation has 10,353 acres in Williamson Act **Agricultural**
Preserves County-wide; the (19) Intensive Agriculture Designation has 4,457; the (20) **Agricultural** Preservation Designation has 179,035 acres; the (21) Specific Plan Area has
3,067 acres; the (22) Public/Semi-Public Designation has 8,505 acres; the (23) National Forest/State Parks Designation has 187,286 acres in Williamson Act **Agricultural** Preserves. Additionally, there are 7,160 acres in miscellaneous other land use designations that are in preserves.
Board of Supervisors Policy I-38, **Agricultural** Preserves, sets guidelines for implementation of the Williamson Act. The policy has a list of minimum ownership sizes for improved **agricultural** land to be eligible for contract. These ownership sizes in the contract, which are usually more restrictive than either zoning or plan requirements, prevail
while the contract is in effect. Contracts are in effect for a minimum of ten years unless a Notice of Nonrenewal has been filed. Minimum contract ownership sizes for eligibility range from grazing (80 acres), to dry farming, cattle breeding, and horse breeding (40

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acres), dairies (20 acres), and poultry, tree crops, truck crops, and flowers (10 acres). Recreation and open space uses have a 20-acre minimum ownership size.
In regard to zoning, the County Zoning Ordinance has two **Agricultural** Use Regulations:
the A70, Limited Agriculture, and the A72, General Agriculture, as explained above. The A70 is intended to create and **preserve** areas for **agricultural** crop production, and allow a
limited number of small farm animals to be kept. These Use Regulations are intended to be applied to areas throughout the County to protect moderate to high quality **agricultural**
land. There are approximately 294,279 acres of land with the A70 Use Regulations in the unincorporated area of the County.
The A72 General Agriculture Use Regulations are intended to create and **preserve** areas for raising of crops and animals. They allow the processing of products produced or raised
on the premises, and certain commercial activities associated with crop and animal raising
are allowed. These regulations are applied to areas distant from large urban centers. There are approximately 410,033 acres of land with the A72 Use Regulations.
Agricultural
uses in general, such as horticultural cultivation, tree crops, and row and field crops, are permitted by almost all use regulations in the County.

Most lands which are in **Agricultural** Preserves have either A70 or A72 Use Regulations.
However, in a few cases, other Use Regulations, such as S80, Open Space, or S92, General Rural, have been applied. Lands within **Agricultural** Preserves are also subject to
Special Area Regulations, called the **Agricultural Preserve** Area Regulations. These special area regulations assist in the implementation of the Williamson Act. The uses of those lands not under contract are limited to those allowed by the applicable Use Regulations. Lands under contract are restricted to those uses set forth in the contract. Additionally, specific findings related to the Williamson Act must be made prior to granting
of any use permit on lands in a **preserve**. The intent of these provisions is to encourage the preservation of productive **agricultural** lands.
The following discussion provides general descriptions by community or subregional plan
area of the **agricultural** characteristics of the lands with the (20) Designation that would be
affected by the proposed plan changes. Although the (20) Designation is only in 16 of the community/subregional plan areas, all plan areas are discussed to present a picture of the **agricultural** characteristics and the Williamson Act **agricultural** preserves that exist in the
unincorporated portion of San Diego County:
Alpine Planning Area. The Alpine Planning Area has a rural character which is more a result of the steep, rocky terrain and lack of water than it is from agriculture. The Alpine Planning Area transects the County Water Authority Line, although most of the area is east
of that line. The area is located to the west of the PlantClimate Line. It includes climate Zones 18 and 19, which are generally mild and conducive to agriculture. The terrain, however, is not conducive to agriculture, so that agriculture is generally limited to dryland
farming of field crops such as oats and rangeland. The pesticide database identifies eight farms that are growing field crops.

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The overall **agricultural** goal of the Alpine Community Plan is to **preserve** and enhance existing **agricultural** areas in Alpine. All of the summary tables in the following section provide approximate acreage for land in the **agricultural** land use designations and also in
agricultural zones.

TABLE 5 - ALPINE PLANNING AREA AGRICULTURAL INFORMATION

ALPINE PLANNING AREA
Acres in **Agricultural** Uses
3,187
Acres Within (19) Designation
0
Acres Within (20) Designation

Adopted 12/20/73
Amended 4/1/2002
From Part I
OPEN SPACE ELEMENT

10,905
Acres in Agricultural Preserves
13,426
Acres in Williamson Act Contract
1,979

The following tables show the Williamson Act contracts in the planning area, ownership, approximate acreage in the planning area, and also the minimum ownership size according to the contract. These tables are based on information dated February 1995, obtained from the County Assessor's office and information available from Department files. Every effort has been made to verify the information as correct, and update it where possible.

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TABLE 6 - BARRETT LAKE PRESERVE #13

CONTRACT #
NAME
ACRES
MINIMUM
PARCEL SIZE
70-14
Austin
160*
100 Acres
70-14
USA
173
100 Acres
70-14
Wilder Oaks
120*
100 Acres

* Approximate acreage within Alpine Planning Area.

TABLE 7 - JAPATUL PRESERVE #36

CONTRACT #
NAME
ACRES
MINIMUM
PARCEL SIZE
73-78
Kuphaldt, Roy
105
160 Acres
73-79
Beale, Robert
80
160 Acres
73-81
Lefebvre, Lois
80
160 Acres

P58A

73-83
Dyer, James
190
160 Acres
73-85
Justice, Priscilla
165
160 Acres
74-10
Shepard, Bruce
20
160 Acres
74-27
Williams, Clark
40
600 Acres
74-29
Tacoma, Michael
40
600 Acres
77-79
Tweed, Anna
61
80 Acres
77-82
Otterman, Charles
20
600 Acres

COVERT CANYON MARC HALCON

TABLE 8 - ALPINE PRESERVE #42

CONTRACT #
NAME
ACRES
MINIMUM
PARCEL SIZE
74-45
Landt, George
339
160 Acres
74-46
Landt, George
59
160 Acres
74-47
Landt, George
67
100 Acres

P 58B

G 2

MAIL TAX STATEMENT TO 683

WHEN RECORDED MAIL TO

Name Clark F. Williams
Street Address 2908 Adams Ave.
City State Zip San Diego 92116

83-204385

RECORDED IN OFFICIAL RECORDS OF SAN DIEGO COUNTY, CA.

1983 JUN 17 PM 2:02

VERA BAILEY COUNTY RECORDER

3-
1-
10-
99-

RECORDERS USE ONLY

ORDER NO. 832555-J
ESCROW NO. 71456 F

GRANT DEED (INDIVIDUAL)

Furnished by Terra Title Company

The undersigned grantor(s) declare(s):
Documentary transfer tax is $ 99.00.
(X) Computed on full value of property conveyed, or
( ) Computed on full value less value of liens and encumbrances remaining at time of sale.
(X) Unincorporated area ( ) City of
Tax Parcel No. 521-130-06

DPLU-BUILDING DIVISION
DEC 07 2007
County of San Diego
Plan Check

WILLIAM C. BARKER, JR., A MARRIED MAN

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

CLARK F. WILLIAMS, AN UNMARRIED MAN

the real property in the County of San Diego, State of California, described as:

The northwest quarter of the southeast quarter of Section 24, Township 16 South, Range 2 East, San Bernardino Meridian, in the County of San Diego, State of California.

Dated: 6/9/83

William C. Barker, Jr.

STATE OF CALIFORNIA
COUNTY OF San Diego } s.s.
On June 15, 19 83,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared
William C. Barker, Jr.

known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.
WITNESS my hand and official seal.

Freda M. Sikes
Notary Public in and for said County and State

Notary Seal

MAIL STATEMENT AS DIRECTED ABOVE

C-5-TT

OCT 1 0 1974 PAGE NO. 14 — 16613
HARLEY E. BLOOM, COUNTY RECORDER

AP 74-2

LAND CONSERVATION CONTRACT

Assessor's Parcel 521-130-06
(JAPATUL Agricultural Preserve No. 36)

THIS CONTRACT, made and entered into this 8th day of October, 19 74, by and between William C. Barker and Florence D. Barker hereinafter referred to as "Owner", and the County of San Diego, a political subdivision of the State of California, hereinafter referred to as "County":

W I T N E S S E T H:

WHEREAS, the Owner represents that he is the owner of certain land located in the County of San Diego, State of California, which land is presently devoted to agricultural uses, recreational uses, open space, or combination thereof, as authorized in Exhibit "B" attached hereto and lies within an agricultural preserve heretofore established or to be established and designated the JAPATUL Agricultural Preserve No. 36, said land being more particularly described in Exhibit "A" attached hereto and hereinafter referred to as the Premises; and

WHEREAS, the Owner has made application to the County of San Diego to enter into a contract pursuant to the California Land Conservation Act of 1965 (Section 51200 et seq., Government Code) with respect to the Premises; and

WHEREAS, the Owner and the County desire to limit the use of Premises to agricultural and compatible uses, recreational uses or open space uses or some combination thereof; NOW THEREFORE

IT IS AGREED by and between the Owner and the County as follows:

Section 1. CONTRACT. This is a "Contract" made pursuant to the California Land Conservation Act of 1965, as amended as of the date first above written, including amendments enacted at the 1970 Regular Session of the California Legislature, (hereinafter referred to as the "Act") and is applicable to the Premises.

FEBRUARY 28, 19 75, and shall remain in effect for a period of ten years therefrom and during any renewals of this Contract.

Section 3. RENEWAL. NOTICE OF NONRENEWAL. This Contract shall be automatically renewed for a period of one year on the first day of the first January after the effective date, and on the first day of each January thereafter unless written notice of nonrenewal is served by the Owner on the County at least 90 days prior to said date or written notice of nonrenewal is served by the County on the Owner at least 60 days prior to said date. Under no circumstances shall a notice of renewal to either party be required to effectuate the automatic renewal of this Contract.

Upon receipt by Owner of a notice from County of nonrenewal, the Owner may make written protest of such nonrenewal. County may at any time prior to the renewal date withdraw the notice of nonrenewal. Upon request of Owner, the Board of Supervisors may authorize Owner to serve a notice of nonrenewal on a portion of the land which is the subject of this Contract. If either party serves notice of intent in any year not to renew this Contract, this Contract shall remain in effect for the balance of the period remaining on the term since the original execution or the last renewal of this Contract as the case may be.

Section 4. AUTHORIZED USES. During the term of this Contract and any and all renewals thereof, the Premises shall be devoted to agricultural uses and compatible uses and shall not be used for any purposes other than agricultural uses or compatible uses as specified in Exhibit "B" attached hereto.

Section 5. ADDITION OR ELIMINATION OF AUTHORIZED USES. The Board of Supervisors of the County, by resolution, may from time to time during the term of this Contract or any renewals thereof amend the resolution establishing said Agricultural Preserve to add to those authorized uses or eliminate a use listed in Exhibit "B" which authorized uses shall be uniform throughout said Agricultural Preserve; provided, however, no amendment of such resolution during the term of this Contract or any renewal thereof so as to eliminate any use shall be applicable to this Contract unless the Owner consents to such elimination.

Section 6. POLICE POWER. Nothing in this Contract shall be construed to limit the exercise by the Board of Supervisors of the police power or the adoption or readoption or amendment of any zoning

ordinance or land use ordinance, regulation or restriction pursuant to the Planning and Zoning Law (Sections 65000 et seq., Government Code) or otherwise.

Section 7. ZONING. This Contract shall not be construed to authorize the establishment or continuation of a use of real property contrary to any provision of The Zoning Ordinance (Ordinance No. 1402 (New Series)), including any amendments thereto, heretofore or hereafter adopted.

Section 8. EMINENT DOMAIN. (a) Except as provided in subdivision (d) of this Section 8, when any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to this Contract is filed or when such land is acquired in lieu of eminent domain for a public improvement by a public agency or person or whenever there is any such action or acquisition by the Federal government or any person, instrumentality or agency acting under authority or power of the Federal government, this Contract shall be deemed null and void as to the land actually being condemned or so acquired as of the date the action is filed and for the purposes of establishing the value of such land, this Contract shall be deemed never to have existed. Upon the termination of such proceeding, this Contract shall be null and void as to all land actually taken or acquired.

(b) Except as provided in subdivision (d) of this Section 8, when such an action to condemn or acquire less than all of a parcel of land subject to this Contract is commenced, this Contract shall be deemed null and void as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to this Contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to this Contract.

(c) The land actually taken shall be removed from this Contract. Under no circumstances shall land be removed that is not actually taken, except as otherwise provided in the Act.

(d) The provisions of subdivisions (a) and (b) of this Section 8 shall not apply to or have any force or effect with respect to (1) the filing of any action in eminent domain for the condemnation of any easement for the erection, construction, alteration, maintenance, or repair of any gas, electric, water or communication facilities by any public agency (including the County) or public utility or to the acquisition of any such easement by any public agency (including the County) or public utility, or (2) the filing of any action in eminent domain by any public agency (including the County) for the

condemnation of the fee title or lesser estate for the establishment, construction (including the widening and realignment) and maintenance of any road, street or highway, whether existing or planned for the future, depicted on the circulation element of the San Diego County General Plan adopted by the San Diego County Board of Supervisors (including any amendments thereto adopted by said Board prior to the date of this Contract) or depicted on the plat attached to this Contract and marked Exhibit "C" or to the acquisition of any such fee title or lesser estate for such purposes by the State of California or any public agency (including the County); and the filing of any such action in eminent domain for the condemnation of or the acquisition of any such easement, fee title or lesser estate shall not terminate, nullify or void this Contract and in the event of the filing of any such action in eminent domain or acquisition this Contract shall be considered in the valuation process.

Section 9. NO PAYMENT BY COUNTY. The Owner shall not receive any payment from the County in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of the Contract is the substantial public benefit to be derived therefrom, and the advantage which will accrue to the Owner as a result of the effect on the assessed valuation of land described herein due to the imposition of the limitations on its use contained herein.

Section 10. CANCELLATION. (a) The Owner may petition the Board of Supervisors for cancellation of this Contract as to all or any portion of the land which is subject to this Contract but this Contract may not be canceled in whole or in part except by mutual agreement of the Owner and County pursuant to Section 51282 of the Act (Government Code). County may only consent to the cancellation of this Contract in whole or in part when, after a public hearing has been held in accordance with the provisions of Section 51284 of the Act (Government Code), the Board finds (1) that the cancellation is not inconsistent with the purposes of the Act, (2) that the cancellation is in the public interest, and (3) that it is neither necessary nor desirable to continue the restrictions imposed by this Contract; provided, however, this Contract shall not be canceled until the hereinafter specified cancellation fee has been paid, unless such fee or some portion thereof is waived or deferred pursuant to subdivision (c) of Section 51283 of the Act (Government Code). As provided in said Section 51282, the existence of an opportunity for another use of the land involved (Premises) shall not be sufficient reason for cancellation and a potential alternative use of the land may be considered only if there is no proximate, noncontracted land suitable for the use to which it is proposed the land (Premises) be put. The uneconomic character of an existing agricultural use shall likewise not be

sufficient reason for cancellation and the uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land (Premises) may be put.

(b) Prior to any action by the Board of Supervisors giving tentative approval to the cancellation of this Contract, the County Assessor shall determine the full cash value of the land as though it were free from the restrictions of this Contract. The Assessor shall multiply such value by the most recent County ratio announced pursuant to Section 401 of the Revenue and Taxation Code and shall certify the product to the Board of Supervisors as the cancellation valuation of the land for the purpose of determining the cancellation fee hereinafter specified.

(c) Prior to giving tentative approval to the cancellation of this Contract the Board of Supervisors shall determine and certify to the County Auditor the amount of the cancellation fee which the Owner must pay the County Treasurer as deferred taxes upon cancellation. Notwithstanding the provisions of subdivision (b) of Section 51283 of the Act (Goverment Code),if cancellation occurs within the first five-year period of the term of this Contract, the cancellation fee shall be 100% of the cancellation valuation of the land; if cancellation occurs after the expiration of the first five-year period of the term of this Contract the cancellation fee shall be an amount equal to 100% of the cancellation valuation of the land less 5% of said cancellation valuation for each year this Contract has remained in effect in excess of the aforementioned first five-year period; provided, however, in no event shall the cancellation fee be less than an amount equal to 50% of the cancellation valuation of the land. If after the date this Contract is initially entered into the publicly announced County ratio of assessed to full cash value is changed, the percentage payment specified in this paragraph shall be changed so no greater percentage of full cash value will be paid than would have been paid had there been no change in such ratio.

(d) The Board of Supervisors may waive or defer payment of the cancellation fee or any portion thereof in accordance with subdivision (c) of Section 51283 of the Act (Government Code).

(e) Upon approval by the Board of Supervisors of the above mentioned cancellation petition and payment of the cancellation fee, the Clerk of the Board of Supervisors shall record in the office of the County Recorder a certificate which shall set forth the name of the owner of such land at the time the Contract is canceled with the amount of the cancellation fee specified by the Board of Supervisors pursuant to Article 5 of the Act (Section 51281 et seq., Government

Code) and a legal description of the property. From the date of recording of such certificate, this Contract or such portion thereof as is appropriate shall be finally canceled.

(f) Upon tentative approval by the Board of Supervisors of the above mentioned cancellation petition and waiver or deferment in whole or in part of the cancellation fee, the Clerk of the Board of Supervisors shall record in the office of the County Recorder a certificate which shall set forth the name of the owner of such land at the time the contract is canceled with the amount of the cancellation fee specified by the Board of Supervisors as being due pursuant to Article 5 of the Act (Section 51281 et seq., Government Code), the contingency of such waiver or deferment of payments, and a legal description of the property. From the date of recording of such certificate the Contract shall be finally canceled, and to the extent the cancellation fee has not yet been paid or waived, a lien shall be created and attached against the real property described therein and any other real property owned by the person named therein as the owner and located within this County. Such lien shall be in favor of the County, shall have the force, effect and priority of a judgment lien and shall remain in effect until the unwaived portion of the cancellation fee is paid in full. Upon the payment of the cancellation fee or any portion thereof, the Clerk of the Board of Supervisors shall record with the County Recorder a written certificate of the release in whole or in part of said lien.

Section 12. DIVISION OF LAND - MINIMUM SIZE PARCELS. The Owner shall not divide the Premises contrary to the restrictions on the division of Premises as set forth in Exhibit "B" attached hereto.

Section 13. CONTRACT BINDS SUCCESSORS. The term "Owner" as used in this Contract shall include the singular and plural and this Contract shall be binding upon and inure to the benefit of all successors in interest of the Owner including but not limited to heirs, executors, administrators and assignees. In the event the land under this Contract or any portion thereof is divided, the Owner of any parcel may exercise, independent of any other owner of a portion of the divided land, any of the rights of the Owner in the original Contract including the right to give notice of nonrenewal and to petition for cancellation. The effect of any such action by the owner of a parcel created by the division of land or any portion thereof subject to this Contract shall not be imputed to the owners of the remaining parcels and shall have no effect on this Contract as it applies to the remaining parcels of the divided land.

Section 14. REMOVAL OF LAND FROM PRESERVE. Removal of any land under this Contract from an agricultural preserve, either by change

of boundaries of the preserve or disestablishment of the preserve shall be the equivalent of a notice of nonrenewal by the County; provided, however, that the County shall; at least 60 days prior to the next renewal date following the removal, serve a notice of non-renewal as provided in Section 51245 of the Act (Government Code). Such notice of nonrenewal shall be recorded as provided in Section 51248 of the Act (Government Code).

Section 15. CONVEYANCE CONTRARY TO CONTRACT. Any conveyance, contract or authorization (whether oral or written) by the Owner or his successors in interest which would permit the use of the Premises or create a division of the Premises contrary to the terms of this Contract, or any renewal thereof may be declared void by the Board of Supervisors of the County; such declaration or the provisions of this Contract may be enforced by the County by an action filed in the Superior Court of the County for the purpose of compelling compliance or restraining a breach thereof.

Section 16. OWNER TO PROVIDE INFORMATION. The Owner, upon request of the County, shall provide information relating to the Owner's obligations under this Contract.

Section 17. NOTICE. Any notice given pursuant to this Contract may, in addition to any other method authorized by law, be given by United States mail, postage prepaid. Notice to the County shall be addressed as follows:

Clerk of the Board of Supervisors
Room 306 County Administration Center
1600 Pacific Highway
San Diego, California 92101

Notice to the Owner shall be addressed as follows:

Mr. and Mrs. William C. Barker

4395 Hawk Street

San Diego, CA 92103

the day first above written.

William C. Barker

Florence D. Barker

APPROVED AS TO FORM
ROBERT G. DERREY
County Counsel

By John M. Levy
Deputy

Owner

COUNTY OF SAN DIEGO

Clerk of the Board of Supervisors

NOTE: All signatures of owners must be acknowledged before a notary public or public officer authorized to take acknowledgments.

TO 447 CA (4-73)
(Individual)

TITLE INSURANCE AND TRUST
A TICOR COMPANY

STATE OF CALIFORNIA
COUNTY OF San Diego } SS.

On September 25, 1974 before me, the undersigned, a Notary Public in and for said State, personally appeared William C. Barker

Florence D. Barker

known to me to be the person S whose name S subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Signature Margaret A. Ellison

Margaret A. Ellison
Name (Typed or Printed)

(This area for official notarial seal)

STAPLE HERE

The Northwest Quarter of the Southeast Quarter of Section 24, Township 16 South, Range 2 East, San Bernardino Meridian, in the County of San Diego, State of California..

This is to certify that the foregoing contract is hereby executed on behalf of the Board of Supervisors of said County of San Diego pursuant to authority conferred by Policy I-38 of said Board adopted on June 25, 1974 (minute item 116) and the County consents to recordation thereof by its duly authorized officer..

Oct 10, 1974
Date

By _____
R. J. PELLEGRINI, Acting Director
Department of Real Property

EXHIBIT B

JAPATUL Agricultural Preserve No. 36

Section 1. In the above named Agricultural Preserve only the following uses are permitted:

A. The following agricultural uses:

1. Agricultural crops.

2. Fruit trees, nut trees, vines and horticultural stock for producing trees, vines and other horticultural stock.

3. Flowers and vegetables.

4. The keeping of the following poultry and animals:

(a) Poultry, rabbits, chinchillas, hamsters, and other small animals.

(b) Horses as a private stable.

(c) Bovine animals, sheep, goats and swine as follows:

(1) On any premises having a net area of less than one and one-half (1-1/2) acres there may be kept a maximum of two (2) of any one or combination of said animals.

(2) On any premises having a net area of more than one and one-half (1-1/2) acres but not more than four (4) acres, there may be kept a maximum of eight (8) of any one or combination of said animals provided that the number of such animals shall not exceed one animal per half (1/2) acre of area.

(3) On any premises having a net area of more than four (4) acres such animals may be kept without limitation as to the number of animals.

5. Buildings and structures necessary and incidental to the agricultural use of the land.

B. The following compatible uses:

1. One-family dwellings incidental to the agricultural use of the land for the residence of the owner and his family or the lessee of the owner and the lessee's family. Owner or lessee shall be construed to include:

   (a) Stockholders in a family corporation.

   (b) Beneficiaries of family trusts and estates.

   (c) Owners of individual interests in the fee.

2. The following accessory buildings and structures: Private garages, swimming pools, children's playhouses, radio and television receiving antennas, shops, offices, and other required for the conduct of the compatible uses as permitted by this section.

3. Guest houses for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises. A guest house shall have no kitchen facility and shall not be rented or otherwise used as a separate dwelling.

4. Home occupations. Home occupation means an occupation customarily conducted entirely within a dwelling by the occupant of the dwelling as a secondary use in connection with which there is no display, no stock in trade or commodity sold upon the premises, and no person employed.

5. Processing for market of crops raised on premises, or on other property owned or leased by the processor.

6. One stand for the display and sale of only those products produced on the premises, or on other property owned or leased by the vendor; provided that it does not exceed an area of two-hundred (200) square feet, and is located not nearer than fifteen (15) feet to any street or highway.

7. Farm employee housing, exclusive of trailer coaches and mobilehomes.

8. Farm labor camps, exclusive of trailer coaches and mobilehomes, on premises having a net area of not less than 10 acres.

9. The following signs:

   (a) One (1) unlighted sign not larger than twelve (12) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.

   (b) One (1) sign not larger than twelve (12) square feet in area identifying and advertising products produced on the premises.

   (c) One (1) sign not larger than four (4) square feet in area identifying the premises as being associated with a trade organization, or as producing products under a registered trade name.

   (d) One (1) name plate not exceeding two (2) square feet in area containing the name and occupation of the occupant of the premises.

10. The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities, unless the Board of Supervisors makes a finding after notice and hearing that any or all such facilities are not a compatible use.

11. The following uses, provided a special use permit authorizing such use is issued by the Planning Commission or Board of Supervisors of the County of San Diego. Such special use permit shall be applied for, considered, granted or denied in the manner prescribed by The Zoning Ordinance of the County of San Diego for the application for, consideration, granting or denying of applications for special use permits under that ordinance.

   (a) Packing or processing plants for farm crops.

   (b) Aviaries.

   (c) The following farm employee housing and farm labor camps:

      (1) Farm employee housing containing one or more trailer coaches or mobilehomes.

      (2) Farm labor camps containing one or more trailer coaches or mobilehomes.

      (3) Farm labor camps on premises having a net area of 10 acres or less.

   (d) Public stables.

   (e) Kennels.

(f) Chinchillas.

(g) Radio or television transmitter.

(h) Airport (landing strip).

(i) Livestock auction yard.

(j) Animal waste processing.

12. The establishment, widening, realignment or improvement of any road, street or highway, whether existing or planned for the future, depicted on the circulation element of the San Diego County General Plan including any amendments thereto heretofore adopted by the Board of Supervisors.

13. The location and construction of any improvements specified in Section 51238 of the Government Code when located or constructed by a public agency or public utility, unless the Board of Supervisors makes a finding pursuant to said Section 51238 that such improvements are not compatible uses.

C. The following recreational uses, provided a special use permit authorizing such use is issued by the Planning Commission or Board of Supervisors of the County of San Diego. Such special use permit shall be applied for, considered, granted or denied in the manner prescribed by The Zoning Ordinance of the County of San Diego for the application for, consideration, granting or denying of applications for special use permits under that ordinance.

1. Use of land by the public, with or without charge, for any of the following:

(a) Walking

(b) Hiking

(c) Picnicking

(d) Camping

(e) Swimming

(f) Boating

(g) Fishing

(h) Hunting

(i) Other outdoor games or sports for which facilities are provided for public participation.

Any fee charged for the recreational use of land as defined herein shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public.

D. The use or maintenance of the land within said agricultural preserve in such a manner as to preserve its natural characteristics, beauty and openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife or for the solar evaporation of sea water in the course of salt production for commercial purposes is authorized and such use shall be defined as "Open Space Uses" if such land is within:

1. A scenic highway corridor, as defined in subdivision (i) of Section 51201, Government Code.

2. A wildlife habitat area, as defined in subdivision (j) of Section 51201, Government Code.

3. A saltpond, as defined in subdivision (k) of Section 51201, Government Code.

4. A managed wetland area, as defined in subdivision (l) of Section 51201, Government Code.

5. A submerged area, as defined in subdivision (m) of Section 51201, Government Code.

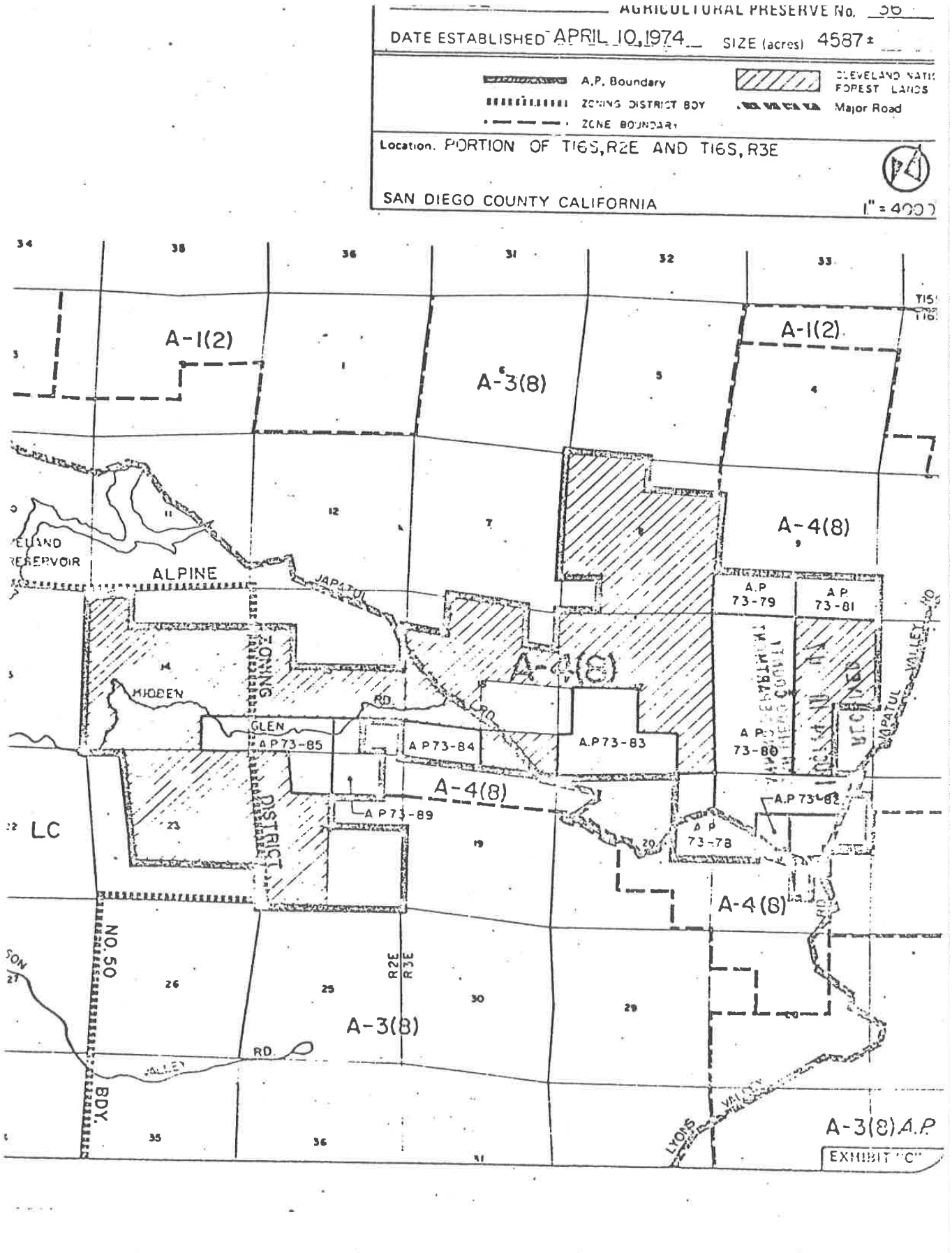
Section 2. Notwithstanding the provisions of Section 1, no dwelling, guest house, farm employee housing or farm labor camp shall be constructed, erected or maintained upon any premises containing an area of less than 600 acres; provided, however, one single family dwelling may be constructed and maintained on the premises subject to this Contract.

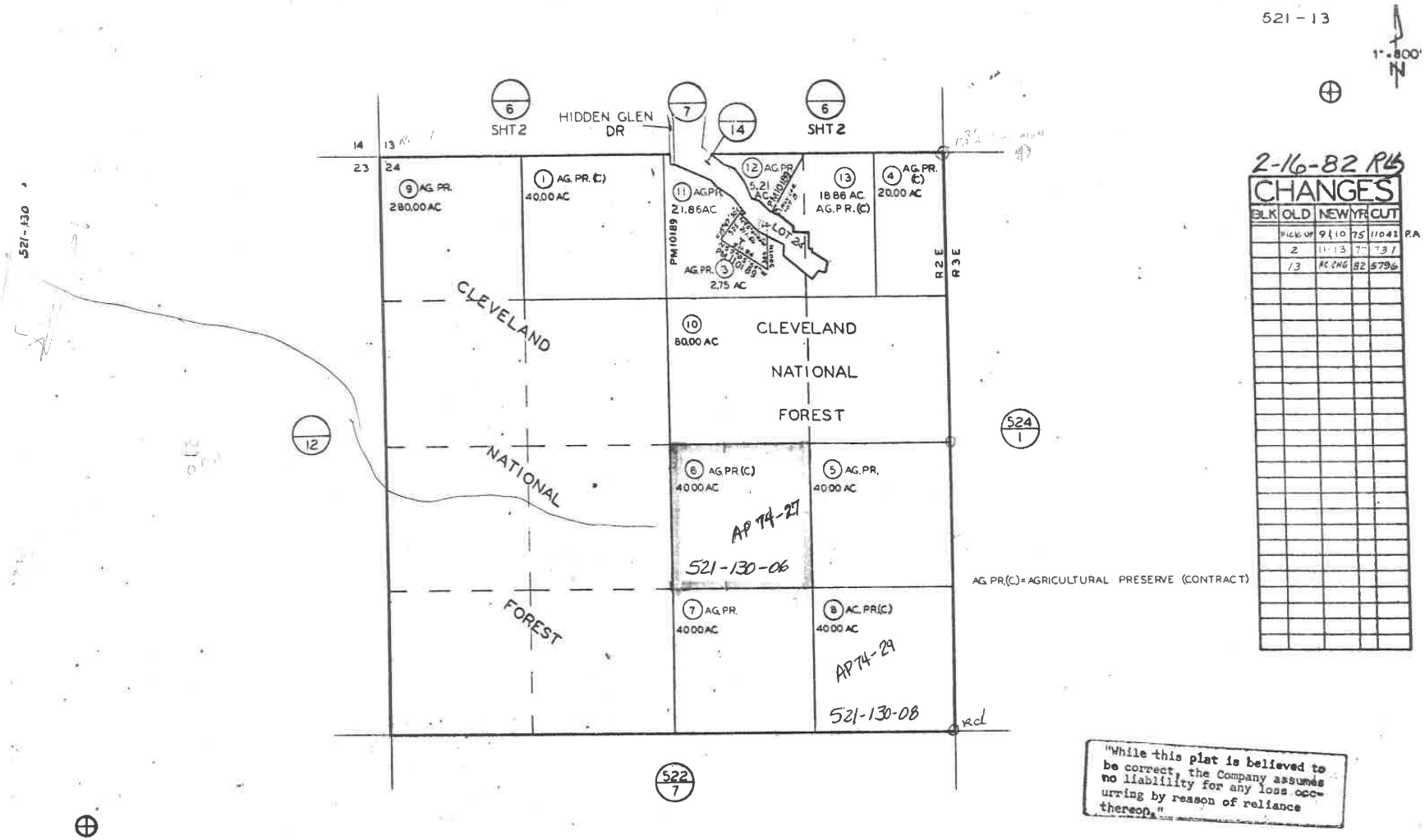
Section 3. Nothing herein shall be construed to authorize the establishment or continuation of a use of real property contrary in any provision of The Zoning Ordinance (Ordinance No. 1402 (New Series) of the County of San Diego) including any amendments thereto, heretofore or hereafter adopted.

Section 4. The premises subject to this Contract shall not be divided so as to create a parcel of land having an area of less than 600 acres, provided that this restriction shall not be construed as prohibiting the owner of premises having an area of more than 600 acres (hereinafter referred to as the Grantor) from conveying to the owner of contiguous premises subject to a Contract of equal or longer unexpired term a parcel containing less than 600 acres for the purpose of enlarging such contiguous premises where the remainder of the Grantor's premises after such conveyance has an area of not less than 600 acres.

Section 5. "Area" means an area of land inclusive of that land within easements or rights of way for roads, streets and/or highways.

Section 6. Definitions. The definition of words set forth in The Zoning Ordinance of the County of San Diego shall apply to the words used herein unless otherwise specifically defined herein.


AGRICULTURAL PRESERVE No. 56
DATE ESTABLISHED APRIL 10, 1974 SIZE (acres) 4587 ±
A.P. Boundary
ZONING DISTRICT BDY
ZONE BOUNDARY
CLEVELAND NATIONAL FOREST LANDS
Major Road
Location. PORTION OF T16S, R2E AND T16S, R3E
SAN DIEGO COUNTY CALIFORNIA
1" = 4000'
A-1(2)
A-3(8)
A-1(2)
A-4(8)
ALPINE
JAPATUL
A.P 73-79
A.P 73-81
A-4(8)
HIDDEN
GLEN
RD.
A.P73-85
A.P73-84
A.P73-83
A.P 73-80
A-4(8)
A.P 73-89
A.P 73-82
A.P 73-78
LC
DISTRICT
ZONING
A-4(8)
NO. 50
R2E
R3E
A-3(8)
RD.
VALLEY
BDY.
LYONS
A-3(8) A.P
EXHIBIT "C"



2-16-82 RLS

CHANGES					
BLK	OLD	NEW	YR	CUT	
	PICK UP	9	10	75	11042 P.A
	2	11	13	77	731
	13	RE ENG		82	5796

AG. PR.(C) = AGRICULTURAL PRESERVE (CONTRACT)

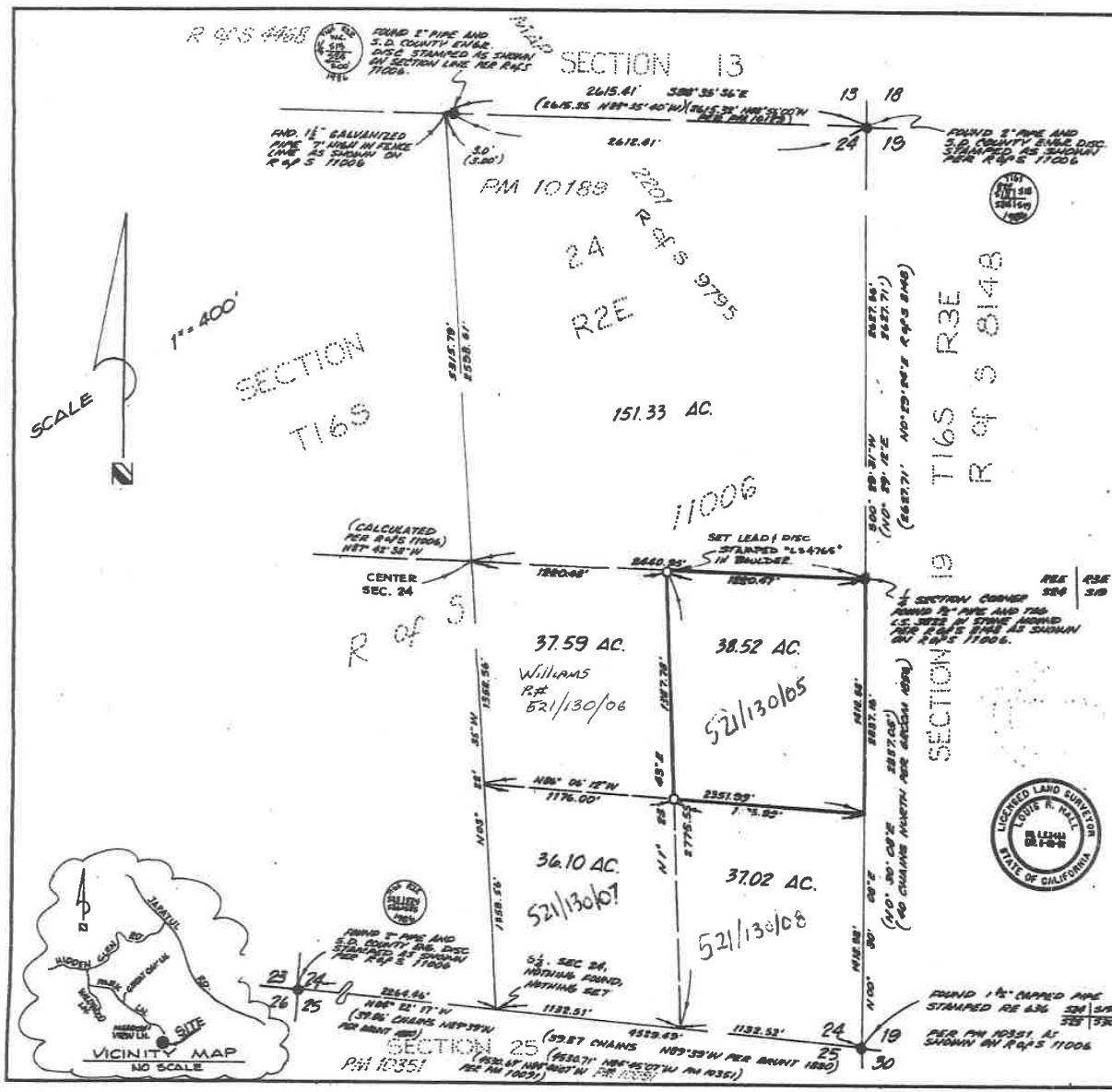
"While this plat is believed to be correct, the Company assumes no liability for any loss occurring by reason of reliance thereon."

SEC 24-T16S-R2E - POR

SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 521 PAGE 13 MAPPED FOR ASSESSMENT PURPOSES ONLY

R of S NO. 11338

SHEET 1 OF 1 SHEETS



RECORD OF SURVEY

OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 2 EAST, S.B.M., IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF.

LEGEND

● = INDICATES MONUMENT FOUND PER RECORD OF SURVEY 11006.

○ = INDICATES SET 3/4" X 18" PIPE WITH PLASTIC PLUG STAMPED "LS 4765", UNLESS OTHERWISE NOTED.

( ) = INDICATES RECORD DATA PER RECORD OF SURVEY 11006, UNLESS OTHERWISE NOTED.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 SOUTH, RANGE 2 EAST, S.B.M. AS SHOWN ON RECORD OF SURVEY 11006; I.E. N 00°30'08" E.

"SAID BEARING AND THE BEARINGS SHOWN HEREON ARE IN TERMS OF THE CALIFORNIA COORDINATE SYSTEM ZONE 6, QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM."

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT AT THE REQUEST OF JOHN WEST. IN NOVEMBER 1987.

ALAN R. DUBACK LS 4765
MY REGISTRATION EXPIRES MARCH 31, 1988

COUNTY ENGINEER'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE LAND SURVEYOR'S ACT THIS 3RD DAY OF DECEMBER 1987.

GRANVILLE N. BOWMAN
COUNTY ENGINEER RCE 13681

BY: Louis R. Hall
LOUIS R. HALL LS 3433

RECORDER'S STATEMENT

FILE NO. 87-668424

FILED THIS 3 DAY OF DEC. 1987 AT 1:30 O'CLOCK P.M. IN BOOK OF RECORD OF SURVEY MAPS AT PAGE 1338 AT THE REQUEST OF ALAN R. DUBACK.

VERA L. LYLE
COUNTY RECORDER

BY: Verna Dykes
DEPUTY COUNTY RECORDER

FEE: $5.00 $1.00 M.G.

CALIF. COORD. INDEX [redacted]-1845 (X)
A.P.N. 521-130-5

7 - 172

H

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

January 18, 2008

To: **J. Ramaiya, Environmental Planner III**
Planning & Land Use

From: **Blanca Pelowitz, Licensing Manager**
License Division – Sheriff's Department

Subject: **Case # P007-011 – High Glen Rd. Alpine**

On October 29, 2007, the Sheriff's Department received a "Request for Agency Recommendation" for the proposed training facility located on parcel numbers 522-070-03, 521-130-06,07,08 known as the Covert Canyon Training Center.

This Department has been aware of the training facility since April of 2006 when the License Division received a copy of a range inspection, conducted by the Sheriff's Weapon Training Unit (WTU) on February 17, 2006. It is unclear why the WTU conducted the inspection since the License Division did not request it as part of an application for a license; the training facility in question did not have any pending or valid permits for the operation of a shooting range. Licensing Specialist, Jerry Quinlin contacted Marc Halcon on April 4, 2006 to investigate and advised Marc Halcon of the permit requirements with both the Department of Planning and Land for the MUP and Sheriff for the shooting range.

Throughout the last couple of years, this office has received several complaints on other existing shooting ranges; alleging direct impact to property or homes from rounds fired from these ranges. Follow-up inspections were found to be inconclusive and unable to determine if in-fact, these rounds are coming directly from the ranges. There are currently eight authorized shooting ranges licensed by the Sheriff and are operating in compliance with the zoning requirements and within permitted shooting areas regulated by the County Regulatory Shooting Regulation Ordinance§33.101 et al. The Sheriff is currently working with County Counsel to address several concerns with this particular ordinance and is under review. The current ordinance does not outline any specific regulations for shooting ranges nor does it define what a shooting range is in contrast to a military, law enforcement or other training facilities.

Other complaints include alleged armor piercing ammunition landing on private properties, ricocheting bullets as well as complaints from residents who have built their homes or chosen to live in areas where shooting is permitted knowing well there was a shooting range in the area.

If DPLU is able to do so without resistance from NRA or gun enthusiasts, consideration and restrictions in the MUP should be given to the caliber of weapons used at these training facilities/shooting ranges. Gun enthusiasts no longer settle with the old traditional shotguns, rifles and handguns but prefer the 50 caliber high-powered assault rifles, machine guns or other modern weaponries. I would also like to point out that the current boundaries within the shooting regulation ordinance have been not been updated since 1990. Among other considerations, there are also concerns with encroachment protection issues as well as EPA, involving noise and lead management programs.

Our recommendation regarding the MUP for the proposed training facility is to require a mandatory and comprehensive impact study review. Have qualified engineers or inspectors provide professional input and expertise to ensure all the safety aspects of a training/shooting range are in place. If consideration is made to issue a MUP, we recommend Mr. Halcon be responsible in providing the County (Sheriff's Department and/or DPLU) with an "annual" inspection report from a qualified shooting range consultant/inspector to ensure the safety of the facility at his expense.

Thank you for your consideration.

Blanca Pelowitz

Blanca Pelowitz, Licensing Manager
Sheriff's License Division – Sheriff's Department

(858) 974-2822

H1

Published on *East County Magazine* (http://www.eastcountymagazine.org)

SIX BRUSH FIRES CAUSED BY SHOOTING FIREARMS IN EAST COUNTY; CAL FIRE ASKS BLM TO BAN SHOOTING DURING FIRE SEASON

July 2012 Articles | Wildfire News | BLM | CAL FIRE | Dulzura | Otay | Otay fires | Otay Wilderness | Potrero | San Diego wildfires | shooting caused fires

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By Miriam Raftery



Recent fire in Otay Wilderness area near East County homes

July 22, 2012 (San Diego's East County) – Revelations that six wildfires in the past six weeks have been caused by recreational shooting in East County has caused a firestorm of controversy.

Cal-Fire, joined by residents of Dulzura, Potrero and other areas bordering the Otay Wilderness area have asked the federal Bureau of Land Management to ban shooting on its properties within San Diego County for the duration of this year's expected severe fire season.

"We would like to institute prevention measures so that nobody's hosue burns down," Cal Fire Battalion Chief John Kremensky, who is assigned to the Dulzura Battalion, told ECM. "We know that other federal agencies, like the U.S. Forest Service, have implemented temporary closure to shooting during this high wildfire danger time."

Chief Kremensky confirmed that six fires in or near the Otay Wilderness area, owned by the BLM, in the past six weeks or so have been caused by shooting of firearms. He said he could not recall any fires caused by shooting last year.

Kremensky sent a letter July 18 to the BLM. In his letter, Kremensky stated that he has

been contacted by local residents who claim they have contacted the BLM with their concerns, but received no responses. "I am asking BLM to impose a temporary no shooting ban within San Diego County during the remainder of the 2012 fire sesaon as a means of prevention," Kremensky wrote, adding that a directive from Interior Department Secretary Ken Salazar makes clear such steps are "warranted to reduce the risks of new wildfires."

Clayton R. Howe at the BLM responded in a July 18 letter to Chief Kremensky. Howe said that since June 23, he has been implementing Fire Prevention Patrols to educating shooters on safety, educating 47 shooters over the July 4 weekend alone. In addition, he stated that he has proposed three possible prevention actions.

Those potential actions include closing BLM lands south of State Route 94 to shooting during fire season, putting up signs to inform people that the area is closed due to shooting abuses and fire danger, and locking additional gates to restrict access. (Some gates onto the BLM land have already been locked in recent years to keep vehicle traffic out of the Otay Wilderness area, though people on foot can circumvent the gates.)

The proposals have sparked passionate responses on both sides of the issue among community residents.

"The further closure of more and more public lands to the general public will do nothing to make a major dent in the fire problem," said Mitch Dashiell, a target shooter and retired Naval officer who owns a business selling sporting goods. "I greatly enjoyed the back country as a young adult and introduced my kids to it many year ago, on public lands. We never left anything but footprints. I want my grandkids to be able to enjoy it also without finding locked gates everywhere they go."

As an alternative to "heavy-handed" punishment of the public for the actions of a few individuals, he wants to see authorities punish those who violate the rules instead.

John Hyde, in a an online discussion post, suggested a middle ground. He wants to see a limit on "shooting non-metal jacketed bullets only, and no metal targets" or alternatively, "maybe just shotgun only, or maybe no guns without a hunting license" as well as a requirement for shooters to complete a fire arms safety course.

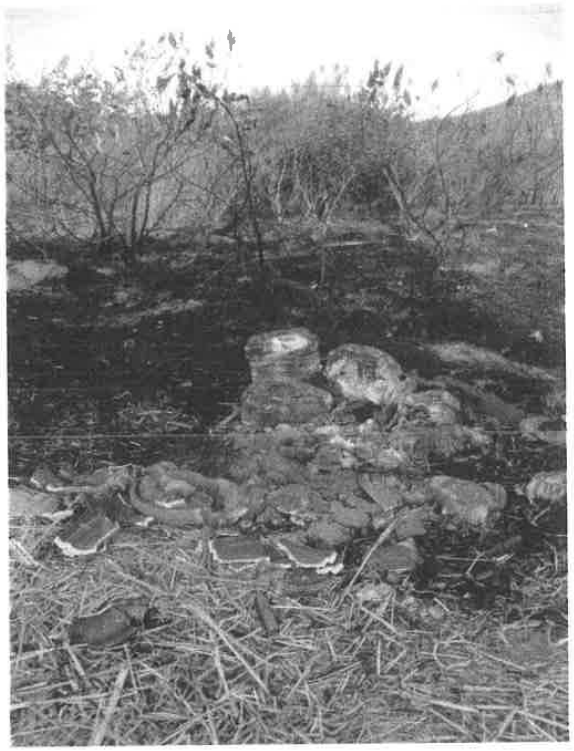
But resident Laura Cosby notes that there is a gun range at the end of nearby Marron Valley Road where target practice is safe. "Still these shooters feel a need to endanger lives and property to an already traumatized area....These shooters have no idea what it is like to go through two firestorms and to not know if your home is still standing for a week, or the long recovery process taken to get a neighborhood back on its feet both physically and emotionally."

Some residents have reported signs of target shooting at boards, possibly chemical packets with exploding ordnance. Cal Fire's Kremensky said he has received those reports, but is not certain if chemical packets caused the recent fires.

Robin Brailsford, a Dulzura artist and property owner, says she hears gunfire daily. "What does it cost to put out fires caused by people out there?" she asked, adding that she has found cigarette butts tossed on the ground—another fire hazard. She supports the proposed actions to limit shooting. "This is a very, very needed restriction."

She also wants to see all-terrain vehicles and motorized dirt bikes restricted during red flag alerts. "During the Harris Fire, there were people racing around to have fun before the fire got here." The BLM has limited ATVs to dirt roads, not dry brush, but Brailsford believes that is not enough to assure the safety of her community. She cited a critical need to protect homesteads, oak trees and the water supply.

Thus far, Cal Fire has managed to keep the shooting-caused fires to under 20 acres. But as the brush grows dryer and should firefighting resources be spread thin due to multiple fires, that could change.



Shells and signs of shooting amid blackened area on Marron Valley Road near to Brailsford's home

"Every time they put these fires out, it drains all the ponds. If we suck up all the water in July, there will be nothing left when we need it. We've been lucky six times this year," Brailsford concluded, asking how many times residents should be forced to rely on luck to protect their homes and lives.

"Twenty-five percent of my neighbors lost their homes to fire in 2007," she recalled. "We were evacuated for nine days and had no power for 30. The land was black from stem to sterm, the community torn asunder. None of us will ever forget it. We are only now beginning to recover."

The fire survivor concluded, "Though disaster brings out the best of us all, let's be smart enough to not go there again, unless we have to."

Source URL (retrieved on *06/24/2014 - 23:55*): http://www.eastcountymagazine.org/six-brush-fires-caused-shooting-firearms-east-county-cal-fire-asks-blm-ban-shooting-during-fire-seas

FIRE INVESTIGATION : DETERMINING HOW THE FIRE STARTED

Once it has been determined where the fire started, known as the Specific Point of Origin, utmost care is taken to ensure that this site is not disturbed until it has been comprehensively documented and photographed. Every single item – located both on the soil surface and below it – is recorded and eliminated as the possible cause of the fire.

There are approximately 18 recognised causes of wildfires, each of which is considered as the possible ignition source once the specific point of origin has been determined.

These are:

- Lightning: A common occurrence in specific areas
- Falling rocks: Some areas have rocks that cause sparks when struck against each other
- Self combustion
- Campfires (social / cooking / heating)
- Cigarettes
- Intended burning activities (prescribed operations)
- Incendiary (arson)
- Equipment use (chainsaws, vehicles overheating, etc.)
- Railroad (Steam trains, railway works)
- Children playing with matches
- Power lines (including trees falling against the power lines)
- Fireworks (mainly at specific times of the year, and in specific areas.)
- Cutting, welding and grinding: Normally alongside roads
- Firearms use: Usually at shooting ranges
- Blasting: Restricted to mining and development sites
- Structures (chimneys)
- Glass refraction/magnification
- Flare stack/pit fires (burning rubbish)

Working through the list, it is often easy to eliminate certain causes.

Some obvious examples include "Railroad" if there is no railroad in the vicinity, and "Glass refraction" if the fire started at 3 am.

Other causes are considered in conjunction with environmental conditions at the time of the ignition, such as temperature, relative humidity, and wind strength.

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083 411 3378
PETRA KRANENBURG
082 7763 512

E-MAIL:
info@envirowildfire.co.za

◄ FIRE INVESTIGATION : DETERMINING WHERE THE FIRE STARTED

AFTER THE FIRE IS OUT ►

CONTACT US

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083

411 3878

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MacLean **shooting range** closed after **wildfire** | The Jamestown Sun **...**
origin-www.jamestownsun.com/event/article/id/185101/
Apr 28, 2013 - BISMARCK, N.D. (AP) — A **wildfire** has closed the MacLean **shooting range** south of Bismarck.

Fire ignites at Basalt **Shooting Range** | PostIndependent.com
www.postindependent.com/article/20120805/VALLEYNEWS/120809953
Aug 5, 2012 - A **wildfire** broke out at the Basalt **Shooting Range** on Saturday and ... but discussions with witnesses and evidence at the **origin** ruled out the ...

Enviro **Wildfire** | FIRE INVESTIGATION : DETERMINING HOW THE **...**
enviro**wildfire**.co.za/fire-investigation-determining-how-the-fire-started/
There are approximately 18 recognised causes of **wildfires**, each of which is considered as the possible ignition source once the specific point of **origin** has been ... Firearms use: Usually at **shooting ranges**; Blasting: Restricted to mining and ...

Southern California brush fire in San Gabriel Canyon | **Wildfire** Today
wildfiretoday.com/.../southern-california-brush-fire-in-san-gabriel-canyon/
Sep 3, 2012 - The **origin** was between Camp Williams and the **shooting range** along East Fork Road in San Gabriel Canyon about 3.5 miles east of Highway ...

WCUT-RFC
www.wildcad.net/WCUT-RFC20137.htm
SNP 007, Aspen Springs, **Wildfire**, Point of **Origin** N 39,29,32.5 X 111,26,24.9 ... **Shooting Range**, **Wildfire**, 3 miles South of Monroe, UTM: 4268942/397859 0.1 ...

San Diego **wildfires** | East County Magazine
www.eastcountymagazine.org/taxonomy/term/1367

1 week 21 hours ago; "MESTIZO NATION: DNA reveals a staggering **range** of diversity! ... JOINT ARSON TASK FORCE SEEKS INFO ON **WILDFIRES** .... the **origin** of the Shockey Fire to an area where illegal target **shooting** was taking place on ...

Waldo **Wildfire** Doubles in Size - Pie Consulting & Engineering
www.pieglobal.com/waldo-**wildfire**-doubles-in-size/
According to Xfinity News, the Waldo Canyon Fire that started (point of **origin** is ... caused by the phosphorus of a tracer round used at the nearby **shooting range**.

[PDF] **Wildfire Origin** and Cause Determination Handbook - National ...
www.nwcg.gov/pms/pubs/nfes1874/nfes1874.pdf
by N Handbook - 2005
May 1, 2005 - necessary in preventing unwanted **wildfires**. Proper investigative ... responders to identify and protect the area of **origin** of the fire. The. NWCG course ..... **range** from heavy construction to small portable engines. Cause indicators: .... Search area for human activity such as **shooting**, vehicle traffic and/or ...

Colorado officials worry about fire dangers from target **shooting**
gazette.com/colorado-officials-worry-about-fire...**shooting**/.../1518027
Apr 14, 2014 - ... area off U.S. Forest Road 343 "is not by **definition** a **shooting range.**" ... Landis said shooting at "inappropriate" targets is a **wildfire** danger in ...

[PDF] MANAGEMENT AREA CAHABA RIVER **WILDLIFE** - Alabama ...
outdooralabama.com/.../**wildlife**-areas/.../Cahaba%20River13-14%20secure....
GENDER,NATIONAL **ORIGIN** OR DISABILITY IN ITS ... DIVISION OF **WILDLIFE** ....
Individuals ages 16 through 64 that utilize the **shooting range** on William R.

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H 2

CHAPTER 1. SHOOTING REGULATIONS

EC. 33.101. NO SHOOTING NEAR HABITATION -- SHOOTING RANGES.

(a) Other than in defense of person it shall be unlawful for any person to discharge any pistol, revolver, shotgun, rifle or any othe earm or device fired or discharged with explosives, at any place within the unincorporated territory of the County which is not a asonably safe distance from all recreational areas, communities, roads or any occupied dwelling house, residence, or other building ny barn or other outbuilding used in connection therewith.

(b) For purposes of this section, 150 yards or less is not a reasonably safe distance from any occupied dwelling house, residence other building or any barn or other outbuilding used in connection therewith unless the person discharging the firearm or device is tl wner, person in possession of the premises or a person having the express permission of the owner or person in possession of the emises.

Amended by Ord. No. 7826 (N.S.), effective 11-22-90; amended by Ord. No. 7834 (N.S.), effective 11-20-90; amended by Ord. No 942 (N.S.), effective 8-22-91; amended by Ord. No. 10122 (N.S.), effective 3-10-11; amended by Ord. No. 10197 (N.S.), effective 24-12; amended by Ord. No. 10313 (N.S.), effective 2-6-14)

EC. 33.101.1. [RESERVED.]

Sec. 33.101.1 added by Ord. No. 7826 (N.S.), effective 11-22-90 and repealed by Ord. No. 7834 (N.S.), effective 11-20-90)

EC. 33.101.5. NO SHOOTING – PERIODS OF HIGH FIRE HAZARD.

(a) Other than in defense of person, it shall be unlawful for any person to discharge any pistol, revolver, shotgun, rifle or any other earm or device fired or discharged with explosives during any period in which a "high fire hazard" has been declared by the alifornia Department of Forestry. The prohibitions of this section shall commence upon the declaration of a "high fire hazard" by the alifornia Department of Forestry and shall continue until noon of the day following the final day of the "high fire hazard" period as ecified in said declaration. Information as to whether or not a "high fire hazard" has been declared shall be made available to the ublic from the Office of Disaster Preparedness.

(b) This section shall not be applicable to the following:

(1) Persons discharging firearms or devices on and pursuant to the safety regulations of a shooting range established and erated pursuant to a permit issued by the Sheriff.

(2) Persons discharging firearms or devices who are the owner, person in possession of the property upon which the firearms o evices are being discharged or a person having the express permission of the owner or person in possession of the property upon hich the firearms or devices are being discharged provided that any areas in which any firearms or devices are being discharged or eas in which ammunition impacts occur are cleared in such a manner as to prevent igniting any brush or flammable materials.

(3) Persons involved in the legal pursuit of game.

(4) Persons discharging firearms or devices pursuant to a permit issued by the State of California pursuant to Fish and Game ode section 4181.

(5) Persons discharging firearms or devices in defense or for the protection of livestock, domesticated animals or property unde rcumstances in which Fish and Game Code section 4181 is not applicable.

Sec. 33.101.5 added by Ord. No. 7826 (N.S.), effective 11-22-90, and repealed by Ord. No. 7834 (N.S.), effective 11-20-90; added / Ord. No. 7942 (N.S.), effective 8-22-91)

State law reference(s)--Permits, Fish and Game Code, § 4181.

EC. 33.102. FIREARMS PROHIBITED ON TRAILS.

It is unlawful for any person to carry or possess or discharge any pistol, revolver, shotgun, rifle or any other firearm or device fired discharged with explosives on or from any portion of any riders' and hikers' trail within the County which is bounded on both sides / privately-owned real property. riders' and hikers' trail as used in this chapter refers to any trail established under Article 6 of

EXHIBIT 13

EC. 33.103. NO SHOOTING NEAR STOCK WATERING HOLES.

It shall be unlawful for any person in the unincorporated territory of the County to discharge any pistol, revolver, shotgun, rifle or an her firearm or device fired or discharged with explosives within a radius of 1,500 feet of any established stock watering hole or ace, whether unenclosed, or enclosed by fence belonging to, or occupied by, another, where signs forbidding trespass are displayed pproximately 2,400 feet apart at a distance of approximately 1,500 feet from the watering hole or place, without having first obtainec ritten permission from the owner of such land or the person in lawful possession of such land where said stock watering hole or ace is located.

EC. 33.104. DISCHARGE OF FIREARMS PROHIBITED.

Other than in the defense of person or property, it shall be unlawful for any person to shoot, fire or discharge any pistol, revolver, ıotgun, rifle or any other firearm or device fired or discharged by explosives, or air gun or air rifle in any portion of the unincorporate rritory of the County within that portion of the County of San Diego described as follows: (All references to sections, townships anc nges are based on the San Bernardino Base and Meridian):

ARCEL N-1--FALLBROOK, OCEANSIDE, VISTA AREA

All of the unincorporated territory of the County of San Diego, State of California, lying within that portion of said County of San iego described as follows:

That portion of said County of San Diego lying easterly of the easterly boundary line of Camp Joseph H. Pendleton Marine Corps eservation, and lying southerly, westerly and northerly of the following described line: Beginning at a point on the easterly boundary ' said Marine Corps Reservation, said point being 600 feet northerly of the intersection of the westerly prolongation of the center lin ' Dougherty Street in Fallbrook, with said easterly boundary the Marine Corps Reservation, thence easterly in a straight line parallel ith and 600 feet northerly of the center line of Dougherty Street and its easterly extension of the center line of Dougherty Street its ısterly extension to a point 600 feet northerly of the intersection of Santa Margarita Drive and Mission Road (County Road S-13); ence easterly along a line that is 600 feet northerly and parallel with Mission Road (County Road S-13); to a point that is 600 feet ısterly of the northerly prolongation of the center line of Gird Road, said last described point being designated herein as "Point A"; ence southerly along a line that is 600 feet easterly and parallel with the center line of Gird Road to a point 600 feet southerly of the tersection of Gird Road and Reche Road; thence northwesterly along a line that is 600 feet southerly and parallel with the center lin ' Reche Road to a point that is 600 feet southeasterly of the intersection of Reche Road and Green Canyon Road; thence southerly ong a line that is 600 feet easterly, northerly and southerly parallel with Green Canyon Road, Green Briar Circle and Green Canyon oad to an intersection with a line that is 600 feet southeasterly of and parallel to Green Canyon Road and Mission Road (County oad S-13); thence southerly along a line that is 600 feet easterly and parallel with Mission Road (County Road S-13) to a point that) 0 feet easterly of the intersection of Mission Road (County Road S-13) and California State Highway 76; thence southerly along a ıe that is 600 feet easterly and parallel with said State Highway 76 to a point that is 600 feet northerly of the intersection of said Sta ighway and North River Road; thence east in a straight line to a point that is 600 feet (measured along the center line of Old River oad) northerly of the intersection of Old River Road and Gopher Canyon Road; thence easterly and southerly along a line that is 60(et northerly and parallel with the center of Gopher Canyon Road to a point 600 feet easterly of the intersection of Gopher Canyon oad and Ormsby Street; thence southwesterly along a line that is 600 feet southeasterly and parallel with the centerline of Ormsby reet to a point that is 600 feet southeasterly of the intersection of Ormsby Street and East Vista Way (County Road S-13); thence ıutherly along a line that is 600 feet easterly and parallel with the center line of East Vista Way (County Road S-13); to an tersection with the easterly boundary of the City of Vista (as said city boundary existed on June 1, 1967); thence southerly and ısterly along said city boundary to a point that is 600 feet north of the intersection of said city boundary and Foothill Drive and ssignated herein as "Point B"; thence southwesterly in a straight line to the intersection of the southeasterly line of the aforementione larine Corps Base and the Pacific Ocean.

OGETHER WITH:

All of the unincorporated territory of the County of San Diego, State of California, lying within that portion of said County of San iego described as follows:

Beginning at the intersection of the North-South center line of Section 4, Township 11 South, Range 3 West, S.B.M. with a point 6(et southerly of the centerline of Gopher Canyon Road; thence Southerly along said North-South centerline and along the North-Sou enter line of Section 9 of said Township and Range to the Center of said Section 9; thence Westerly along the East-West center line ' said Section 9 and along the East-West center line of Section 8 of said Township and Range to the intersection of said East-West

ortheasterly on a line 600 feet southeasterly of and parallel to said centerline of Ormsby Street to a point 600 feet Southwesterly of e center line of Gopher Canyon Road; thence along a line 600 feet southerly of and parallel with said center line of Gopher Canyon oad to the POINT OF BEGINNING.

ARCEL N-2--VISTA, SAN MARCOS AREA

All of the unincorporated territory of the County of San Diego, State of California, lying within that portion of said County of San iego described as follows:

That portion of said County of San Diego lying southerly and easterly of the boundary of the City of Vista (as said city boundary isted on June 1, 1967) and lying southerly, westerly and northeasterly of the following described line: Beginning at a point on the isterly boundary of the City of Vista, said point being 600 feet north of the intersection of said boundary and the center line of Footh rive being also designated as "Point B" in Parcel N-1; thence easterly and southerly along a line that is 600 feet northerly and isterly of and parallel with the center line of Foothill Drive to a point that is 600 feet northerly of the intersection of Foothill Drive an lonte Vista Drive; thence easterly and southeasterly along a line that is 600 feet northerly and easterly of and parallel with the cente ie of Monte Vista Drive to a point that is 600 feet southeasterly of the intersection of Monte Vista Drive and Buena Creek Road; ence southwesterly and southerly along a line that is 600 feet southeasterly and easterly of and parallel with the center line of Buen reek Road to a point that is 600 feet easterly of the intersection of Buena Creek Road and South Santa Fe Avenue; thence southerl ong a line that is 600 feet easterly of a parallel with the center line of South Santa Fe Avenue to the westerly boundary of the City c an Marcos (as said city boundary existed on June 1, 1967); thence southwesterly along said city boundary to a point that is 600 feet outhwesterly of the southwesterly right-of-way line of the State Highway Route 78; thence from said point northwesterly along a lin at is 600 feet southwesterly of and parallel with the southwesterly right-of-way line of said State Highway Route 78 to the southerly oundary of the City of Vista (as said city boundary existed on June 1, 1967).

OGETHER WITH:

All that unincorporated territory within the County of San Diego, State of California, lying within that portion of said County of San iego described as follows:

Beginning at the intersection of the centerline of South Santa Fe Avenue and the Westerly Boundary of the City of San Marcos; ence northeasterly; easterly, northeasterly along the westerly and northerly lines of the City of San Marcos to the intersection of the enter line of Twin Oaks Valley Road and the northerly boundary of the City of San Marcos; thence northwesterly in a straight line t e intersection of the center line of Grandview Road and easterly boundary of the City of Vista; thence southerly along the easterly oundary lines of the City of Vista to a point being 600 feet North of the intersection of the Easterly Boundary of the City of Vista an e centerline of Foothill Drive; thence easterly and southerly along a line that is 600 feet northerly and easterly of and parallel with th enter line of Foothill Drive to a point that is 600 feet Northerly of the intersection of Foothill Drive and Monte Vista Drive; thence isterly and Southeasterly along a line that is 600 feet Northerly and Easterly of and parallel with the center line of Monte Vista Driv a point that is 600 feet Southeasterly of the intersection of Monte Vista Drive and Buena Creek Road; thence southwesterly and outherly along a line that is 600 feet southeasterly and easterly of and parallel with the centerline of Buena Creek Road to a point is 0 feet Easterly of the intersection of Buena Creek Road and South Santa Fe Avenue; thence Southerly along a line that is 600 feet isterly of a parallel with the center line of South Santa Fe Avenue to the westerly boundary of the City of San Marcos (as said city oundary existed on June 1, 1967); the TRUE POINT OF BEGINNING.

ARCEL N-3--CARLSBAD, ENCINITAS, RANCHO SANTA FE AREA

All of the unincorporated territory of the County of San Diego, State of California, lying within that portion of said County of San iego described as follows:

That portion of said County of San Diego lying southerly and easterly of the boundary of the City of Carlsbad (as said city boundary isted on June 1, 1967) and lying westerly, southerly and northerly of the following described line: Beginning at a point that lies 600 et northeasterly of the intersection of said city boundary and El Camino Real (County Road S-11); thence from said point southerly ong a line that is parallel with and 600 feet easterly of the center line of said El Camino Real (County Road S-11) to a point 600 fee ortherly of Encinitas Blvd. (County Road S-9); thence from said point easterly and southerly along a line that is parallel with and 600 et northerly and easterly of the center line of Encinitas Blvd. (County Road S-9) to a point 600 feet northwesterly of Rancho Santa e Road (County Road S-10); thence northerly along a line that is parallel with and 600 feet westerly of the center line of said Ranch anta Fe Road (County Road S-10) to a point 600 feet northerly of El Camino Del Norte; thence easterly along a line that is parallel ith and 600 feet northerly of the center line of El Camino Del Norte to a point 600 feet easterly of its intersection with Paseo elicias; thence southerly along a line that is parallel with and 600 feet easterly of the center line of Paseo Delicias to a point 600 ortherly of the intersection of Paseo Delicias and Del Dios Highway (County Road S-6); thence easterly along a line that is parallel



COUNTY OF SAN DIEGO • DEPARTMENT OF PLANNING AND LAND USE

DATE: May 28, 2010

TO: Planning Commission

SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011, ALPINE COMMUNITY PLANNING AREA [District 2]

SUMMARY:

Overview
The applicant requests a Major Use Permit and Williamson Act Agricultural Contract Cancellation to establish and operate a weapons training facility for law enforcement and military groups that includes live munitions training activities for local and national security purposes. The project site is located on High Glen Road in the Alpine Community Planning Group, within unincorporated San Diego County. The Department of Planning and Land Use recommends that the project be denied because necessary infrastructure and fire protection services are not available to serve the property. Thus, the proposal does not comply with the Public Facility Element of the County General Plan, the Alpine Community Plan, State and County Fire Codes, and Board of Supervisors Policy I-84.

Recommendation
DEPARTMENT OF PLANNING AND LAND USE
Deny MUP 07-011 for the reasons explained in Attachments B.

Fiscal Impact
NA

Business Impact Statement
NA

Advisory Board Statement
NA

Involved Parties
Marc Halcon Covert Canyon LLC;
See Ownership Disclosure in Attachment D

SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011, ALPINE COMMUNITY PLANNING AREA [District 2]

BACKGROUND:

Project Description: The project is a request for a Major Use Permit and Agricultural Contract Cancellation to operate a weapons training facility for law enforcement and military groups that includes live fire training activities for local and national security purposes. The project would consist of the following: The relocation of two existing small arms ranges (Small Caliber Automatic Weapons, Pistols, and Shotguns), one 10 to 600 yard variable long rifle range, a 1600 sq/ft urban warfare training house, a 960 sq/ft simulated ship training structure, seven 8'X40' storage units (2,240 sq/ft), a nighttime training and special operations area, an 800 sq/ft repelling and training tower 45 feet in height, a trailer coach for a caretaker's residence, an 800 sq/ft office/training room including bathroom and shower, and a 2320 sq/ft maintenance shop/garage.

The site contains an existing single-family residence, an unpermitted guest living quarters, out buildings, garage, and a storage unit that would be retained. The project would be served by on-site septic systems and groundwater. The earthwork will consist of approximately 5,000 cubic yards of cut and fill on and offsite. The site is subject to the General Plan Regional Category 1.4 RDA (Rural Development Area) and 1.6 ECA (Environmental Constrained Areas), Land Use Designation 20 (General Agriculture)/23 (National Forest/State Parks). Zoning for the site is A72 (General Agricultural). The property is zoned A72 which permits the proposed project as a Major Impact Service and Utility through issuance of a Major Use Permit pursuant to Zoning Ordinance Section 2725.b.

Agricultural Preserve: The proposed project involves a request to cancel the Agricultural (Williamson Act) Contract for parcel 531-130-08 (AP74-29). The applicant is required to apply for a Williamson Act Contract Cancellation to ensure that the proposed use would be consistent with the existing Agriculture Preserve #36 and terms of the contract. The proposed Major Use Permit could not be approved on if the Williamsons Act Contract cancellation is not approved by the Board of Supervisors. Only the Board of Supervisors is authorized to approve a cancellation of the Williamson Act Contract. That component of the proposed project is not under the purview of the Planning Commission. The applicant also filed a notice of nonrenewal of the Williamson Act Contract per Gov. Code section 51245. Under the nonrenewal process, the contract would remain in effect for the balance of the period remaining since the last automatic renewal of the contract (nine years).

Portions of the project site (APN#s 531-130-05, -07, and -08) are within Agricultural Preserve #36 and has a Special Area Regulation Designator "A" denoting the overlay of the Agricultural Preserve. The County has required the applicant to apply for an alteration to the Boundaries of an Agricultural Preserve to remove the parcels subject to the MUP Application from the Agricultural Preserve #36, and a Rezone application to remove the associated "A" Special Area Regulation Designator. The rezone and boundary alteration is required because the proposed use would be incompatible with the existing Agricultural Preserve #36. The County would not require the applicant to continue with the Agricultural Preserve alteration and rezone if the MUP application were denied by the Planning Commission because the existing residential use is compatible with the terms of the Williamson Act Contract and Agricultural Preserve.

SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011, ALPINE COMMUNITY PLANNING AREA [District 2]

General Road and Site conditions: The project site is accessed via an unimproved, private dirt road, High Glen Road, which varies between 12 and 14 feet in width with portions that exceed 20 percent grade. High Glen Road connects to Japatul Road, which is located approximately 10,560 feet (2 miles) south of the subject property. The first mile of High Glen Road is a private access road that serves both the project site and other residences. After the first mile, High Glen Road becomes a national forest road. A special use permit has been granted by the U.S. Department of Agriculture (Cleveland National Forest) for a 14-foot wide, 1.15-mile long road over federal lands to access the project area. Two gates are located along High Glen Road, and they delineate the boundaries of the Cleveland National Forest. There is no secondary point of access to the project site. Furthermore, the site has a high susceptibility to fire because it is surrounded by National Forrest that has not burnt since 1970 (See Fire Attachment A Fire History Map). According to the applicant's Fire Protection Plan, the high fuel load combined with the potential to have flame length of up to 96 feet, make the site subject to a high level of fire hazard.

PROJECT ISSUES:

1. **Inconsistent with State and County Fire Regulations:**
The project site is located within the California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area (SRA) for Wildland fire protection, and the San Diego Rural Fire Protection District (SDRFPD) for structural fire protection. Therefore, the project was initially subject to both the State Responsibility Area Fire Safe Regulations, 14 CCR 1270 et. seq., and the County of San Diego Consolidated Fire Code. On March 4, 2010, the State Board of Forestry and Fire Protection certified the County Consolidated Fire Code that was approved on November 13, 2009. The certification of the Consolidated Code means that it supersedes the SRA Fire Safe Regulations because the County Consolidated Code is equal to or more stringent than the SRA Fire Safe Regulations. Consequently, the project is now subject only to the Consolidated Fire Code. The SRA Fire Safe Regulations no longer apply.

   However, before the State certified the Consolidated Fire Code, the project was reviewed for compliance with both the County Consolidated Fire Code and the State Responsibility Area Fire Safe Regulations. The project fails to meet several of the fire code regulations pertaining to the access road as explained below.

   Road Dimensions: §96.1.503.2.1 and 14 CCR 1273.01
   The primary access to the site is provided by High Glen Road, which is a 12-14 foot wide unimproved private road that does not comply with the SRA Fire Safe Regulations requirement for an 18-foot wide road or the Consolidated Fire Code requirement for a 24-foot wide road. The applicant has not demonstrated that access rights can be acquired from the U.S. Forest Service to widen the road to fire code standards or to provide necessary fuel modification zones along the roadway.

   The substandard road width would not allow simultaneous firefighter ingress and civilian evacuation. The primary access is also restricted by two gates, which are secured by padlocks and can only be manually opened by key. There is no assurance that all users of

SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011, ALPINE COMMUNITY PLANNING AREA [District 2]

the proposed facility would possess keys to open the gates. The gates would need to comply with §96.1.506 of the County Consolidated Code, which requires that the gates have the capability to automatically open when emergency apparatus approaches.

Dead End Road Lengths: §96.1.503.1.2 and 14 CCR 1273.09
The State Responsibility Area (SRA) Fire Safe Regulations in California Code of Regulations, Title 14, section 1270 et seq. and the County Consolidated Fire Code both establish maximum dead-end road lengths based upon the zoning of properties served by the road. The proposed facility is located at the end of a 10,560-foot dead-end road. The SRA Fire Safe Regulations and the Consolidated Fire Code limit the maximum allowable length of dead-end roads, which serve properties zoned for lot sizes of 5-19.99 acres to 2,640 feet. The subject property, and all properties which the access road crosses, are zoned for 5-acre or larger parcels. Accordingly, the project is subject to a 2,640 dead-end road length limit. The project would exceed the dead-end road limit by four times the established standard.

Road Gradient: §96.1.503.2.7 and 14 CCR 1273.03
The primary access road to the project site High Glen Road exceeds 20 percent grade in many locations. The County Consolidated Code does not permit road gradients in excess of 20 percent (16 percent for SRA Fire Safe Regulations). The portions of the road that are greater than 20 percent gradient are primarily located within the US Forrest Service jurisdiction. The applicant has been granted a special use permit from the U.S. Department of Agriculture (Cleveland National Forest) for a 14-foot wide, 1.15-mile long road over federal lands to access the project area. The applicant has not demonstrated the ability to obtain additional rights from the Forrest Service to make the necessary improvements to reduce the road gradient to below 20%. Therefore, the proposed access road does not comply with the roadway gradient requirements in the County Consolidated Code and the SRA Fire Safe Regulations.

Road Surface: §96.1.503.2.3 and 14 CCR 1273.02
The County Consolidated Code requires that the 10,560 foot (2 miles) primary access road be designed to support fire apparatus of not less than 50,000 pounds and must have an approved paved surface for all weather driving capabilities. The applicant objects to the substantial cost of paving a 2-mile, 24-foot wide road. The unimproved primary access road does not provide the minimum surface treatment required for use by fire apparatus.

Modification and Exception to Standards: §96.1.APP.104.8 and 14 CCR 1270.07
The applicant requested an exception from the standards in the SRA Fire Safe Regulations. The exception was requested because the project exceeds maximum dead-end length standards as indicated above (2,640 feet).

> *14 CCR 1270.07: An "exception" from the SRA Fire Safe Regulations, requires a determination that measures to be provided will accomplish the "same overall practical effect" of complying with the regulations toward providing defensible space.*

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The County Fire Marshal could not approve the exception because the proposed mitigation (shelter-in-place) is not an alternative for a primary access road that fails to meet Fire Code standards in more ways than just maximum dead-end length. Thus, the County Fire Marshall could not make the finding of "Same Overall Practical Effect." The applicant appealed this determination to the Regional Fire Appeals Board. The Appeals Board could not finding that the proposed mitigation would provide an over all "Same Practical Effect" as a secondary access and a primary access that meets the Fire Code standards.

When the applicant requested the exception, the project was subject to both the State Responsibility Area Fire Safe Regulations, 14 CCR 1270 et. seq., and the County of San Diego Consolidated Fire Code, which became effective on November 13, 2009. On March 4, 2010, the State Board of Forestry and Fire Protection certified the County Consolidated Fire Code, which was after the Fire Appeals Board Hearing. The certification of the Consolidated Code is important because the SRA Fire Safe Regulations are superseded by the new County Consolidated Code.

The Consolidated Fire Code allows for modifications to the code requirements if certain findings can be made. The modification provision is as follows:

> *Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reasons make the strict letter of this code impracticable and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements.*

Here, the Fire Code Official would be the Fire Chief of San Diego Rural Fire Protection District. To date, the project applicant has not requested a modification from the Fire Protection District. However, as noted above, the Department of Planning and Land Use and the Regional Fire Appeals Board found that the applicant's request for an exception to the SRA standards could not be supported because the primary access road is substantially inconsistent with the standards for road width, dead-end road length, gradient, and surface treatment.

2. **General Plan Public Facilities Element (Travel Time):** The project does not comply with the General Plan Public Facilities Element Objective One, Policy 1.2 Implementation Measure 1.2.2 because the finding of sufficient fire protection and emergency service cannot be met.

Policy 1.2: *The County will ensure the availability of adequate fire and emergency service facilities in the review of discretionary land development applications, and require appropriate fire prevention and protection measures.*

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***Implementation Measure 1.2.2**: Require, as a basis of approval, a finding that sufficient fire protection and emergency service facilities are available or will be available concurrent with the need for discretionary projects. The finding of sufficient fire protection and emergency service facilities will be based on the provisions of Objective One (1) and the requirements and information from the responsible fire agency.*

In applying the provisions of Objective One (1), the proposed land uses and the smallest proposed residential lot will be used to determine the appropriate emergency travel time for each project proposal. If the appropriate emergency travel time cannot be met for a proposed project, the discretionary project will be denied unless sufficient mitigation measures are included as a basis of approval based on the recommendations of the Director and the responsible agency providing fire protection.

The finding that sufficient fire protection and emergency service facilities are available or will be available concurrent with the need for discretionary projects, cannot be made. The responsible fire agency, the San Diego Rural Fire Protection District, does not support the project due to the inadequate primary access. The District has indicated that Fire Service is not available. Additionally, under Implementation Measure 1.2.2 stated above, the applicable maximum travel time is 20 minutes. The project does not meet this standard. The nearest fire station is located off Dehesa Road approximately 22.52 minutes from the project site (See Attachment D for Fire Service Documentation).

3. **Board of Supervisors Policy I-84:** The applicant is unable to obtain or provide the required Fire Service Availability form from the San Diego Rural Fire Protection District because of the inability to provide adequate primary access to the proposed project site. The failure to obtain Fire Service Availability and the required conditions and mitigations measures does not comply with Board of Supervisors Policy I-84 (Project Facility Availability and Commitment for Public Sewer, Water, School and Fire Services).

4. **Alpine Community Plan:** The proposed project does not comply with the Alpine Community Plan (Part XI) because the proposed project cannot obtain an acceptable level of fire protection, because the primary vehicular access for fire protection services does not meet the required road standards as stated in the following policies:

Policy 8.3: Direct the appropriate County agency to require an acceptable level of fire protection for all approved development through appropriate discretionary permit process.

Policy 8.9: The County will encourage the commitment of new development to road standards, which allow clear visibility and adequate vehicular access.

The applicant is unable to obtain or provide the required Fire Service Availability from the San Diego Rural Fire Protection District because of the lack of adequate primary access to the proposed project site. The applicant has not demonstrated compliance with

SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011, ALPINE COMMUNITY PLANNING AREA [District 2]

the required road width, length or gradient standards in the County Consolidated Fire Code and the State Fire Code (See Project Issue one above). For these reasons listed, the project does not comply with the Alpine Community Plan (Part XI) Safety Plan Policies.

WAIVERS AND EXCEPTIONS:
NA

ENVIRONMENTAL STATUS:
The environmental review for the proposed project has not been completed. The denial of a project is exempt from the California Environmental Quality Act (CEQA) based upon Section 15270(a), projects which are disapproved. Should the Planning Commission decide not to deny the application, the project must be returned to staff for further processing in accordance with CEQA.

PREVIOUS ACTIONS:
On February 17, 2010, the Regional Fire Appeals Board conducted a public hearing on the requirements of the Consolidated Fire Code, and the SRA Fire Safe Regulations, relating to Major Use Permit 07-011. The Board denied the appeal (0-5-0-0) for the following reasons: deficient primary access, four times dead-end road limit, shelter-in-place not an alternative for compliant primary access, and same practical effect cannot be found (See Attachment C for Minutes).

ACTIVITIES UNDERTAKEN WITHOUT APPROPRIATE PERMITS:
The following three types of activities have been undertaken on the project site without the appropriate permits:

1. *Illegal Use of the Land:* The property owner was issued a Notice to Cease Illegal Activity by County Code Enforcement for operating a training facility for military, law enforcement, security, and intelligence personal. This notice included ceasing all activities relating to combat related training and shooting of all types except that allowed by right pursuant to the County Shooting Regulations §33.101 et. seq.

2. *Unpermitted Grading and Clearing:* Three areas of illegal grading have occurred. The previous owner illegally extended the existing landing strip about 190 feet into US Forrest Service Land of the Cleveland National Forrest. The current property owner stockpiled and graded a fire range backstop within the previously graded Forrest Service area and two pistol ranges within his property. Only one corrective action has been pursued to correct two of the three violations. Revegetation plan LRP 09-001 was approved to authorize the revegetation of the impacted Forest Service areas once the soil is relocated back onto the applicant's land. The unpermitted grading for the pistol ranges still needs to be resolved.

3. *Unpermitted Structures:* An unpermitted 800 sq/ft guest living quarters and a trailer coach that is currently being used as a caretaker's residence.

SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011, ALPINE COMMUNITY PLANNING AREA [District 2]

PUBLIC INPUT:

The Alpine Community Planning Group has not taken any action on this Major Use Permit Application.

DEPARTMENT REASONS FOR RECOMMENDATION:

1. The project would not be consistent with the General Plan Public Facilities Element Policy 1.2 Implementation Measure 1.2.2 because the finding of sufficient fire protection and emergency service cannot be met. The project does not meet the required 20 minute emergency response travel time. The responsible fire agency, the San Diego Rural Fire Protection District, cannot support the project based upon the inadequate primary access.

2. The project would not be consistent with the County of San Diego Consolidated Fire Code and the SRA Fire Safe Regulations because the primary access exceeds the road standards for dead-end road length, apparatus road width, gradient, and surface treatment. For these reasons, the State, County and Local Fire authorities cannot consider any proposed mitigation measures that would provide an equivalent measure of safety.

3. The project would not be consistent with the Alpine Community Plan Policies 8.3 and 8.9 because the proposed project does not provide an acceptable level of fire protection, and the primary vehicular access for fire protection services does not meet the required road standards.

4. The project would not be consistent with Board of Supervisors Policy I-84 (Project Facility Availability and Commitment for Public Sewer, Water, School and Fire Services) because the applicant is unable to provide the required Fire Service Availability from the San Diego Rural Fire Protection District. The district cannot provide the adequate fire protection service because of the project does not meet the emergency response travel time and the deficient primary access to the proposed project site.

5. The applicant has unreasonably delayed and refused to make payment on the Department Deposit account #07-0086991, which was in deficit $14, 960 prior to commencement of proceedings to the Planning Commission. Pursuant to County Administrative Code section 362, the County may discontinue processing the requested permit and/or recommend denial of the project based on the applicant's refusal to pay the estimated deposit and all actual processing costs that may not have been included in the original cost estimate.

cc:

Marc Halcon, Covert Canyon LLC, 5590 Ruffin Road, San Diego, CA 92124
RBF Consulting, Attn: Jeff Barfield. 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124
RBF Consulting, Attn: Daniel Hortert. 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124

SUBJECT: MARC HALCON (COVERT CANYON LLC), MAJOR USE PERMIT 07-011, ALPINE COMMUNITY PLANNING AREA [District 2]

Marco A. Gonzalez, Coast Law Group LLP, 169 Saxony Road Suite #204 Encinitas, CA 92024.
Robin Williams, 19090 High Glenn Road, Alpine, CA 91901
David Nissen, Battalion Chief, San Diego Rural Fire Protection District, 14145
Alpine Community Planning Group
Descanso Ranger District, US Forest Service, 3348 Alpine Blvd, 91901
Save our Forests and Ranchlands, PO BOX #475, 91916
Endangered Habitats League, Michael Fitts, 8424 Santa Monica Blvd., Suite A 592, Los Angeles, CA 90069
George Kvaas, Ramona Assoc LLC, 8812 La Mesa Blvd, La Mesa, CA 91941-5107
Charlene Ayers, 10801 Dewitt Ct., El Cajon, CA 92020

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Brian Baca, Chief, Department of Planning and Land Use
Ed Sinsay, DPW Team Leader, Department of Public Works
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Ralph Steinhoff, Fire Services Coordinator, Dept. of Planning and Land Use
Paul Dawson, Fire Services Coordinator, Dept. of Planning and Land Use
Pam Elias, Code Enforcement Manager, Dept. of Planning and Land Use
Adam Wilson, District Two, County of San Diego Board of Supervisors

ATTACHMENTS:
Attachment A – Planning Documentation
Attachment B – Form of Decision Denying MUP 07-011
Attachment C – Regional Fire Board Meeting Minutes
Attachment D – Ownership Disclosure
Attachment E – Land Use Analysis

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AUTHORIZED REPRESENTATIVE: Brian R Baca, Chief
For ERIC GIBSON, DIRECTOR

Attachment E F

Land Use Analysis

LAND USE ANALYSIS
ATTACHMENT ~~E~~ F

I. Planning/Design Issues

A. General Plan:

1. **Public Facilities Element** A goal of the PFE is to minimize the loss of life and property from fires and medical emergencies. The project does not comply with the General Plan Public Facilities Element Objective One, Policy 1.2 Implementation Measure 1.2.2 because the finding of sufficient fire protection and emergency service cannot be met

2. **Community Plan:** The Alpine Community Plan Safety Goals are established to promote the establishment of emergency procedures and preventative measures to minimize damage from fire. Because of the unique topography of Alpine and the distance to urban centers, there are a number of aspects of safety, which are significant and of particular concern to the community. The proposed project does not comply with the Alpine Community Plan because the proposed project does not provide an acceptable level of fire protection and the primary vehicular access for fire protection services, which does not meet the required road standards. (See Staff Report Project Issue #7)

B. Zoning

1. The findings required of Zoning Ordinance Section 7358.a.2 for the granting of a Major Use Permit cannot be made because of the lack of adequate fire protection service. The project is inconsistent with the Land Use Designation 20 (General Agriculture)/23 (National Forest/State Parks) designation of the General Plan Land Use Element because the proposed use requires the finding be made for the Major Use Permit to comply with the General Plan.

II. California Environmental Quality Act (CEQA)/Resource Protection Ordinance (RPO) Issues

A. **CEQA:** The action to deny a project is exempt from the California Environmental Quality Act (CEQA) based upon Section 15270(a), projects which are disapproved. Should the Planning Commission decide not to deny the application, the project must be returned to staff for further processing in accordance with CEQA.

B. **RPO:** The project is a denial of the Major Use Permit. It is not subject to making the required RPO Findings.

III. Other Issues

A. See the Project issues in the staff report

Attachment B

Form of Decision
Denying P07-011

ERIC GIBSON
Secretary

County of San Diego

DECISION OF THE PLANNING COMMISSION

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

COMMISSIONERS

Michael Beck (Chairman)
Leon Brooks
Adam Day
Peder Norby
David Pallinger
John Riess
Bryan Woods (Vice Chairman)

May 28, 2010

DENIAL
MAJOR USE PERMIT

PERMITEE:	MARC HALCON COVERT CANYON LLC
MAJOR USE PERMIT:	3300-07-011
E.R. NUMBER:	07-15-002
PROPERTY:	19150/19191 HIGH GLEN ROAD ALPINE, CALIFORNIA 91901
APN(S):	521-130-(05, 07, 08)-00 AND 522-070-03-00

The San Diego County Planning Commission, having conducted a public hearing as required by law and having considered the report from the Department of Planning and Land Use (DPLU), all testimony presented at the hearing, and the maps, exhibits, attachments, and letters on file, hereby makes the following findings and adopts the following decision on the proposed weapons training facility for local law enforcement and military group that includes live munitions training activities for local and national security purposes:

FINDINGS: The Planning Commission finds as follows:

A. Pursuant to Section 7358 of the County of San Diego Zoning Ordinance, findings must be made prior to granting a use permit. The following required finding cannot be made:

Zoning Ordinance Section 7358(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.

The required finding of consistency with the County of San Diego General Plan cannot be made because Objective 1, Policy 1.2, Implementation Measures 1.2.2 of the Public Facility Element, Section 11, Fire Protection and Emergency Services requires that:

Policy 1.2: The County will ensure the availability of adequate fire and emergency service facilities in the review of discretionary land

development applications, and require appropriate fire prevention and protection measures.

Implementation Measure 1.2.2: Require, as a basis of approval, a finding that sufficient fire protection and emergency service facilities are available or will be available concurrent with the need for discretionary projects. The finding of sufficient fire protection and emergency service facilities will be based on the provisions of Objective One (1) and the requirements and information from the responsible fire agency. In applying the provisions of Objective One (1), the proposed land uses and the smallest proposed residential lot will be used to determine the appropriate emergency travel time for each project proposal. If the appropriate emergency travel time cannot be met for a proposed project, the discretionary project will be denied unless sufficient mitigation measures are included as a basis of approval based on the recommendations of the Director and the responsible agency providing fire protection.

The Planning Commission finds that:

The project does not comply with the General Plan Public Facilities Element Objective One, Policy 1.2 Implementation Measure 1.2.2. The project does not meet the required emergency response travel time as stated in Implementation Measure 1.2.2. The applicable travel time for the project is 20 minutes. The nearest fire station is located off Dehesa Road approximately 10.93 miles from the project site with a calculated travel time of 22.52 minutes. Therefore, the Planning Commission finds that the proposed Major Use Permit is not consistent with the Public Facility Element of the General Plan.

B. Pursuant to Section 7358 of the County of San Diego Zoning Ordinance, findings must be made prior to granting a use permit. The following required finding cannot be made:

Zoning Ordinance Section 7358(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.*

The Alpine Community Plan (Part XI) Safety Goals promote the establishment of emergency procedures and preventative measures to minimize damage from fire. Because of the unique topography of Alpine and the distance to urban centers, a number of aspects of safety are significant and of particular concern to the community. The proposed project does not comply with the Alpine Community Plan (Part XI) because the proposed project does not provide an acceptable level of fire protection, and the primary vehicular access for fire protection services does not meet the required road standards as stated in the following policies:

Policy 8.3: Direct the appropriate County agency to require an acceptable level of fire protection for all approved development through appropriate discretionary permit process.

Policy 8.9: The County will encourage the commitment of new development to road standards, which allow clear visibility and adequate vehicular access.

The Planning Commission finds that:

The applicant has been unable to obtain or provide the required Fire Service Availability from the San Diego Rural Fire Protection District. The Alpine Community Plan requires an acceptable level of fire protection and roads built to standards that allow clear visibility and adequate vehicular access. The project does not have an adequate primary access that complies with the required road dimensions, dead-end-road length, road gradient, and surface treatment, therefore, the District cannot provide fire service for the following reasons:

- **Road Dimensions:** The primary access to the site is provided by High Glen Road, an approximately 12-14 foot private road. The primary access does not comply with the SRA Fire Safe Regulations 14 CCR 1273.01 requirement for an 18-foot wide road or the Consolidated Fire Code §96.1.503.2.1 requirement for a 24-foot wide road. The applicant has not demonstrated that access rights can be acquired from the U.S. Forest Service to widen the portion of the road located in the Cleveland National Forest to fire code standards or to provide necessary fuel modification zones along the roadway.

- **Dead End Road Lengths:**
The proposed facility is located at the end of a 10,560-foot dead-end road. The SRA Fire Safe Regulations, 14 CCR 1273.09, and the County Consolidated Fire Code §96.1.503.1.2 limit the maximum allowable length of dead-end roads, which serve properties zoned for lot sizes of 5-19.99 acres, to 2,640 feet. The subject property and all properties which the access road crosses are zoned for 5-acre or larger parcels. Accordingly, the project is subject to a 2,640 dead-end road length limit. The project would exceed the dead-end road limit by four times the established standard. The applicant provided mitigation for an exception to the SRA Fire Safe Regulations and a modification of the County Consolidated Fire Code. The proposed mitigation could not be considered and the exception and modification was denied because of the inadequate primary access road.

- **Road Gradient:** The primary access road to the project site, High Glen Road, exceeds 20 percent grade in many locations. The County Consolidated Code §96.1.503.2.7 does not permit road gradients in excess of 20 percent (16 percent for SRA Fire Safe Regulations 14 CCR

1273.03). The portions of the road that are greater than 20 percent gradient are primarily located within the US Forrest Service jurisdiction. The applicant has been granted a special use permit from the U.S. Department of Agriculture (Cleveland National Forest) for a 14-foot wide, 1.15-mile long road over federal lands to access the project area. The applicant has not demonstrated the ability to obtain additional rights from the Forrest Service to make the necessary improvements to reduce the road gradient to meet the fire regulations.

Road Surface:
The County Consolidated Code §96.1.503.2.3 requires the 10,560 foot (2 miles) primary access road to be designed to support the imposed loads of fire apparatus (not less than 50,000 pounds) and must have an approved paved surface so as to provide all weather driving capabilities. The unimproved primary access road does not provide the minimum surface treatment required for use by fire apparatus.

The Alpine Community Plan requires that the San Diego Rural Fire Protection District require an acceptable level of fire protection to serve the project. This includes having access roads that meet the standards, which allow clear visibility and adequate vehicular access. The project does not comply with the required road standards in the County Consolidated Fire Code, and the Fire District cannot provide an adequate level of service. Therefore, the Planning Commission finds that the proposed Major Use Permit is not consistent with the Alpine Community Plan (Part XI) because of the nonconformance with the Safety Goals quoted above.

C. Pursuant to Section 7358 of the County of San Diego Zoning Ordinance,findings must be made prior to granting a use permit. The following required finding cannot be made:

(a.2) 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 the availability of public facilities, services, and utilities:

Fire Services are not available to serve the site. The applicant is required to submit a Fire Service Availability form and conditions to comply with Board of Supervisors Policy I-84 (Project Facility Availability and Commitment for Public Sewer, Water, School and Fire Services). This policy states, It is the policy of the Board of Supervisors that:

For approval for all discretionary applications, sufficient fire protection and emergency service facilities must be available concurrent with need and response times must be adequate, as detailed in the Public Facility Element of the General Plan. This information will be requested from the fire protection agency. If the required emergency travel time cannot be

met for a proposed project, then the discretionary application will be denied unless sufficient mitigation measures are included in the conditions of approval of the application. Sufficient mitigation measures will be recommended by the affected fire protection agency subject to the concurrence by the Director of the Department of Planning and Land Use.

The Planning Commission finds that:

The applicant has been unable to obtain the required Fire Service Availability form from the San Diego Rural Fire Protection District, because the project does not comply with the General Plan Public Facilities Element Objective One, Policy 1.2 Implementation Measure 1.2.2, and the *district cannot approve sufficient mitigation measures to be included in the conditions of approval of the application. The Fire Service Availability cannot be provided because reasons explained below::*

- **Travel Time:** The project does not meet the required emergency response travel time as stated in the General Plan Public Facilities Element, Implementation Measure 1.2.2. The applicable travel time for the project is 20 minutes. The nearest fire station is located off Dehesa Road approximately 10.93 miles from the project site with a calculated travel time of 22.52 minutes. Therefore, the Planning Commission finds that the proposed Major Use Permit is not consistent with the Public Facility Element of the General Plan.

- **Road Dimensions:** The primary access to the site is provided by High Glen Road, an approximately 12-14 foot private road. The primary access does not comply with the SRA Fire Safe Regulations 14 CCR 1273.01 requirement for an 18-foot wide road or the Consolidated Fire Code §96.1.503.2.1 requirement for a 24-foot wide road. The applicant has not demonstrated that access rights can be acquired from the U.S. Forest Service to widen the road to fire code standards or to provide necessary fuel modification zones along the roadway.

- **Dead End Road Lengths:**
The proposed facility is located at the end of a 10,560-foot dead-end road. The SRA Fire Safe Regulations 14 CCR 1273.09 and the County Consolidated Fire Code §96.1.503.1.2 limit the maximum allowable length of dead-end roads, which serve properties zoned for lot sizes of 5-19.99 acres to 2,640 feet. The subject property, and all properties which the access road crosses, are zoned for 5-acre or larger parcels. Accordingly, the project is subject to a 2,640 dead-end road length limit. The project would exceed the dead-end road limit by four times the established standard. The applicant provided mitigation for an exception to the SRA Fire Safe Regulations and a modification of the County Consolidated Fire Code. The proposed mitigation could not be considered and the

exception and modification was denied because of the inadequate primary access road.

- **Road Gradient:** The primary access road to the project site, High Glen Road, exceeds 20 percent grade in many locations. The County Consolidated Code §96.1.503.2.7 does not permit road gradients in excess of 20 percent (16 percent for SRA Fire Safe Regulations 14 CCR 1273.03). The portions of the road that are greater than 20 percent gradient are primarily located within the US Forrest Service jurisdiction. The applicant has been granted a special use permit from the U.S. Department of Agriculture (Cleveland National Forest) for a 14-foot wide, 1.15-mile long road over federal lands to access the project area. The applicant has not demonstrated the ability to obtain additional rights from the Forrest Service to make the necessary improvements to reduce the road gradient to meet fire regulations.

Road Surface:
The County Consolidated Code §96.1.503.2.3 requires that the 10,560 foot (2 miles) primary access road be designed to support the imposed loads of fire apparatus (not less than 50,000 pounds) and must have an approved paved surface so as to provide all weather driving capabilities. The unimproved primary access road does not provide the minimum surface treatment required for use by fire apparatus.

The Rural Fire Protection District cannot provide adequate fire service to meet the needs of the project as stated above; therefore, the failure to obtain Fire Service Availability form makes the project inconsistent with Board of Supervisors Policy I-84 (Project Facility Availability and Commitment for Public Sewer, Water, School and Fire Services). The Planning Commission finds that the Major Use Permit is not consistent with Board Policy I-84.

DECISION: Based upon the above findings, the Planning Commission denys Major Use Permit 3300-07-011, for proposed weapons training facility for local law enforcement and military group that includes live munitions training activities for local and national security purposes pursuant to Zoning Ordinance Section 7358.

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Planning Commission, the decision may be appealed to the Board of Supervisors in accordance with Section 7366 of the County Zoning Ordinance. An appeal shall be filed with the Director of Planning and Land Use or by mail with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, DPLU FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is

3300-07-011
Covert Canyon LLC

May 28, 2010

open for business. Filing of an appeal will stay the decision of the Planning Commission until a hearing on your application is held and action is taken by the Board of Supervisors.

COUNTY OF SAN DIEGO PLANNING COMMISSION
ERIC GIBSON, SECRETARY

BY:

Brian Baca, Chief
Project Planning Division
Department of Planning and Land Use

cc:

Marc Halcon, Covert Canyon LLC, 5590 Ruffin Road, San Diego, CA 92124
RBF Consulting, Attn: Jeff Barfield. 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124
RBF Consulting, Attn: Daniel Hortert. 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124
Marco A. Gonzalez, Coast Law Group LLP, 169 Saxony Road Suite #204 Encinitas, CA 92024.
Robin Williams, 19090 High Glenn Road, Alpine, CA 91901
David Nissen, Battalion Chief, San Diego Rural Fire Protection District, 14145
Alpine Community Planning Group
Descanso Ranger District, US Forest Service, 3348 Alpine Blvd, 91901
Save our Forests and Ranchlands, PO BOX #475, 91916
Endangered Habitats League, Michael Fitts, 8424 Santa Monica Blvd., Suite A 592, Los Angeles, CA 90069
George Kvaas, Ramona Assoc LLC, 8812 La Mesa Blvd, La Mesa, CA 91941-5107
Charlene Ayers, 10801 Dewitt Ct., El Cajon, CA 92020

email cc:

Donna Beddow, Planning Manager, Department of Planning and Land Use
Brian Baca, Chief, Department of Planning and Land Use
Ed Sinsay, DPW Team Leader, Department of Public Works
Mark Mead, Senior Deputy County Counsel, Office of County Counsel, MS A12
Ralph Steinhoff, Fire Services Coordinator, Dept. of Planning and Land Use
Paul Dawson, Fire Services Coordinator, Dept. of Planning and Land Use
Pam Elias, Code Enforcement Manager, Dept. of Planning and Land Use
Adam Wilson, District Two, County of San Diego Board of Supervisors

Attachment C
Regional Fire Board Minutes

MINUTES
REGIONAL FIRE BOARD OF APPEALS
Wednesday, February 17, 2010, 9:00 AM
DPLU Hearing Room
5201 Ruffin Road, Suite B, San Diego, California

A. **Board Members Present:**
Item #1- Bill Pascal, Cliff Hunter, Greg Griswold, John Kremensky, Greg Schreiner

Item #2- Mike Lowry, Cliff Hunter, Greg Griswold, John Kremensky, Sid Morel

Presenters Present: Richard Grunow, Ralph Steinhoff, James Pine,

B. **Statement of Appeals Board Procedures**

C. **Public Communication:** Opportunity for members of the public to speak to the Regional Fire Board of Appeals on any subject matter within the Board's jurisdiction but not an item on today's Agenda.

None

Agenda Items

1. **Covert Canyon, Project/Case Number: MUP 07-011**
PROJECT DESCRIPTION: The project is a weapons training facility for local law enforcement and military groups that includes live fire training activities for local and national security purposes. The project site is located within the California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area for Wildland protection. Structural fire protection would be provided by the San Diego Rural Fire Protection District (SDRFPD). The project is subject to the county Consolidated Fire Code which establishes maximum standards for dead-end road lengths. In accordance with the County Consolidated Fire Code (Sec. 503.1.2), access to the site may not exceed 1,320 feet and any proposed modifications to this standard shall not lessen health, life and fire safety requirements. The property is located approximately 10,560 feet (2 miles) from Japatal Road, which offers the first opportunity for two-way access. The Department of Planning and Land Use has reviewed the applicant's proposal and has determined that the project significantly exceeds dead-end road length standards and that the applicant's mitigation proposal does not provide for equivalent measures of safety. The applicant is appealing this determination.

Proponents: 0; **Opponents:** 5

Report: The main issue with the project is its substandard primary access. High Glen Road, is a substandard, 12-14 foot dirt road which travels through densely vegetated areas. The road does not comply with State nor County fire code requirements for width or surface, and fuel modification along the roadway is insufficient. Portions of the road travel through US Forestry lands and are restricted by easement. The second issue with the project is its inconsistency with State and County Fire Codes pertaining to dead-end road limits. The project is subject to a 2,640 foot dead-end road limit according to both Title 14 and the County Consolidated Fire Code. The project would be located approximately 10,560 feet from the first opportunity to travel in two remote directions, which is more than 4 times the maximum allowable dead-end road limit. The SRA Fire Safe Regulations apply to all major use permits and the code does not exempt non-residential uses from limits on dead-end road lengths. The applicant has proposed a shelter-in-place program, but the County has determined that this program is not viable for the project because it's not a substitute for code compliant primary access, nor would additional water supplies near the site help mitigate access deficiencies.

Discussion: Board member Griswold questioned Mr. Barfield the applicant's representative if he "had made efforts on behalf of the project to secure width that would meet fire code requirements from United States Forest Service?" He replied, "At this point we have not." They believed the codes did not apply to them due to their special project and shelter-in-place, which would substitute for adequate primary access. Board member Hunter disagreed with the terms and definition of shelter-in-place as used and applied in this project. Shelter-in-place has multiple entrances and exits in and out of the facility, hence primary and secondary accesses imperative.

Action: Hunter-Griswold
Board members support County staff and their recommendation to deny the appeal for the following reasons: deficient primary access, four times dead-end road limit, shelter-in-place not an alternative for compliant primary access, and same practical effect cannot be found.

Ayes:	0-	None
Noes:	5-	Hunter, Griswold, Paskle, Kremensky, Schreiner
Abstain:	0-	None
Absent:	0-	None

The advisory motion failed resulting in an opposition resolution recommended by the board.

Attachment D
Fire Service Documentation

SAN DIEGO RURAL FIRE PROTECTION DISTRICT

May 5, 2010

Patrick Brown, planner
Department of Planning and Land Use
5201 Ruffin Rd. Ste B
San Diego, CA 92123

Re: Covert Canyon
PO7-011

Please accept the following comments concerning fire protection for the Covert Canyon project.

Travel Time:
The San Diego Rural FPD, fire station at 5425 Dehesa Rd. staffed with stipend volunteers (within the San Diego County Fire Authority program) is the closest Rural Fire Station to this proposed Covert Canyon facility. The project site is more than 10 miles from the fire station, and the travel time from the fire station to the project site exceeds 20 minutes due to terrain and road conditions.

Access:

Dead-end
The project is within the Rural FPD. As such it is regulated by the County Consolidated Fire Code. The proposed facility is located at the end of a 10,560-foot substandard dead-end road. The maximum dead-end roads lengths are based upon the zoning of properties served by the road. Therefore, the maximum dead-end road length for this project is 2,640 feet.

Surface and width
The access road must have an approved paved surface of not less than 24 feet in width.

14024 Peaceful Valley Ranch Road • Jamul, California 91935 • (619) 669-1188 Fax (619) 669-1798

Grade
The maximum grade of access roads cannot exceed 16 percent without mitigation. With the mitigation of fire sprinklers and paved access, the maximum grade may be increased to 20 percent. Current grades of the substandard access exceed 20 percent. Grades over 20 percent are not approved.

It appears that travel times, dead-end road maximum, surface and width standards, and maximum road grade can not be attained. Therefore, this agency can not support this project in its current form due to fire safety concerns. At some point in the future if these standards can be met, this agency would be willing to reconsider its position.

Sincerely,

Dave Nissen

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE
FIRE SERVICES SECTION

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

April 20, 2010

To: Patrick Brown, Project Manager
From: Paul Dawson, County Fire Marshal

RE: 3300-07-011 (P) Emergency Travel Time

You asked for the calculated travel time from fire stations serving the subject project. Based on DPLU-GIS mapping and nationally recognized standards for estimating emergency travel time, the total calculated emergency travel time is **22.52 minutes**

Calculations below are per National Fire Protection Association standard NFPA 1142 C.11 – a formula for calculating a safe constant (average) speed "where apparatus is equipped with an adequate engine, chassis, baffling and brakes"... and includes a factor of 0.65 minute representing an acceleration/deceleration constant developed by the Rand Corporation for heavy fire apparatus.

NATIONAL FOREST ROAD SEGMENT
Calculated at safe average speed for fire apparatus on the National Forest road (given width, grade, lack of paving) of **20 MPH**– from NF gate to most remote activity area: **1.53 miles = 5.24 minutes**

Note: 20 MPH may be too high a speed for safe operation on dirt roads through terrain that shows on topo maps as exceeding 25%

HIGH GLEN ROAD TO NATIONAL FOREST ROAD SEGMENT
Calculated at safe speed of **35 MPH** from NF gate to Japatul Rd (High Glen Rd): **1 mile = 2.35 minutes.**

Note: although generally flat, about one fifth of the one mile distance shown in GIS as exceeding 25% grade – 35 MPH average may be too high for safe travel

DEHESA FIRE STATION TO HIGH GLEN ROAD SEGMENT
Calculated safe average speed of **35 MPH** from Japatul Rd at High Glen Rd to SDRFPD Dehesa Fire Station (5425 Dehesa Rd)
8.4 miles = 14.93 minutes

Total calculated emergency travel time is ***22.52 minutes***

FIRE AGENCY ESTIMATE
PFAF (DPLU 399F) dated 10/8/07 states **10 minute** emergency travel time from Dehesa station 25 – divided into 10.93 miles travel distance, equates to relatively fast average speed

ADDITIONAL INFORMATION

- GIS mapping shows SDRFPD Dehesa Station as "part-time", but Rural Fire states on 4/20/2010 that it is staffed fulltime by volunteers on stipend (SD County Fire Authority program)

- FPP identifies closest fire station as CAL FIRE Lyons Valley Station (11759 Skyline Truck Trail at Wisecarver Truck Trail) – 11.7 miles to (20.54 minutes) to Japatul at High Glen, plus High Glen and NF road = **28.13 minutes**)

- At time of FPP preparation, Rural Dehesa station was not full time. Through the County Fire Authority program, it is staffed today with two firefighters, 24/7

- USFS Station at 21697 Lyons Valley Rd is labeled "seasonal" in GIS – approx 4.6 miles from Japatul at High Glen (8.47 + 7.59 minutes = 16.06 minutes) - seasonal status disqualifies

---

Planner's distance analysis:

A. From Project Site to the intersection of Japatul Rd and High Glen.
   1. 3245' Onsite Unimproved Dirt Road
   2. 4819' From Site (most remote use area) to Lower Gate; poor dirt road conditions greater than 23% in some places.
   3. 5333' From Lower Gate to Japatul Rd. intersection Relatively Flat Dirt Road graded

13,397' = 2.54 miles

B. Station 25 SDRFPD Dehesa Station - Dehesa Road to intersection Japatul Road and High Glen Road Intersection:

44,325' = 8.4 Miles

(Planner's measurements confirmed by fire marshal on DPLU-GIS mapping)

PED 4/20/2010

STATE OF CALIFORNIA—THE NATURAL RESOURCES AGENCY — ARNOLD SCHWARZENEGGER, *Governor*

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: www.bof.fire.ca.gov
(916) 653-8007

March 4, 2010

Mr. Ralph Steinhoff
Fire Services Coordinator
San Diego County Fire Authority
Dept. of Planning and Land Use
Fire Services Section
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Dear Mr. Steinhoff:

The State Board of Fire of Forestry and Fire Protection (Board) approved the County of San Diego request for certification of County of San Diego 2009 Consolidated Fire Codes (CFC), dated November 13, 2009. The Board approved the certification at its March 3, 2010 meeting. The certified ordinances pertain to the 16 unincorporated county fire protection districts. The certification was granted pursuant to 14 CCR 1270.03. The ordinances were certified as equal to or more stringent than the minimum fire safe regulations in 14 CCR 1270 et seq that establish minimum fire protection standards in conjunction with building, construction and development in state responsibility area. The ordinances, as certified on March 3, 2010, can be used by the County and Fire Protection Districts in place of the state minimum standards in 14 CCR 1270 et seq. The certification was conducted by the Board in consultation with CAL FIRE MVU Unit Chief Howard Windsor.

The Board would appreciate continued discussions with the County as the Board embarks on a review of the State minimum standards in 14 CCR 1270 et seq. In 2010. Thank you for helping ensure fire safety for the wildlands of California.

Sincerely,

George D. Gentry
Executive Officer

cc. Resource Protection Committee

FILE COPY

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

December 17, 2009

RBF Consulting
Jeff Barfield
9755 Clairemont Mesa Blvd.
Suite 100
San Diego, CA 92124

COVERT CANYON PROJECT, P07-011

Dear Mr. Barfield:

This letter is in response to your December 4, 2009 letter regarding design measures and operational limitations for the proposed Covert Canyon Project intended to address fire safety issues.

The San Diego Rural Fire Protection District and the San Diego County Fire Authority have reviewed the proposals included in your letter and find that they do not constitute adequate mitigation for the inconsistency of the project with County and State fire codes. No readily available method to meet fire code requirements has been identified.

Because of the inconsistency of the proposed access road with applicable fire regulations, the Department of Planning and Land Use (DPLU) is unable to recommend approval of the proposed Major Use Permit. As stated in the DPLU letter dated September 15, 2009, it is the intent of the DPLU to bring this project to the County decision-makers with a recommendation of denial. You may request review of this project by the Fire Board of Appeals. This Board would provide an advisory recommendation to the County decision-makers. The applicant may also wish to consider withdrawal of this application to avoid the expense of a public hearing.

Should the project go before the Planning Commission with a staff recommendation of denial without the completion of case processing (i.e. without a CEQA document), the Commission could either deny the project or refer it back to staff for the completion of processing. The Commission could not take an action to approve the project or any aspect of it.

Please contact Project Manager Patrick Brown at (858) 694-3011 or Patrick.Brown@sdcounty.ca.gov to inform our department of how the applicant wishes to proceed.

Sincerely,

Brian R Baca

Brian R. Baca, Chief
Project Planning Division

cc: Marc Halcon, Covert Canyon, LLC, 5590 Ruffin Road, San Diego, CA 92124
RBF Consulting, Attn: Daniel Hortert 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124
David Nissen, Battalion Chief, San Diego Rural Fire Protection District, 14145

email cc:

Ralph Steinhoff, Fire Services Coordinator, Department of Planning and Land Use M.S.O650
Paul Dawson, Fire Services Section, Department of Planning and Land Use M.S. 0650
Ed Sinsay, Team Leader, Department of Public Works
Pam Elias, Code Enforcement Manager, Department of Planning and Land Use, M.S. O650
Donna Beddow, Planning Manager, Department of Planning and Land Use M.S.O650
Patrick Brown, Project Manager, Department of Planning and Land Use M.S.O650.
Adam Wilson, District Two, County of San Diego Board of Supervisors, M.S. A500.

RBF CONSULTING

RECEIVED
DEC 04 2009
DEPARTMENT OF PLANNING
AND LAND USE

December 4, 2009

Brian Baca, Chief
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Subject: **Covert Canyon Project, P07-011;**
Fire Safety/ Emergency Access Design Features to Achieve Same Practical Effect

Dear Mr. Baca:

This letter is provided in follow-up to our meeting of November 18, to discuss the Department's letter dated September 15 to me expressing concerns over the Project's lack of secondary access and its intent to forward a recommendation of denial. Once again, thank you for meeting with us to discuss this initial conclusion and providing us this opportunity to summarize the project description and design features we would provide to ensure a fire-safe facility, meeting the requirement for a "same practical effect" (SPE) to secondary access, as provided for under Title 14, Section 1270.07.

Please note that we believe the context of SPE should more accurately be weighed against an access that is only 25% over a maximum 5,280 feet based upon a 40-acre minimum lot size currently in effect under F.C. I., rather than the doubling of the allowed distance required under an 8-acre lot size. It also should consider the unique character of the project that is not the usual residential or commercial/industrial development that adds residents/occupants, flammable structures, and permanent uses that would be exposed to fire potential 24 hours a day, seven days a week. To the contrary, the Covert Canyon Project is limited in potential exposure to a fire emergency.

The relatively remote nature of the property, together with its location within an area approved for shooting had much to do with its selection as the site for the proposed facility. The applicant preferred a site removed from residential uses or other development, yet close enough in travel time for potential users to access it in a relatively short drive time. The location and safety issues were taken into consideration when the facility was approved by the Department of the Navy in 2006.

Some additional facts about the site's accessibility need be considered. During the Horse Thief Canyon fire of 2006, Cal Fire utilized the Covert Canyon site as a staging area for fire operations. Fire trucks from Cal Fire accessed the property. Fire trucks associated with SDG&E maintenance operations regularly access the site. Finally, Loveland Reservoir, located less than four miles from the site, provides a limitless supply of water for water drops by helicopters.

With the above facts in mind, the Covert Canyon project proposes that a combination of many or all of the following project features would adequately address the secondary access issue. These features would be

incorporated into the project description and conditions of approval and thoroughly discussed in a revised Fire Management Plan (FMP). The major use permit, if required, would incorporate these measures into the facility's operation and documentation can be provided that the measures have been implemented. All of the proposed measures can be substantiated.

1. Provide and maintain a fire safety staging and protect in place facility.

A fire staging area and protect in place facility will be provided, surrounded by the appropriately-sized fuel management zone (200 feet). The facility shall provide fire-safe refuge for up to 24 people for a 4 to 6-hour period. The concept for the structure is similar to commercially-available "FireArc" Chamber, which provide internal ventilation. The structure will be constructed of fireproof steel cladding, fire rated CMU, or equivalent. In additional, commercially available personal fire shelters will be stored in the fire staging area. As an alternative approach, the existing 1,600 square foot residence on-site, which is sprinklered and would maintain an-approved 200-foot fuel management zone, should be considered.

2. Helicopter Evacuation

As part of the existing Mishap Plan, Covert Canyon has registered with Lifeflight of San Diego. Lifeflight has the coordinates of the site. Emergency landing by Lifeflight is provided for by an FAA-approved landing strip that already exists on-site and can be used for emergency evacuations.

3. Maintenance of primary access road.

The primary access road will be maintained to the maximum allowable width and in the safest possible condition as allowed by the Cleveland National Forest Special Use Permit, already in possession by the Owner/Applicant. The schedule of maintenance will be provided to the County. In addition, permission will be sought from CNF to provide turn-outs or turn-arounds at appropriate intervals. Signs that indicate turn – out locations will be installed, contingent upon CNF approval.

4. No flammable structures proposed.

The Project will propose no new flammable structures. Any new structures will be made of non-flammable steel (fire rated) or concrete (CMU or equivalent). Cargo boxes have previously been identified for storage and activity buildings for the project. These containers are not permanent in nature, can be made fire resistant, and can be removed from the site upon termination of the use as a range training facility.

5. Provide additional water tank.

An additional 5,000 gallon water supply tank would be installed to supplement the existing 10,000 gallon tank, along with a piping system to provide additional fire suppression capability. The existing 500-gallon portable water tank will be maintained and available for use at all times.

6. Onsite ponds provide additional water source.

Three separate seasonal ponds exist on site. During the dry season (summer and fall months), one pond will be maintained full from onsite well sources. Note that as recently as the Horse Thief Canyon fire of July 23, 2006, these ponds were used by Cal Fire helicopters in fire suppression activities.

7. Fire Training Regimen for Covert Canyon Staff and Users

An approved training regimen and Mishap Plan (already in effect) will be prepared and incorporated into all training programs that specifically addresses actions to be taken in the event of a fire or other emergency requiring evacuation. Following the regimen will be mandatory for all users. County may review and offer suggestions for the procedures developed as part of the training regimen.

8. Special Training for Covert Canyon Staff

All Covert Canyon staff will undergo fire safety training through Cal Fire or other County-approved training program.

9. Restricted to military and law enforcement users.

The facility is not available to the general public and civilian clubs will be prohibited. This will insure that only properly trained and supervised individuals are using the facility. Interest in Covert Canyon by these organizations is substantiated by the letters enclosed.

10. Limitation on the number of vehicles allowed.

A limit of 12 vehicles at any one time will be allowed on the site that are associated with training activities to limit the potential for congestion during a required evacuation.

11. Incendiary/ Flammable Ammunition will not be used.

The use of incendiary or flammable ammunition will be prohibited. In addition, bullet impact areas on the range berms will be maintained free of flammable vegetation at all times, in accordance with standard firing range specifications.

12. Monitoring of Fire Conditions

During all training activities, monitoring of fire conditions will be required. A fire notification alert system has already been developed and is employed with Cal Fire for Covert Canyon.

13. Immediate shut down when a fire is present.

With notification of a fire within 5 miles through the monitoring system above, all Covert Canyon activities will cease and safe evacuation will occur as directed in the training regimen or Mishap Plan. If safe evacuation is not possible, shelter in place procedures will occur. As noted in Measure # 2, an FAA-approved landing strip exists on the property and can be used for emergency evacuations.

These items, individually, would provide significant safety improvements over existing conditions without the Covert Canyon project. Collectively, with Covert Canyon operating, these measures would address the most serious emergency/fire access condition. The conditions are plausible and they can be verifiably implemented.

Military and Law Enforcement Interest and Approvals

Lastly, in our November 18 meeting, we discussed the interest shown from military and law enforcement agencies. We have enclosed a sample of interest letters and letters approving the Covert Canyon facility from military and law enforcement agencies, which include:

- Department of the Navy
- U. S. Marine Corps
- U.S. Immigration and Customs Enforcement
- U.S. Coast Guard

We request that you consider the foregoing facts, evaluate these potential measures, and reconsider your initial conclusion concerning access to the Covert Canyon site. Our suggestion is that we focus our next efforts on the preparation and review of a revised FMP. Following that, a better, more conclusive decision on the future processing of the major use permit application would be expected. Please call me if you have any questions.

Sincerely,

Jeff Barfield, AICP
Vice President, Planning

Enclosures

CC: Marc Halcon, Covert Canyon LLC
Robert Wright, Esq.

H:\PDATA\25102677\Admin\correspndnc\Fire safety design Baca rev.doc

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4 - 46

FILE COPY

County of San Diego

ERIC GIBSON
DIRECTOR

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

September 15, 2009

RBF Consulting
Jeff Barfield
9755 Clairemont Mesa Blvd.
Suite 100
San Diego, CA 92124

COVERT CANYON PROJECT, P07-011

Dear Mr. Barfield:

The proposed Covert Canyon Project has been reviewed by the San Diego Rural Fire Protection District and the San Diego County Fire Authority for compliance with applicable fire regulations. As described in the attached letter, these two agencies have determined that the primary access road for this proposed facility does not meet County and State fire codes. Furthermore, no readily available method to meet fire code requirements has been identified.

Because of the inconsistency of the proposed access road with applicable fire regulations, the Department of Planning and Land Use (DPLU) is unable to recommend approval of the proposed Major Use Permit. It is the intent of the DPLU to bring this project to the County decision-makers with a recommendation of denial. You may wish to consider withdrawal of this application to avoid the expense of a public hearing.

Should you wish to discuss the above determination with DPLU management, please contact Project Manager Patrick Brown at (858) 694-3011 or by email at Patrick.Brown@sdcounty.ca.gov to arrange a meeting.

Sincerely,

Brian R Baca

Brian R. Baca, Chief
Project Planning Division

Attachment: September 10, 2009 letter by DPLU Fire Services Coordinator, Ralph Steinhoff.

cc: Marc Halcon, Covert Canyon, LLC, 5590 Ruffin Road, San Diego, CA 92124
RBF Consulting, Attn: Daniel Hortert 9755 Clairemont Mesa Blvd., Suite 100, San Diego, CA 92124
David Nissen, Battalion Chief, San Diego Rural Fire Protection District, 14145

email cc:

Ralph Steinhoff, Fire Services Coordinator, Department of Planning and Land Use M.S.O650
Paul Dawson, Fire Services Section, Department of Planning and Land Use M.S. 0650
Ed Sinsay, Team Leader, Department of Public Works
Pam Elias, Code Enforcement Manager, Department of Planning and Land Use, M.S. O650
Donna Beddow, Planning Manager, Department of Planning and Land Use M.S.O650
Patrick Brown, Project Manager, Department of Planning and Land Use M.S.O650.
Adam Wilson, District Two, County of San Diego Board of Supervisors, M.S. A500.

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE
FIRE SERVICES SECTION

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

September 9, 2009

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Attn: Patrick Brown, Project Planner

RE: P07-011 – Covert Canyon Training Facility
San Diego Rural Fire Protection District

Please review the following comments regarding fire protection for the above project:

The proposed project is accessed from Japatul Rd. by a dead-end road that is approximately 2 miles long, half of which is a 14' easement through the Cleveland National Forest provided through special use permit. Current fire codes require a road to be improved to 24' wide (paved in areas exceeding 10% grade) and 30' of fuel modification be provided on both sides of the road. Therefore, an additional 60' of access easement must be granted to the applicant by the U.S. Department of Agriculture (USDA). This is extremely unlikely.

Moreover, California Code of Regulations Title 14 "Fire Safe Regulations" requires that projects located in areas zoned of this density to be accessed by roads with a maximum dead-end length of 2,640'. This project greatly exceeds this length; therefore a secondary access road would need to be provided. Being that proposed project is completely surrounded by the Cleveland National Forest, an additional easement would need to be procured from USDA by the applicant to construct an additional access road. This is extremely unlikely.

In correspondence with Dave Nissen, Fire Chief of the San Diego Rural Fire Protection District in February, 2009, he expressed his concerns about the safety of the project, and that he cannot support this project. It is doubtful that the proposed project can be

designed in such a way that could be supported by the fire official. We have evaluated this project and see no solution to Title 14 and fire code concerns.

Sincerely,

Ralph Steinhoff
Fire Services Coordinator
San Diego County Fire Authority

Cc: Brian Baca, Chief of Land Use, DPLU
Dave Nissen, Fire Chief, San Diego Rural Fire Protection District

Attachment A
Planning Documentation

ADDITIONAL INFORMATION
CASE SHEET

Meeting Date: May 14, 2010

APPLICATION

Type: Major Use Permit	**Case No.** 3300-07-011
Owner/Applicant: Marc Halcon Covert Canyon LLC **Agent:** Jeff Barfield RBF Consulting	**ENVIRONMENTAL STATUS:** Exempt 15270.a
Project Manager: Patrick Brown **Account No.** 07-086991	**Environmental Coordinator:** NA **Environmental Log No.:** NA

SITE/PROJECT DESCRIPTION

Community Plan: Alpine	**Location:** 19150 High Glen Rd	**Thomas Bros.:** 1274 G-1

Project: The applicant's request is for a Major Use Permit and Agricultural Contract Cancellation to establish and operate a weapons training facility for local law enforcement and military group that includes live munitions training activities for local and national security purposes. The project site is located on High Glen Road in the Alpine Community Planning Group, within unincorporated San Diego County.

Site: The site is relatively flat, but it is located on top of mountain valley named Kearchoffer Flat. The project is located partially on an existing FAA approved airstrip.

SURROUNDING LAND USES & ZONING:	**South:** US Forrest Service Cleveland National Forest	**East:** US Forrest Service Cleveland National Forest	**West:** Agricultural Land with one Residential; Dwelling Unit
North: US Forrest Service Cleveland National Forest **No Zoning**	**No Zoning**	**No Zoning**	**A-72 General Agriculture**

PROJECT STATISTICS

Total Area: 143.63	**Proposed Density:** None
Lot Size: 8 ac and 40 Acre Minimum	**Number of Lots/Units:** None

DISTRICT	**NEAREST FACILITY**	**SERVICE LETTER AVAILABILITY**
Sanitation: Septic		Yes ☐ No ☒
Water: Well Water		Yes ☐ No ☒
Fire: San Diego Rural Fire Protection District		Yes ☐ No ☒
Elementary School: NA		Yes ☐ No ☒
High School: NA		Yes ☐ No ☒
Other: NA		Yes ☐ No ☒
Sphere of Influence:		

SUMMARY OF PROPOSED LEGISLATIVE ACTIONS

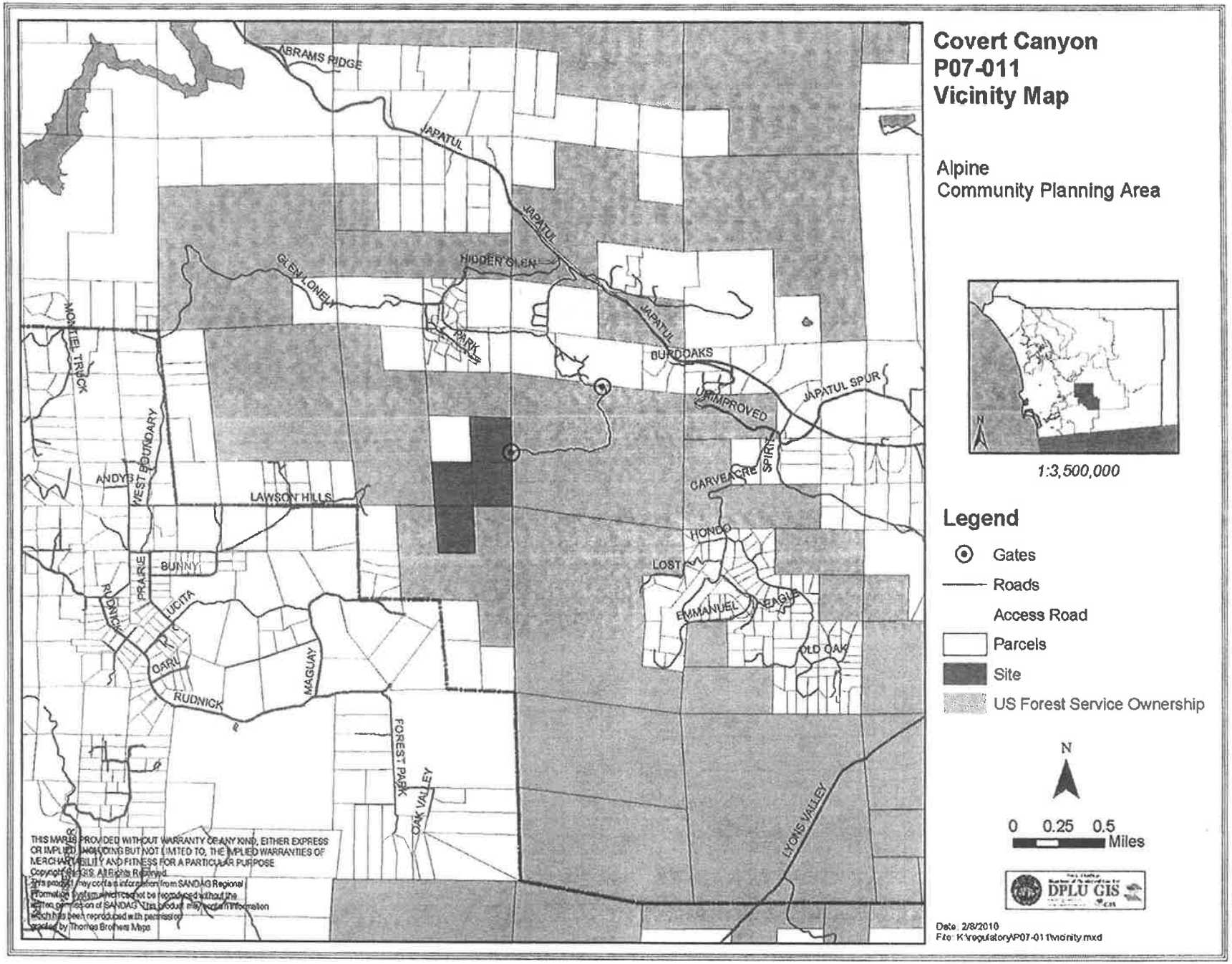
Are any Legislative actions proposed: Yes ☐ No ☒

GENERAL PLAN

Regional Category	Land Use Category	Description of Change
1.4 RDA, 1.6 ECA	20 General Agriculture 23 National Forest/State Parks	No Change

ZONING

Existing	Proposed	Description of Change
A-72 General Agriculture	NA	NA



Covert Canyon
P07-011
Vicinity Map

Alpine
Community Planning Area

1:3,500,000

Legend

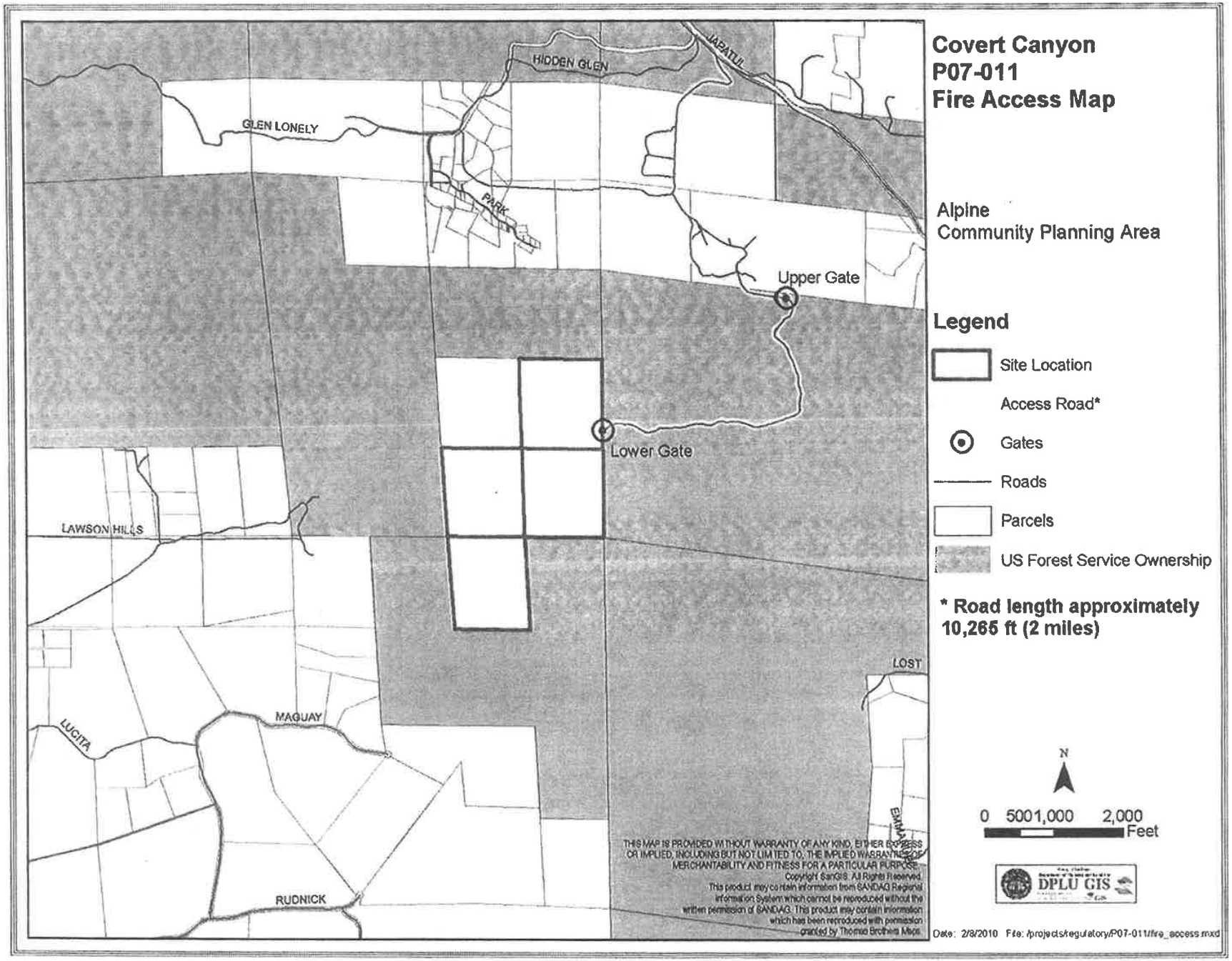
- Gates
- Roads
- Access Road
- Parcels
- Site
- US Forest Service Ownership

N

0 0.25 0.5 Miles

DPLU GIS

Date: 2/8/2010
File: K:\regulatory\P07-011\vicinity.mxd


Covert Canyon
P07-011
Fire Access Map
Alpine
Community Planning Area
Upper Gate
Lower Gate
Legend
Site Location
Access Road*
Gates
Roads
Parcels
US Forest Service Ownership
* Road length approximately 10,265 ft (2 miles)
HIDDEN GLEN
JAPATUL
GLEN LONELY
PARK
LAWSON HILLS
LUCITA
MAGUAY
RUDNICK
LOST
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Date: 2/9/2010 File: /projects/regulatory/P07-011/fire_access.mxd

ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE
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March 9, 2012

COPY

Marc Halcon, Manager
Covert Canyon, LLC
5590 Ruffin Road
San Diego, CA 92123

NON-CONFORMING USE AT COVERT CANYON (MEDIC CLASSES)

Dear Mr. Halcon,

I am writing regarding "First Responder Medic Classes" conducted at Covert Canyon. As you are aware, the Department of Planning and Land Use authorized you to conduct the medic training classes in a letter dated September 11, 2009. The medic class use was allowed at a time when the use was not described in County Code. Subsequent to the September 11, 2009 letter, the Field Medical Training Use was added to Section 1350 of the San Diego County Zoning Ordinance, Major Impact Services and Utilities; which was adopted into County Code on December 3, 2010. Today the medic class use would require the approval and issuance of a Major Use Permit on your property which is zoned A72.

The "First Responder Medic Classes" described in the September 11, 2009 letter is limited as outlined in the letter to the following:

- Course Summary: 2 day course – prepares first responders to evaluate and treat serious trauma. Proper use of bandages, tourniquets and hemostatic agents are topics.
- Firearm Use: NONE
- Average # of Students: 12 maximum
- Traffic Impact: Students transported by staff in 2-3 SUV's
- Must comply with the County of San Diego County Code and Zoning Ordinance

The medic class use is allowed to continue at Covert Canyon as described above as a non-conforming use. Included in this correspondence is a copy of Sections 6850 – 6876 of the San Diego County Zoning Ordinance; also known as the Nonconformity Regulations.

Should you have further questions or concerns, please feel free to contact me directly at (858) 495-5020 or pam.elias@sdcounty.ca.gov

Sincerely,

Pam Elias, Chief
Code Enforcement Division
Department of Planning and Land Use

cc: Case File

COPY

Attachments

NONCONFORMITY REGULATIONS

6850 TITLE AND PURPOSE.
The provisions of Section 6850 through Section 6899, inclusive, shall be known as the Nonconformity Regulations. The purpose of these regulations is to control, ameliorate, or terminate uses which do not conform to the Zoning Ordinance. These regulations shall apply to all nonconforming uses and structures, except that nonconforming off-premise signs shall be subject to the Off-Premise Sign Regulations commencing at Section 6200; nonconforming on-premise signs shall be subject to the On-Premise Sign Regulations commencing at Section 6250, and substandard lots shall be subject to the Lot Size Regulations commencing at Section 4200.

(Renumbered and amended by Ord. No. 5508 (N.S) adopted 5-16-79. Formerly 6950)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6851 NONCONFORMITY ATTRIBUTABLE TO LACK OF USE PERMIT.
Any nonconformity attributable only to the absence of a major or minor use permit may be removed by the securing of such permit, the application for which is allowed.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6951)

6852 RIGHT TO CONTINUE A NONCONFORMITY.
A nonconformity which is in existence prior to the effective date of the Zoning Ordinance or of any subsequent rezoning or other amendment thereto which creates such use or structure nonconformity, may be continued and maintained, except as otherwise specified in these Nonconformity Regulations. No expansion, extension, substitution or other change in activities and no alteration or other change in facilities is permitted except as expressly required by law or as expressly provided herein.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6952)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)

6854 NUISANCES.
None of the provisions of the Nonconformity Regulations restrict any authority to require modification or termination of any nonconformity which has been declared to be a nuisance by the Board of Supervisors.

(Renumbered by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6953)

6856 REMOVAL OF OWNER-OCCUPIED INDEPENDENT MOBILEHOMES.
Notwithstanding other provisions of the Nonconformity Regulations, or the provisions of a use permit authorizing the establishment of an owner- occupied independent mobilehome to the contrary, any owner-occupied independent mobilehome legally established pursuant to the former provisions of Ordinance 1402 may continue for an indefinite period from the date of original granting of a use permit therefore and may be altered or enlarged, or replaced with another mobilehome. Any mobilehome that replaces any such existing, legal nonconforming mobilehome shall bear insignia of approval issued by the appropriate state or federal agencies indicating compliance with applicable regulations. Any discontinuance of the use of a mobilehome subject to this section for a continuous period of 12 months shall be deemed to constitute an abandonment of any right to continue or maintain the use and any future use shall conform to the provisions of this ordinance.

6861 NONCONFORMING LARGE WIND TURBINE SYSTEMS.
Notwithstanding other provisions of the nonconformity regulations, no wind turbine system-large, which is nonconforming due to the lack of permit shall be allowed to add additional wind turbine structures or increase size of existing wind turbines without obtaining a permit as specified in Section 6951.

(Added by Ord. No. 7220 (N.S.) adopted 10-22-86)

6862 ABANDONED WIND TURBINES.

a. A nonconforming wind turbine shall be considered to be abandoned if its energy output (in kilowatt-hours) for any consecutive twelve months is less than 10% of the expected energy output. (See Definitions - Wind Turbine, Non-Operational).

b. A nonconforming wind turbine, or a series of wind turbines, which has been abandoned shall be removed. The foundation for the wind turbine(s) need not be removed if it does not present a safety hazard, and the top of the foundation is no higher than six inches above ground level.

(Added by Ord. No. 7220 (N.S.) adopted 10-22-86)

6863 EXISTING CUSTOM MANUFACTURING OPERATIONS
Any existing custom manufacturing operation located in the A70, A72, S87, S90 or S92 Zone meeting the definition of the "Custom Manufacturing Use Type" as set forth in this ordinance at Section 1610 and as determined by the Director may continue operation after September 13, 1991. However, the Nonconforming Regulations commencing at Section 6850 shall apply to such operations.

(Added by Ord. No. 7964 (N.S.) adopted 8-14-91)

6864 EXISTING GROUNDWATER EXTRACTION OPERATIONS
Any existing activity meeting the definition of a "Groundwater Extraction Operation", as determined by the Director, shall be considered a nonconforming use and may continue said operations after May 8, 1992. However, the Nonconformity Regulations commencing at Section 6850 shall apply to such operation.

(Added by Ord. No. 8050 (N.S.) adopted 4-8-92)

NONCONFORMING USES

6865 NONCONFORMING USE - DISCONTINUANCE.

a. Use Nonconforming Because It Is Not a Permitted Use. Whenever a use which is nonconforming, wholly or partly because it is not itself a permitted use where it is located, discontinues active operation for a continuous period of 12 months, such nonconforming use shall not be resumed. Intent to abandon such use shall not be necessary to constitute such discontinuance. Related structures, if any are used, may be utilized thereafter only for a permitted use.

b. Use Nonconforming for Other Reasons. A nonconforming use which is itself a permitted use where it is located, and which is nonconforming only as to applicable off-street parking or loading requirements, performance standards, or other requirements applying to use and not structures, may be resumed regardless of the period during which it may have discontinued active operation.

(Renumbered and amended by Ord. No. 5508 (N.S.) adopted 5-16-79. Formerly 6960)
(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)
(Amended by Ord. No. 7575 (N.S.) adopted 1-11-89)

6867 NONCONFORMING USE - DAMAGE OR DESTRUCTION OF STRUCTURES.

a. If the structures containing any nonconforming use are damaged or destroyed to the extent that the cost of reconstruction, repairing or rebuilding will exceed 75 percent of the replacement valuation of the structure immediately prior to the damage, as determined by the Building Official pursuant to Section 51.0107 of the County Code, the nonconforming use shall not be resumed on the same lot. Notwithstanding the provisions of this section, if a structure in a Special Parking District, as defined in Section 5761, is damaged or destroyed, any nonconformity as to the applicable off-street parking for said structure may be resumed even if the cost of reconstruction, repairing or rebuilding of the structure exceeds 75 percent of said replacement valuation if the structure is reconstructed, repaired or rebuilt in accordance with the applicable Community Design Guidelines Manual and all other applicable requirements. See also Section 5761(c)3.

b. Notwithstanding the provisions of subsection a. above, if the structure containing a nonconforming use includes two or more dwellings and is damaged or destroyed, said dwellings may be reconstructed, repaired, or rebuilt to their predamaged size and number of dwelling units (pursuant to Section 65852.25 of the Government Code). However, if said structure is located in an area zoned with industrial use regulations, then the provisions of subsection a. above shall apply.

Fw: Fwd: FW: KFMB News 8

From: Robin Williams <oaktrees@earthlink.net>
To: "steve.schmidt@utsandiego.com"
Cc: robin williams <oaktrees@earthlink.net>
Subject: Fw: Fwd: FW: KFMB News 8
Date: Feb 21, 2012 3:34 PM
Attachments: Williamson Act Land Conservation Contract.pdf 1868_001.pdf 1869_001.pdf 1870_001.pdf 1871_001.pdf 1872_001.pdf

quick reference materials...to start.

Robin

----Forwarded Message----
From: David Gotfredson
Sent: Feb 16, 2012 9:59 AM
To: Robin Williams , Shalin Gala
Subject: Fwd: FW: KFMB News 8

-------- Forwarded message ----------
From: Workman, Michael E <Michael.Workman@sdcounty.ca.gov>
Date: Thu, Feb 16, 2012 at 9:46 AM
Subject: FW: KFMB News 8
To: David Gotfredson <dgotfredson@kfmb.com>

Here are some answers

Michael Workman
Director
County Communications Office
(619) 531-5450

1. I would like to request under the CPRA any records related to Live Tissue Training using livestock at the Covert Canyon facility, including any permits related to Live Tissue Training requested or obtained by the property owner Marc Halcon, or his companies American Training Center and Covert Canyon LLC.

a. On Aug. 18, 2009, Mr. Halcon sent a letter to DPLU asking for authorization to conduct various activities on his property without having to apply for and receive a discretionary use permit.

b. On Sept. 11, 2009, DPLU responded by letter, denying Mr. Halcon's request to conduct these various activities --- with one exception, a request to conduct "First Responder Medic Classes" on his property.
It was a two-day course to prepare first responders to evaluate and treat serious trauma patients injured on the battlefield and included the proper use of bandages, tourniquets and hemostatic agents. His request did not propose using firearms. It anticipated 12 students that would be transported in two-to-three SUVs.
At that time, the County's Zoning Ordinance did not clearly identify this as a recognized

regulated use under the code. Because of that, it was determined that we could not require a use permit to operate First Responder Medic Classes.

c. In December 2010, the County amended its Zoning Ordinance to address the deficiency of not recognizing medical training uses by adding them to the "Major Impact Utility" provisions of the ordinance. (It should be noted that gun and rifle ranges are classified as "Participant Sports and Recreation" uses, which also require approval of a MUP and have since the 1980s)The change to Section 1350 of the Zoning Ordinance, Major Impact Services and Utilities, was adopted on December 3, 2010.

d. If Mr. Halcon applied today to provide the "First Responder Medic classes" he would need to apply for and receive a Major Use Permit. However, he is being allowed to continue them without seeking a permit because they are considered a "continuing non-conforming use" because he started them before the County changed its ordinance. We have provided copies of Mr. Halcon's Aug. 18, 2009 letter, the Department's September 11, 2009 response and a copy of Section 1350 of the San Diego County Zoning Ordinance as attached .pdf's.

e. Regarding the questions on the Cease and Desist Order, the Stipulated Enforcement Order does not invalidate the Cease and Desist Order. It simply clarifies what is and is not allowed by the San Diego County Zoning Ordinance and San Diego County Code of Regulatory Ordinances on Mr. Halcon's property. Copies of the Cease and Desist Order dated May 24, 2007 and Stipulated Administrative Enforcement Order dated Aug. 3, 2011 are attached as a .pdf.

2. Could you also please update me on the status of his MUP application?
3.

a. **Timeline:**

- **Oct. 2007:** Mr. Halcon submitted an application for a Major Use Permit (MUP) to operate a live weapon training facility (3 firing ranges) for law enforcement and military groups on his property located at 19150 High Glen Road.

- **January 2010:** DPLU, after working with the applicant and his consultants, took Mr. Halcon's MUP application before the Planning Commission with a recommendation of denial due to significant and unresolved fire safety and access issues. These issues were not the only issues that needed to be addressed, but they were the most significant and a major project issue.
The Planning Commission, following public testimony at the hearing, directed Mr. Halcon to continue to work with the San Diego Rural Fire Protection District, the County Fire Authority and the U.S. Forest Service to resolve these issues.

- **Present**: Mr. Halcon is continuing to work with these agencies; however, to date, fire safety issues remain unresolved and Mr. Halcon has not made any progress on his MUP application.

From: David Gotfredson [mailto:dgotfredson@kfmb.com]
Sent: Wednesday, February 08, 2012 2:26 PM
To: Elias, Pam
Cc: Workman, Michael E
Subject: KFMB News 8

Hello Pam,
I would like to request under the CPRA any records related to Live Tissue Training using livestock at the Covert Canyon facility, including any permits related to Live Tissue Training requested or obtained by the property owner Marc Halcon, or his companies American Training Center and Covert Canyon LLC.

Could you also please update me on the status of his MUP application?

Thank you for your assistance.

Regards,

--
David Gotfredson
KFMB News 8 Producer
7677 Engineer Rd.
San Diego, CA 92111
Email: dgotfredson@kfmb.com
Cell: (858) 472-3569
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Attachment C – Enforcement Order

County of San Diego

MARK WARDLAW
DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

DARREN GRETLER
ASSISTANT DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

STIPULATED ADMINISTRATIVE ENFORCEMENT ORDER

DATE OF ORDER:	October 27, 2015
LOCATION OF VIOLATION:	19150 High Glen Road Alpine, CA 91901
APNs:	521-130-08-00, 521-130-05-00, 521-130-07-00, 522-070-03-00
ZONE	A72
PROPERTY OWNER:	Covert Canyon, LLC 5590 Ruffin Road San Diego, CA 92123

The San Diego County Department of Planning & Development Services ("COUNTY") and Covert Canyon, LLC.("Covert Canyon"), appearing by and through their officer and representative Marc Halcon[1] and his attorney, Robert Wright, agree to the issuance of the following Stipulated Administrative Enforcement Order (Stipulation) to resolve alleged violations occurring at 19150 High Glen Road in Alpine, California, Assessor Parcel Number ("APN") 521-130-08-00 and bind it and its contiguous parcels: 521-130-05-00, 521-130-07-00, and 522-070-03-00. All four parcels hereinafter referred to as the "Property" are owned by Covert Canyon.

This Stipulation is entered into without trial or adjudication of any issue of fact or law, and parties identified above agree that the Stipulation governs the enforcement of the San Diego County Zoning Ordinance ("SDCZO") and the San Diego County Code of Regulatory Ordinances ("SDCCRO") at the Property while Covert Canyon actively seeks a discretionary Site Plan permit, building permits, and a grading permit for the Property in accordance with the compliance measures outlined in this Stipulation. The parties further agree that the Stipulation

[1] Mr. Halcon is listed as an officer on Covert Canyon's Corporate Filing with the California Secretary of State.

resolves the alleged violations, and replaces and supersedes the previous Stipulated Enforcement Order dated August 10, 2011.

This Stipulation is intended to resolve disputed claims without the time and expense of legal proceedings and to avoid future disputes regarding the permissible uses on the Property until a discretionary Site Plan permit or Major Use Permit (MUP) is approved. This Stipulation is not intended to be an admission by any party on the merits of any alleged violations. The terms of this Stipulation are applicable to Covert Canyon, its successors and assigns, any of their agents, officers, employees, representatives, and tenants, and all persons, corporations or other entities acting by, through, under or on behalf of Covert Canyon, and all persons acting in concert with or participating with Covert Canyon. This Stipulation and terms and conditions herein are Property specific, and are not standards for future sites owned by Covert Canyon and/or other applicants; each Site Plan permit is evaluated on a case by case basis.

I. ALLOWED USES

A. GENERAL

1. The provisions of SDCZO Sections 2720-2725 outline the allowed uses at the Property.
2. Covert Canyon shall comply with the requirements of the SDCCRO, Title 3, Division 6, Chapter 4 (County Noise Ordinance) including Section 36.404(a) at the Property.
3. All firearm activity at the Property shall comply with SDCCRO and the SDCZO.
4. This Stipulation shall not prevent Covert Canyon or anyone with written permission from Covert Canyon from engaging in free, non-commercial activities involving firearms discharge at any location on the Property, provided such activities:
    a. Comply with SDCCRO section 33101 with respect to discharging a firearm at a reasonably safe distance from any occupied dwelling, house, residence, or other building;
    b. Comply with SDCZO; and
    c. Do not take place at the same time as any training activities.
5. There shall be no more than 45 people total on the Property at one time.
6. Covert Canyon shall comply with the Fire Protection Plan prepared by Firewise 2000 Inc. as redacted on October 27, 2015 ("Fire Protection Plan") and included herein (see exhibit C).

B. FIRST RESPONDER MEDIC TRAINING

1. Covert Canyon has a non-conforming use to conduct this training.
2. Covert Canyon may conduct this training in accordance with the authorization letter from COUNTY dated September 11, 2009 (see exhibit B):
    a. Conduct training activities in a two day course to prepare first responders to evaluate and treat serious trauma, proper use of bandages, tourniquets and hemostatic agents;
    b. Refrain from firearm use during training;
    c. Limit participants to a maximum of 12 per class;

d. Transport participants with Covert Canyon staff using 2-3 Sport Utility Vehicles; and
e. Comply with SDCCRO and SDCZO.

C. GOVERNMENTAL MILITARY AND LAW ENFORCEMENT TRAINING
1. Firearms and associated training activities for government military and governmental law enforcement are allowed uses as Law Enforcement Services pursuant to SDCZO sections 2722, 6905, 1300, and1346, and SDCCRO section 33.101 *et seq.* See exhibit A for a non-exhaustive list of offered trainings.
2. While a Site Plan permit for the Property is being processed and compliance measures are met on schedule as outlined in Section II below, Covert Canyon may conduct training on the Property in accordance with the following conditions. Covert Canyon shall:
    a. Conduct all firearms training activities at least 150 yards from any occupied dwelling house, residence, or other building or any barn or other outbuilding used in connection therein pursuant to SDCCRO section 33.101 utilizing only existing shooting ranges and structures;
    b. Delineate and maintain visibly marked property lines in accordance with the land survey described below;
    c. Charge fees in advance and collect all fees for training activities through written contracts with recognized governmental military and recognized governmental law enforcement agencies; no walk-up participants will be accepted;
    d. Notify all attendees in writing of transportation requirements at the time training classes are scheduled;
    e. Notify all attendees prior to arrival that there will be a mandatory orientation including a safety review before every class;
    f. Notify all attendees at the time of arrival of the risks associated with large vegetation fires which may occur in the immediate area and the emergency operations plan should a wildfire occur. Notifications and emergency operations shall be in accordance with the Fire Protection Plan (see exhibit C);
    g. Limit ordnance: firearms shall not exceed 50 caliber and no tracers or other type of incendiary devices or explosives are allowed;
    h. Limit the use of distraction and breaching devices in areas void of flammable or combustible material and to a maximum of 6 times per calendar year; and
    i. In accordance with the compliance measures outlined in Section II below:
        i. Submit a complete application that complies with SDCZO section 7150, and cooperate in the processing and issuance of a discretionary Site Plan permit for the uses described herein;
        ii. Apply for and obtain building permits for the Guest Services/Classroom building, the 40 foot by 58 foot garage and all sea cargo containers at the Property;
        iii. Apply for and obtain a building permit for the metal woodshed or reduce the size to less than 120 square feet or remove;
        iv. Apply for and obtain a grading permit for the berms at the two

square shooting ranges;
v. Complete the on-going maintenance and monitoring for Revegetation Plan PDS2010-3968-09-001; and
vi. Provide a land survey by a California licensed Land Surveyor and submit a plot plan to COUNTY that shows the location of the boundary lines for APN 521-130-08-00 and establishes the property lines between the Property and land owned by the USFS, specifically as it pertains to the berms surrounding the shooting range.

3. Allowable training schedule and limitations
   a. All training shall begin no earlier than 7:00 a.m. and shall cease by 7:00 p.m., Monday through Friday.
   b. Training is prohibited on weekends and holidays; holidays are January 1st, the last Monday in May, July 4th, the first Monday in September, the fourth Thursday in November and December 25th.
   c. Instructors, support staff and participants shall not stay overnight at the Property.
   d. Participants shall leave the property at 7:00 p.m. or earlier.
4. Training participants
   a. Training shall be limited to eligible participants from the following agencies:
      i. Border Patrol;
      ii. Homeland Security;
      iii. Immigration and Customs Enforcement;
      iv. U.S. Marines;
      v. U.S. Navy;
      vi. U.S. Army;
      vii. U.S. Coast Guard;
      viii. County Sheriff and police agencies; and
      ix. Any other military or law enforcement agency which is part of the local, state, or federal government.
   b. Eligible participants are limited to members of the listed organizations, in addition to those members formally selected for service but not yet officially employed.
   c. There shall be no more than 30 eligible participants excluding instructors and support staff at any training.
5. Records
   a. Covert Canyon shall keep and maintain records of all trainings held, including the contracts, the name and direct phone number of the coordinating governmental military or law enforcement representative, date and time of training, and number of participants; the names of participants and details of training may be redacted to maintain confidentiality.
   b. All records shall be retained for at least five years.
   c. Covert Canyon shall provide records to COUNTY within 72 hours upon request or at a COUNTY site inspection as outlined in section II below.

6. Weather watches and warnings
    a. Covert Canyon shall monitor weather via the National Weather Service in advance of training activities and while hosting training activities.
    b. Training activities shall not take place during the duration of any weather warnings posted by the National Weather Service applicable to the Alpine area or San Diego County Inland areas. These include but are not limited to:
        i. Fire weather watch;
        ii. Red Flag Warning;
        iii. Winter storm watch;
        iv. Winter storm warning;
        v. Winter weather advisory;
        vi. Thunderstorm warning;
        vii. Lightening warning;
        viii. Flood warning; and
        ix. Flash flood warning.
    c. If any wildfires occur within 5 miles of the Property all training activities shall cease immediately and Covert Canyon shall follow the procedures outlined in Appendix F of the Fire Protection Plan (see exhibit C).
    d. Covert Canyon shall not construct, use, or maintain any open fire pits or ground fires at the Property; barbeques are allowed.
7. Transportation requirements include but are not limited to:
    a. No more than a total of 45 cars shall be at the Property at one time;
    b. Covert Canyon shall construct road improvements, turnouts and turnarounds on the entry/egress road to the Property in accordance with the Fire Protection Plan (see exhibit C);
    c. Covert Canyon shall maintain High Glen Road in good condition free of ruts and obstructions;
    d. Covert Canyon shall maintain road drainage structures on High Glen Road in good working order to prevent erosion;
    e. In accordance with the Fire Protection Plan (see exhibit C) Covert Canyon shall conduct fuel modification along High Glen Road in coordination with COUNTY, County Fire Authority/ San Diego Rural Fire Protection District, and the United States Forestry Service ("USFS") which is to determine how much and whether or not USFS permits will be required.
8. Emergency services
    a. Covert Canyon shall allow access to the Property for law enforcement services, fire, and/or emergency personnel to utilize any water resource available on the property at no cost, and/or store any equipment required to assist in fire prevention or suppression.
    b. Covert Canyon shall allow the Property to be used as a base of operations during a fire emergency.

II. COMPLIANCE MEASURES

Covert Canyon shall complete the following to comply with the terms of this Stipulation:

A. Within 10 calendar days from the execution of the Stipulation, create a 300-foot Fuel Modification Zone acceptable to County Fire Authority/San Diego Rural Fire Protection District around all structures and maintain it thereafter;
B. By October 31, 2015, schedule a site visit with COUNTY Landscape Architect and complete the items described in the May 6, 2014 letter from COUNTY related to Revegetation Plan PDS2010-3968-09-001;
C. Cooperate in the processing and issuance of a discretionary Site Plan permit and associated CEQA documents and technical studies for the Governmental Military and Law Enforcement Training use described in this Stipulation, and provide any additional information required at COUNTY'S request within the specified timeframe.
D. Within 60 calendar days from the execution of the Stipulation:
    1. Submit an application for building permits for the Guest Services/Classroom building, the 40 foot by 58 foot garage and all sea cargo containers at the Property;
    2. Submit a complete and adequate application suitable for evaluation and action for a discretionary Site Plan permit for the uses described herein;
    3. Submit a Noise Assessment Report prepared by COUNTY approved consultant addressing noise impacts from all training activities, including shooting ranges. The Noise Assessment Report must include calculations showing the worst-case noise levels generated by individual noise sources and cumulative noise sources. The Noise Assessment Report shall make recommendations for mitigation measures in reducing noise levels and showing compliance with the County Noise Ordinance; and
    4. Conduct and submit to COUNTY a survey and plot plan prepared by a California licensed Land Surveyor establishing the property lines between the Property and land owned by the USFS, specifically as it pertains to the berms surrounding the shooting ranges.
E. Within 60 calendar days from the COUNTY's acceptance of the Noise Assessment Report, install wooden ricochet barriers and maintain earthen backstop berms in accordance with the Fire Protection Plan (see exhibit C) and Noise Assessment Report;
F. Within 90 calendar days from the execution of the Stipulation:
    1. Submit an application and grading plans prepared by a California licensed civil engineer for a grading permit for all existing and proposed grading on the Property;
    2. Retro-fit the classroom building with ignition-resistant construction in accordance with the County Building Code and have an NFPA 13-D sprinkler system installed with backup power; and have the improvements inspected and approved by COUNTY and County Fire Authority/San Diego Rural Fire Protection District;
    3. Complete the fuel modification as outlined in the Fire Protection Plan (see exhibit C) with permission from the USFS; and
    4. Complete turn-outs, and road improvements along High Glen Road as outlined in the Fire Protection Plan (see exhibit C) and with permission and permitting from

the USFS.

G. Within 120 calendar days from the execution of the Stipulation, implement the recommendations and mitigation measures in the approved Noise Assessment Report to COUNTY's satisfaction;
H. Within 180 calendar days from the execution of the Stipulation, obtain building permits for all existing structures at the Property;
I. Within 18 months from the execution of the Stipulation, obtain a grading permit for the grading done to create the berms at the two square shooting ranges on the Property;
J. Within 24 months from the execution of the Stipulation, submit as-built grading plans and pass all required grading inspections and obtain final inspection on the grading permit;
K. Within 365 calendar days from the execution of the Stipulation, complete all work authorized by the building permits, complete all required building inspections, and obtain a final inspection for all structures at the Property;
L. By January 31, 2018 obtain final approval of the Site Plan permit for the Property; and
M. Allow personnel from COUNTY or their designee to inspect the Property for compliance with Stipulation or Site Plan application at any time during operating hours.
N. If Covert Canyon has already completed any of the requirements contained in this stipulation to the County's satisfaction, they will not be required to duplicate those efforts.

III. MONETARY RELIEF

A. Within 30 calendar days from execution of the Stipulation, Covert Canyon shall submit $1,975.80 of processing fees previously incurred on the Property and owed COUNTY. Payment shall be in the form of a cashier's check or money order made out to the County of San Diego and mailed or personally delivered to:

The County of San Diego
Department of Planning & Development Services
5510 Overland Ave, Ste 310
San Diego, CA 92123

B. The remainder of the balance owed COUNTY, $7,000.00, is immediately suspended, and shall only be imposed if Covert Canyon fails to comply with any term of this Stipulation. COUNTY agrees to notify Covert Canyon in writing if imposition of the fees will be sought and on what basis.
C. Covert Canyon agrees to accounting of fees paid prior to this Stipulation pertaining to the MUP and related applications 12-D-07-0086991, PDS2007-3300-07-011, PDS2007-3910-0715002, PDS2009-3967-09-001, PDS2007-3921-07-002 in the amount of $122,614.14; Covert Canyon shall not request a refund of prior fees.
D. The parties shall pay their own attorneys' fees and any other costs associated with the creation of the Stipulation.
E. Within 60 calendar days from execution of the Stipulation Covert Canyon shall submit any and all fees associated with the required discretionary Site Plan permit application, and shall remain current on their account thereafter.

IV. ENFORCEMENT

A. This Stipulation will be deemed executed on the date the final signature is obtained on the document.
B. In the event of default by Covert Canyon as to any term, payment, compliance measure, or condition under this Stipulation, the uses allowed by the Stipulation shall cease immediately and the following fees will be immediately due and payable to COUNTY:
    a. The complete $8,975.80 previously incurred on the Property, or balance thereof if partial payment has been made; and
    b. Any additional fees incurred after the execution of the Stipulation relating to the processing the Site Plan permit and related permits.
C. COUNTY shall be entitled to inspect the Property for compliance with Stipulation or Site Plan application during operating hours.
D. COUNTY shall be entitled to pursue any and all remedies provided by law for the enforcement of this Stipulation.
E. Any amount in default shall bear interest at 10% per year from the date of default until paid in full.
F. Nothing in this Stipulation shall prevent COUNTY from pursuing any remedies as provided by law to subsequently enforce this Stipulation or the provisions of the SDCCRO or SDCZO, including criminal prosecution and/or civil penalties.
G. When more than one person is responsible for a violation each responsible person may be separately assessed. A person may be found responsible for different violations, or repeat violations, which are subject to separate cumulative maximums.
H. Covert Canyon agrees that any act, intentional or negligent, or any omission or failure by their contractors, successors, assigns, partners, members, agents, employees or representatives to comply with the requirements set forth in the Stipulation will be deemed to be the act, omission, or failure of Covert Canyon.
I. In the event of default by Covert Canyon as to any term, payment, compliance measure or condition under this Stipulation COUNTY has a right to rescind this Stipulation.
J. In the event a Site Plan permit is abandoned or not issued for any reason, Covert Canyon assumes the risk for and is liable for any costs incurred as a result of performing any action outlined in this Stipulation.

V. DEFENSE AND INDEMNIFICATION

A. Covert Canyon shall Defend and indemnify COUNTY, its agents, officers and employees from any claim, action, liability or proceeding against COUNTY to attack, set aside, void or annul the Stipulation or Site Plan permit or any of the proceedings, acts or determinations taken, done or made as a result of COUNTYS' processing and/or approval of the Stipulation or Site Plan permit. Covert Canyon's obligation to defend and indemnify under this Stipulation shall apply to any lawsuit or challenge against COUNTY alleging failure to comply with the California Environmental Quality Act or with the requirements of any other federal, state, or local laws, including but not limited to general plan and zoning requirements. Covert Canyon's obligations under this

Stipulation to defend and indemnify COUNTY shall include, but not be limited to, payment of all court costs and attorneys' fees, all litigation-related costs, all costs of any judgments or awards against COUNTY, and/or all settlement costs, which arise out of COUNTY's processing and/or approval of the Stipulation or Site Plan permit.

B. The COUNTY shall notify Covert Canyon or its representative promptly of any claim, action or proceeding and cooperate fully in the defense. Upon receipt of such notification, Covert Canyon shall assume the defense of the claim, action, or proceeding, including the employment of counsel reasonably satisfactory to COUNTY and Covert Canyon, and the prompt payment of the attorneys' fees and costs of such counsel. In the event of a disagreement between COUNTY and Covert Canyon over litigation issues, COUNTY shall have the authority to control the litigation and make litigation decisions, including but not limited to, settlement or other disposition of the matter. If COUNTY reasonably determines that having common counsel would present such counsel with a conflict of interest, or if Covert Canyon fails to promptly assume the defense of the claim, action, or proceeding or to promptly employ counsel reasonably satisfactory to COUNTY, then COUNTY may employ separate counsel to represent or defend the COUNTY, and Covert Canyon shall pay the reasonable attorneys' fees and costs of such counsel within 30 days of receiving an itemized billing therefor. At its sole discretion, COUNTY may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve Covert Canyon of any obligation imposed by this Stipulation.

C. Covert Canyon's obligations to defend and indemnify under this Stipulation shall apply whether or not there is concurrent, active, or passive negligence on the part of COUNTY, except that Covert Canyon's obligation to indemnify shall not apply where the court finds there is gross negligence or willful misconduct by COUNTY. Covert Canyon's obligations under this Stipulation shall be effective regardless of whether any or all Site Plan permit approvals and/or actions by COUNTY regarding the Site Plan permit remain valid or are invalidated by any court.

D. Failure to promptly defend or indemnify COUNTY is a material breach which shall entitle COUNTY to all remedies available under law, including but not limited to specific performance and damages. Moreover, failure to defend or indemnify shall constitute grounds upon which COUNTY may rescind this Stipulation and its approval(s) associated with the Stipulation and/or Site Plan permit, and shall constitute a waiver by Covert Canyon of any right to proceed with the Site Plan permit or any portion thereof.

E. In the event of any claim, action or proceeding against COUNTY arising out of or relating to this stipulation or Site Plan Permit application, while continuing to fulfill its defense and indemnification obligations, Covert Canyon shall have the sole and exclusive right to withdraw the Site Plan Permit application.

F. Covert Canyon shall be and remain personally obligated to all of the terms of this Stipulation, notwithstanding any attempt to assign, delegate or otherwise transfer all or any of the rights or obligations of this Stipulation, and notwithstanding a change in or transfer of ownership of the Property (or any interest therein). However, Covert Canyon

may be released from such obligations if Covert Canyon obtains the COUNTY's prior written consent to such transfer, which consent shall not be unreasonably withheld.

Date: 10.27.15

Mark Wardlaw, Director
Department of Planning & Development Services

Date: 10/27/15

Marc Halcon, Officer
Covert Canyon, LLC

Date: 10/27/15

Approved as to form by Robert Wright, Esq.
Attorney for Covert Canyon, LLC

Enclosures:
Exhibit A: offered training classes for governmental military and law enforcement
Exhibit B: letter from COUNTY regarding first responder medic training
Exhibit C: redacted Fire Protection Plan dated October 27, 2015 pages 1-41 and appendices A-G

Offered Training
Governmental Military and Governmental Law Enforcement

Covert Canyon, LLC
19150 High Glen Road
Alpine, CA 91901

1. Basic Firearm/Handgun
2. Advanced Firearm/Handgun
3. Basic Firearm/Patrol Rifle
4. Advanced Firearm/Patrol Rifle
5. Transition Firearm training
6. Precision Rifle
7. Basic Shotgun
8. Advanced Shotgun

EXHIBIT A

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

September 11, 2009

Marc Halcon, Manager
Covert Canyon, LLC
5590 Ruffin Rd.
San Diego, CA 92123

RE: Request for Authorization to Conduct Training
APN#521-130-08; 521-130-07; 521-130-05; 522-070-03

Dear Mr. Halcon,

I am writing in response to your letter dated August 18, 2009 in which you request that the Department allow you to conduct various activities on your property without the requirement of a discretionary permit.

Based on your descriptions, the following uses listed in your August 18, 2009 letter would not be allowed in an A72 zone without a discretionary permit. Some may not be allowed under any circumstances:

- "Security Guard classes"
- "Executive Protection classes"
- "Firearms Safety classes – basic"
- "Executive Personal Safety classes"
- "Self Defense Training"
- "Fitness Training"
- "Search and Rescue training"
- "Land Navigation"
- "Boy Scout Merit Badge"

The "First Responder Medic Classes" would not require a discretionary permit. However the activity would be required to comply with all other County codes and ordinances. Your description of the proposed training is as follows:

- *Course summary: 2 day course – prepares first responders to evaluate and treat serious trauma. Proper use of bandages, tourniquets, and homeostatic agents are topics.*

EXHIBIT B

- *Firearms use: NONE*
- *Average # of students: 12 max*
- *Traffic impact: Students transported by our staff in 2-3 SUV's*

If you have any questions regarding this letter, you may contact me at 858-495-5020.

Sincerely,

Pam Elias, Chief
Code Enforcement Division
Department of Planning and Land Use

cc: Brian Bacca, Chief, Project Planning, Department of Planning and Land Use
Case file

10/27/2015

Fire Protection Plan
Covert Canyon Training Center

(APN's 522-070-03, 521-130-05,07,08)
(Environmental Log No. 07-15-002
Project No. P07-011)



January 15, 2009 (revised April 14, 2011)
Revised to Comments May 17, 2012

Applicant: Marc Halcon
Covert Canyon LLC
19150 High Glen Road
Alpine, CA 91950

Prepared & Certified By:

David C. Bacon, President
*FIRE*WISE 2000, Inc.
26337 Sky Drive
Escondido, CA 92026
Telephone: 760-745-3947
firewise2000@sbcglobal.net

EXHIBIT C

COVERT CANYON TRAINING CENTER
FIRE PROTECTION PLAN

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FIRE PROTECTION PLAN MAP

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

Covert Canyon Training Center
Environmental Log No. 07-15-002
Project No. P07-011
FIRE PROTECTION PLAN

January 15, 2009 (revised April 14, 2011)
(revised to comments May 17, 2012)

Executive Summary

The Stipulated Administrative Enforcement Order (SAEO) provides for certain interim uses, proposed site design measures and structures, review and approval processes, and compliance measures. In the event of any discrepancies between this Fire Protection Plan and the SAEO, the SAEO shall take precedence.

This project has significant interest from and inestimable value at local, state and national levels. It is intended to provide critical training opportunities for a wide spectrum of law enforcement agencies (including but not limited to Police, Sheriff, Border Patrol, U.S. Forest Service Law Enforcement, Homeland Security, etc.) and military units throughout San Diego County and the region. The density and complexity of usage at the site will be limited as follows:

30

1. Non-residential
2. Day use 8 to 5 o'clock with occasional night training not to exceed 10pm.
3. Limited number of students at one time, maximum ~~24~~ Trainees and 6 Instructors
4. Restricted use and not open to the general public; On-Duty Military, Local, State, and Federal Law Enforcement Officers.
5. Limited number of vehicles (not to exceed ~~8~~) in any one group.

45

This Fire Protection Plan (FPP) evaluates the Covert Canyon Training Center to ensure it does not unnecessarily expose people or structures to fire risks and hazards. The FPP identifies and prioritizes the measures necessary to adequately mitigate those impacts. The FPP has considered the property location, topography, geology, combustible vegetation (fuel types), climatic conditions and fire history. It considers water supply, access, structure ignitability and fire resistive building materials, fire protection systems and equipment, impacts to existing emergency services, defensible space and vegetation management.

The project was analyzed to identify potential adverse impacts and to identify adequate measures for impacts resulting from wildland fire hazards. The evaluation determined that the San Diego Rural Fire Protection District, California Department of Forestry and Fire Protection (CAL FIRE) and the U. S. Forest Service along with nearby fire departments will be able to provide adequate emergency services. CAL FIRE (under the State Responsibility Area Agreement) as well as other fire departments and fire protection districts, can be requested under a Mutual Aid agreement to respond in the event of wildfire event in the area. No new habitable or combustible structures are planned for this project. The existing Administrative Building will be retrofitted with a code compliant residential sprinkler system.

The project will meet all applicable fire code requirements except dead-end road length and alternative access, which is infeasible. SEC. 96.1.104.8. Modifications in the San Diego County Consolidated Fire Code provides a means for a Fire Officials to grant modification to the code. This report proposes modifications which complies with the intent and purpose of the County Consolidated Fire Code of Oct 2011, and does not lessen life and fire safety requirements. The project will provide fire safety features designed to Code Standards, including:

(1) Improvements to High Glen Road for safe, organized ingress and egress by users of the Training Center and emergency responders;
(2) Two (2) 10,000 gallon water tank for fire suppression, and 3000 recently installed near Building A-1 Administrative Services;
(3) Creation and maintenance of fuel modification zones to suppress the spread of fire (the current condition provides a minimum of ~~200~~ 300 feet of fuel removal); and,
(4) Limited activities on site, improved range berms and barriers, PA and Mass Notification System (MNS), and closed circuit TV with infrared capabilities; also, a trigger system to preclude training during extreme fire danger periods.

In addition, this FPP lists fuel modification requirements to mitigate the exposure of people or structures from a significant risk of loss, injury or death from wildland fires.

Finally, this plan and its requirements will be incorporated by reference into the final project Conditions of Approval to ensure compliance with codes/regulations and significance standards.

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

Covert Canyon
Environmental Log No. 07-15-002
Fire Protection Plan

1.0 - INTRODUCTION

This Fire Protection Plan (FPP) has been prepared for the Covert Canyon Training Center. The purpose of the FPP is to assess the potential impacts resulting from wildland fire hazards and identify the measures necessary to adequately mitigate those impacts. As part of the assessment, the plan has considered the property location, topography, geology, combustible vegetation (fuel types), climatic conditions, fire history and the planned use of the property. The plan addresses water supply, access (including secondary/emergency access where applicable), structural ignitability and ignition resistive building features, fire protection systems and equipment, impacts to existing emergency services, defensible space and vegetation management. The plan identifies and prioritizes areas for hazardous fuel reduction treatments and recommend the types and methods of treatment that will protect one or more-at-risk communities and essential infrastructures. The plan recommends measures that property owners will take to reduce the probability of ignition of structures throughout the area addressed by the plan.

2.0 PROJECT LOCATION, DESCRIPTION AND ENVIRONMENTAL SETTING

2.1 Project Location

The Covert Canyon Training Center (APN's 522-070-03, 521-130-05,07,08) is located at 19150 High Glen Road south of Japatul Road, in a rural area of San Diego County on 144 acres of private land within the Cleveland National Forest (see Photo # 1). The primary access is from Alpine, California via Tavern Road to Japatul Road to High Glen Road.



Photo # 1 – Aerial View of Project Area – Note the Airstrip in the Lower Left Portion of the Photo

2.2 Project Description

A. Purpose of Application

The purpose of the application is for a Major Use Permit to operate a training facility for on-duty personnel of local, state and federal law enforcement, branches of the United States Military and Homeland Security, and to request the cancellation of Agricultural Contract (Williamson Act Agreement, Japatul Agricultural Preserve No. 36) Please see Project Site Plan Exhibit 6.

B. Location/Property Characteristics

Covert Canyon Training Center constitutes approximately 144 acres situated along High Glen Road 1.5 miles south of Japatul Road in the Alpine Community Plan area. The property is surrounded on all sides by rural, undeveloped public lands of the Cleveland National Forest, except for one 40-acre parcel adjacent to the northwest boundary.

C. General Plan Land Use and Zoning

- General Plan Regional Categories 1.4 RDA (Rural Development Area) and 1.6 ECA (Environmental Constrained Areas);
- Land Use Designations 20 (General Agriculture) and 23 (National Forest/State Parks).
- The entire site is zoned A72 (General Agriculture) which permits the proposed ~~project as a Major Impact Service and Utility through the approval of a Major Use Permit pursuant to Section 2725.b of the San Diego County Zoning Ordinance.~~ use.

2.2.1 Existing Conditions

A. Existing Uses and Structures

The following list provides a summary of the existing uses and structures currently located on the property. All uses and structures will continue concurrently with the MUP.

- Single family home currently occupied by the owner/applicant for the proposed major use permit.
- Additional structures on the property include an accessory building, a detached garage, several small storage sheds, and steel cargo storage containers.
- Three small arms ranges, together with associated graded berms have been constructed; two near the center of the property and one offsite just south of the southern boundary
- Caretaker/Security Quarters.
- An existing FAA approved dirt landing strip, approximately 2,200 feet long is located on the property. The FAA approved this strip for operation on 04/01/1990.

B. Access

- The property is accessible from Interstate 8 via the Tavern Road exit, then approximately 2.5 miles south to Japatul Road, and approximately 4 miles east to High Glen Road. The property is located approximately 1.5 miles south of Japatul Road at 10150/19191 High Glen Road, an existing private road that provides access to the site which dead-ends at the Training Facility.
- A special use permit has been granted by the U.S Department of Agriculture (Cleveland National Forest, Use Code: 753) to access over federal lands.

- A 25-foot private road access easement; Document Number 29790 recorded February 20,1968, provides access over the project site to the adjacent 40 acres to the northwest. Although the recorded easement does not specifically define the location of the of the ingress and egress easement, historically the road easement has been located over the existing dirt road that crosses the subject property from the east to west.

C. Groundwater Use

- Water is supplied by two onsite wells: one for landscape irrigation and the other supplying a 10,000-gallon water tank providing domestic water supply and fire suppression.
- Groundwater will only be withdrawn for the following uses:
  Other uses including the existing single-family dwelling, caretaker/security
  Quarters and periodic occupancy of the accessory structure.
- Localized irrigation around existing structures.
- Irrigation of the areas to be restored/vegetated.
- Two abandoned wells exist on site.
- Two existing private septic systems are utilized for sewerage disposal; one serving the primary residence and one serving the accessory structure.

2.2.2 Proposed Use Areas

Refer to the SAEO for Interim Uses.

The property has been divided into four areas though only one will be used for the training activities allowed in the MUP. The four areas are as follows:

Use

MUP Use Area (18.55 ac.): The MUP use area includes all activities subject to the major use permit including small arms Ranges A, B, and C; instruction and practice facilities including the rappelling tower; ship in a box and urban training house; and, parking areas.

Activities

Owner's Residential Use Area (8.62 ac.): MUP activities are not conducted in this area and allowed uses and structures in the area are permitted and controlled in accordance with zoning regulations. See Section 2.2.1. above for a description of existing uses and structures. Future residential uses and improvements are authorized in accordance with the zoning regulations and do not require a modification or minor deviation to the major use permit.

Dedicated Archaeological and Biological Open Space (48.86 ac.): These areas include archaeological open space easements and biological open space easements to protect and preserve sensitive onsite environmental resources as identified in the technical reports prepared for the project, including the archaeological resources technical report dated Dec. 16, 2008 and the biological resources technical report dated Jan. 2009. Open space easements may be located in any of the four use areas and would be subject to restrictions specified in the respective open space easement documents. The easement areas mitigate for biological and archaeological impacts caused by the major use permit.

Designated Open Space (67.60 ac.): This area is designated as open space under the approved major use permit. Designated open space is to remain in its natural state. No uses authorized under the existing major use permit and no grading or other improvements shall be permitted in this area. Future use of any portion of this area may be permitted upon modification of the major use permit and appropriate environmental review.

~~Refer to Sheet 1 Exhibit 6 of the Major Use Permit Plot Plan for definitions and boundaries of the activity areas listed above.~~

A. ~~Proposed MUP~~ Uses and Structures

The following uses and structures represent both existing and proposed structures that are to remain on site. Existing uses and structures shall continue being utilized in their current capacity and the proposed uses and structures are to be constructed as part of the Major Use Permit activities.

1. Existing Uses and Structures to Remain

- Single Family Dwelling (Existing owner/applicant residence)
- Detached Garage
- Accessory Structure
- Various storage sheds
- 8'X29' Sea Cargo containers (3)
- Caretaker/Security Quarters

2. Proposed Structures

- ~~40'L X 20'W X 45'H Rappel/Climbing Tower, a four-sided steel and wood clad tower used to simulate buildings or cliffs to train for multi-story building entry or cliff rescue. Tower also contains modular climbing holds for rock climbing instruction. See MUP Plot Plan for location.~~

- ~~40'L X 40'W Urban Training House, is a single-story, ballistically safe shoot house constructed of modular steel panels and rubber coated interior walls. Due to the modular construction, the shoot house may be periodically reconfigured to create varying interior scenarios. See MUP Plot Plan for location.~~

- ~~40'L X 24'W X 24'H Ship in a Box, modular steel structure used to train personnel in non-compliant maritime boarding and close quarter encounters. See MUP Plot Plan for location.~~
- ~~8'X20' Sea Cargo containers (7)~~

- Three existing small arms ranges for pistol, rifle, and shotgun. These ranges were previously approved by the Department of Defense in June 2006~~, will be reconstructed as shown on the MUP Plot Plan.~~

3. Proposed Activities

- Target practice/shooting range activities, typical small arms and shotgun target practice will occur on the ranges. ~~An average of eight (8) shooters per range will practice at a time.~~ The maximum numbers of trainees shall be ~~12~~. 30 Allowable weapons will be from 22 caliber to 50 caliber.

- ~~GPS, night vision, map navigation and thermal imaging training, used to train personnel with electronic tracking and mapping devices in both day and nighttime settings. No firearms are used for this type of training.~~

- ~~Unarmed defensive tactics~~

- ~~Escape and evade and survival training, teaches lifesaving tactics necessary to survive hostile circumstances.~~

- ~~Emergency medical evacuation/First Aid training focuses on coordination and facilitation of emergency medical evacuation during catastrophic events.~~

- ~~Urban tactics and training limited to within one 40'L X 40'W urban training house where personnel are instructed on breach entries, defense tactics and maneuverability in confined structures and close quarter skills such as room clearing.~~

- ~~Maritime breach and rescue, close quarter encounter tactical training using a 40'L X 24'W X 24'H Ship in a Box modular structure.~~

- ~~Climbing rappelling tower, training personnel in climbing and rappelling techniques used to gain entry through windows of multi-story structures, rescue and recovery from high angle positions.~~

- No night lighting is proposed with the exception of emergency lighting.

4. Training Size, Frequency and Hours of Operation

Refer to the SAEO for interim training size, frequency and hours of operation. Retain the requirement for a minimum of 1 EMT to be present during instruction/training.

The size and frequency of training classes vary by the specific needs of each agency, although all will be required to adhere to the standards outlined below.

- ~~The Maximum class size is 24 students, plus 6 instructors (Historically, class sizes have averaged 8 students)~~
- ~~A maximum of 2 classes (48 students and 8 instructors) shall be onsite at one time.~~
- A minimum of 1 EMT will be present during instruction/training.
- ~~Training activities will be permitted a maximum of 20 days per month. Training is to occur only on weekdays. Special requests for weekend training will be on a case by case basis and must be of an urgent nature attached to an upcoming operation. Hours of small arms range operations shall be between 8:00a.m. to sunset with the exception of "low light" small arms training which is anticipated not to exceed four (4) training days per month and shall not go beyond 10:00 p.m.~~
- ~~Night training classes and activities are proposed, with the specific exclusion of live fire except as noted above.~~

5. Student and Instructor Method of Arrival/Departure

Vehicular traffic to and from the Covert Canyon Training Facility is limited. Groups of trainees arrive at the facility in car/vanpools or small buses. Estimated trip generation is calculated using the following information:

- Students and instructors car/vanpool to the site, arriving in official vans and small buses, limiting trip traffic.
- For each class, a maximum of six (6) vehicles will arrive at, and depart from the property.

- Total average daily trips are estimated at 25 vehicles/day (max. class/instructor size), plus an additional 15 ADT for the existing residential use totaling 40 ADT for the entire site.

6. Existing Airstrip and Emergency Helicopter Landing Area

The existing FAA approved dirt airstrip, approximately 2,200 feet long is located on the property. The airstrip has approval from the Federal Aviation Administration (FAA) to operate, but is currently closed to fixed wing aircraft.

- The airstrip is restricted to emergency helicopter landings.
- Additional landings by emergency services personnel may be necessary for emergency extraction, fire related duties and evacuation purposes.
- The limited helicopter activity does not meet any of the three use definitions in the Zoning Ordinance relating to helicopters; heliport, helipad, or helispot.

2.3 Environmental Setting

2.3.1 Dates of Site Inspections/Visits Conducted - Two site visits were conducted between the period of September 2008, December 2008 and November 2010, as well as several telephone calls to determine pertinent information.

Site Visit & Purpose	Date
#1 Initial field visit Evaluate project and access road locations	Sept. 19, 2008
#2 Field visit Evaluate vegetation, road conditions, and fire access	Dec 3, 2008
#3 Field review w/CAL FIRE, SD County Fire Authority and applicant	Nov 17, 2010
#4 Site Visit Re-Evaluate Project Site to Comments	Oct 27, 2011

2.3.2 Topography - The project site is located in a small valley surrounded by hilly terrain in a very high fire hazard severity zone approximately thirty (30) miles inland from the ocean. Slopes on the site range from 5% - 20% and slopes adjacent to the site range between 10% and 90%. On-site elevations range from 2650 feet to 2800 feet.

2.3.3 Climate - The climate within the project area is characterized as a Mediterranean type climate with generally mild, wet (16 - 20 inches per year) winters. The bulk of the annual precipitation falls between January and March. Long, hot and very dry summer seasons frequently occur with occasional multi-year droughts.

The most critical wind pattern to the project area is an off-shore wind coming out of the north/northeast, typically referred to as a Santa Ana wind. Such wind conditions are usually associated with strong (> 60-MPH), hot, dry winds with very

low (< 15%) relative humidity. Santa Ana winds originate over the dry desert land and can occur anytime of the year; however, they generally occur in the late fall (September through November) when non-irrigated vegetation is at its lowest moisture content.

The typical prevailing summer time wind pattern is out of the south or southwest. These winds are normally of a much lower velocity (5-15 MPH with occasional gusts to 30-MPH) and associated with higher relative humidity readings (> 30% and frequently more than 60%) due to a moist air on-shore flow from the ocean.

All other (northwest, south, west) wind directions may be occasionally strong and gusty. However, they are generally associated with cooler moist air and have higher relative humidity (> 40%). They are considered a serious wildland fire weather condition when wind speeds reach > 20-MPH.

2.3.4 On and Off Site Vegetation – The project area consists of several native plant communities of which southern mixed chaparral and oak grassland are the predominant vegetation types. Species found in the area include lemonade berry,



Photo #2 – Heavier Chaparral Vegetation on the North and East Sides of the Project.



Photo #3 – Looking Southwest Across the Interior of the Project.

Ceanothus, chamise, manzanita, black sage, laurel sumac, California buckwheat, interior scrub oak live oak, toyon, and native and non-native grasses (see Photo #3). If left undisturbed the natural vegetation in the project area on the north and east facing slopes can be characterized as a Fuel Model 4 (Chaparral with 1 hour fuels of 5 tons/acre and 10 hours fuels of 4 tons/acre).

The interior of the project area, where the Training Center activities are planned, is mostly grass with widely scattered oak trees and shrub species (see Photo # 4). It can be characterized as a Fuel Model gs 2 (Moderate Load Dry Climate Grass/Shrub with 1 hour fuels of .5 tons/acre and 10 hour fuels of .5 tons/acre).

The most notable wildland fire threat to this project is from firebrands and burning embers from highly flammable native and non-native vegetation off-site and along the northern and eastern boundary areas. Direct flame impingement would be possible in areas traversed by the access road.

2.3.5 Fire History - The available data suggests that in the second half of the 20th Century the frequency of small fires increased in southern California while their average size

decreased. In San Diego County this has resulted in an increased rate of burning in low elevation coastal scrubland, especially the coastal sage scrub formation near the urban development areas. It also indicates over 600 fires in the foothills and mountains from 1910-1999. Recently, however, several years of drought have contributed to major fires (in excess of 50,000 acres) that have swept through San Diego County resulting in large losses of property and damaged watershed.

Several large fires burned through the project area prior to 1970. No large fires have burned through the project area since that time but several fires have occurred north of the project since 1992. These were the Loveland Fire in 1992 (shown as green cross-hatched on Figure 1) and the Horse Fire in 2006 (shown as pink cross-hatched on Figure 1). The Loveland Fire burned 2081 acres and the Horse Fire burned 16,677 acres.

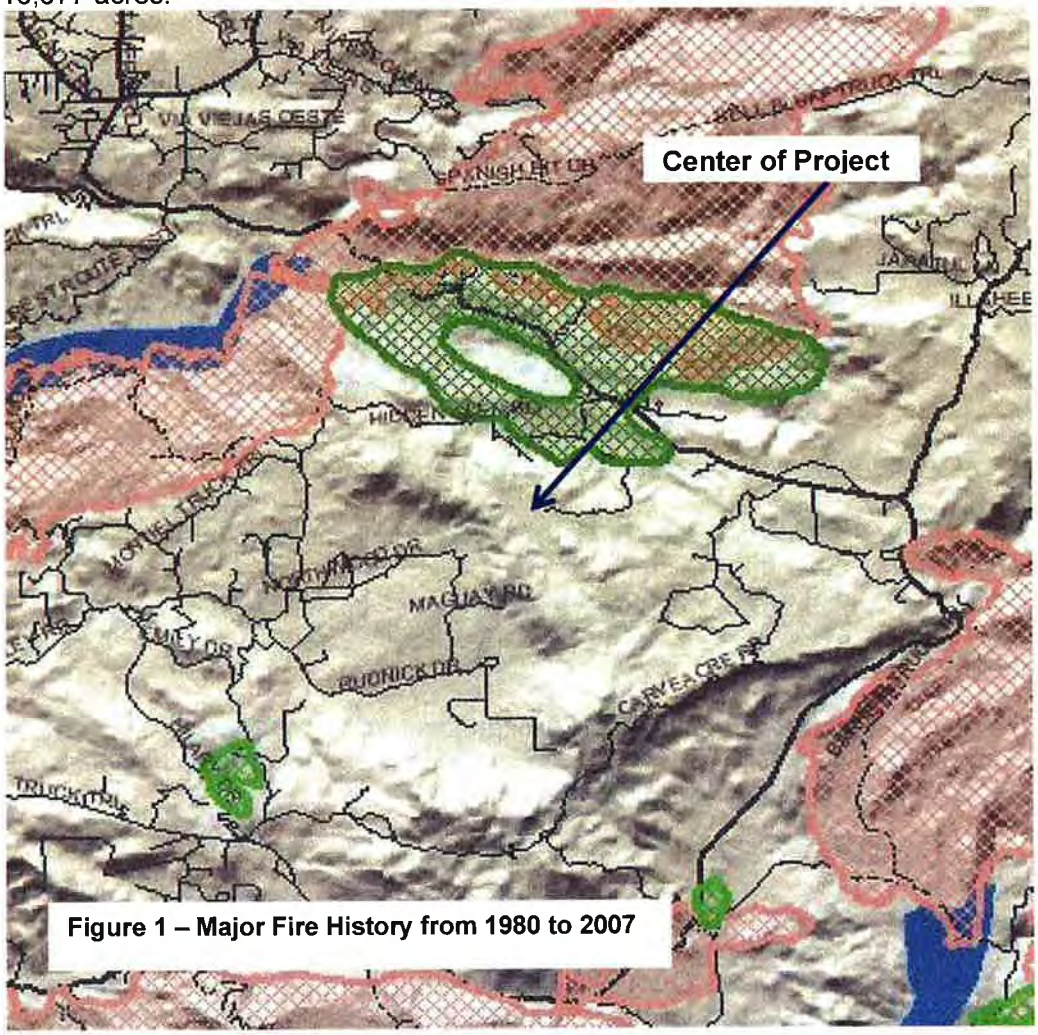

Figure 1 – Major Fire History from 1980 to 2007

2.3.6 On-site and Off-site Land Uses - The existing site is already developed with a single family home, accessory building, several storage buildings. Past usage consisted of training military, local, state and federal law enforcement in the use of weapons. The estimated daily usage will consist of 45 adts. There is no evidence of previous agricultural activity except for possible grazing and the surrounding land is either national forest land or undeveloped except for a 40 acre private parcel that

abuts the northwest boundary and contains another residence that is not a part of this project. The proposed project is strictly private, and is not open to the general public.

There is an existing 2,200 feet long dirt landing strip. The airstrip has approval from the Federal Aviation Administration (FAA) to operate, but is currently closed to fixed-wing aircraft. It is restricted to emergency helicopter landings. The airstrip is maintained and could be used as an emergency landing area for aircraft or for helicopter staging areas during wildfires.

2.3.7 Public and Private Ownership of Land in the Vicinity - The applicant owns all property within the project site. There are existing developed private parcels with residences along the first mile of High Glen Road between Japutal Road and the Cleveland National Forest boundary. These properties are not within the limits of the site. All other properties surrounding the facility are National Forest with the exception of a 40 acre private parcel adjacent to the northwest boundary. A 25-foot private road access easement; Document Number 29790 recorded February 20, 1968, provides access over the project site to this adjacent 40 acres. Although the recorded easement does not specifically define the location of the of the ingress and egress easement, historically the road easement has been located over the existing dirt road that crosses the Covert Canyon property from the east to west. A recent request to improve the special use permit private road access on the National Forest has been submitted to the Cleveland National Forest by the applicant. Should this request be approved, additional road improvements within the permitted special use area could be possible within the scope of the agreement.

3.0 GUIDELINES FOR THE DETERMINATION OF SIGNIFICANCE

A Fire Protection Plan evaluates the potential adverse environmental effects that the Covert Canyon development may have from wildland fire and proposes appropriate mitigations for any adverse impacts to ensure that this development does not unnecessarily expose people or structures to a significant risk of loss, injury or death in regard wildland fire. The following guidelines for the determination of significance are used:

1. Would the project 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?

2. Would the project result in inadequate emergency access?

3. 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 fire protection?

4. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

4.0 ANALYSIS OF PROJECT EFFECTS

The project demonstrates compliance, or offers the 'Alternative Materials, Design and Methods', with applicable fire regulations, including but not limited to the California Fire Code, California Code of Regulations, County Fire Code, or the County Consolidated Fire Code.

The comprehensive Fire Protection Plan and the project design are consistent with the San Diego County DPLU recommendations including fuel modification.

The project meets the emergency response objectives identified in the Public Facilities Element of the County General Plan or provides for a request of the code through modification.

4.1 Adequate Emergency Services

The project site is located within the California Department of Forestry and Fire Protection (CAL FIRE) State Responsibility Area (SRA) lands for wildland fire protection. The U. S. Forest Service is responsible for wildland fire suppression on the National Forest lands surrounding the project. Structural fire protection and emergency services for the project site is provided by the San Diego Rural Fire Protection District (SDRFPD).

The closest fire station is SDRFPD Station #45, located at 9718 River Road in Descanso, approximately eleven and eight tenths (11.8) miles from the project site. Using NFPA Standard 1142 (2007 ed.) Table C1.11 (b) the expected emergency travel time to the project site from this station is estimated at nineteen (19) minutes. The next closest fire station is the CAL FIRE Lyons Valley Fire Station #32 located at 17759 Skyline Truck Trail in Jamul, approximately twelve and one-half (12.5) miles from the project. Estimated response time from this station to the site is approximately twenty (20) minutes according to NFPA Standard 1142 (2007 ed.) Table C1.11 (b). Under either Automatic Aid or the State Mutual Aid Agreement other nearby Fire Departments, the U.S. Forest Service and CAL FIRE will respond to structure fires depending on staffing patterns in the area. The project would not directly result in the expansion of area fire protection services. CAL FIRE (under the SRA Agreement) and the U.S. Forest Service can request other fire departments under Mutual Aid agreement to respond to wildfire events. They are approximately 20 - 30 minutes away from the project site.

4.2 Access Roads and Gates

Major portions of the road are non-code compliant the following descriptive narrative provides detailed constraints that exist along the roadway. The narrative includes discussion of the Zoning which directly effects project dead-end road length.

4.2.1 Existing Access Conditions:

The project site is located on and at the terminus of High Glen Road, a private road. High Glen Road is accessed by public roads from Interstate 8 via the Tavern Road exit, continuing approximately 2.5 miles south to Japatul Road, and then 4 miles further southwest on Japatul Road to High Glen Road.

From its intersection with Japatul Road, High Glen Road southerly to the project site is a graded, dirt road, 1.90 miles in length and traverses both privately-owned land and public lands. The graded width of the travel way varies from 11.0 feet to as wide as 27.0 feet, with additional graded swales of varying width for drainage. Access

rights for the Project over the segment of private ownership, which separates two segments of public land within the Cleveland National Forest, is by a 20-foot wide road easement for a length of approximately 0.66 mile. Access rights to the owner/applicant of the Project over the public lands segments is by a Special Use Permit issued by the Cleveland National Forest that provides for a 14-foot wide road over 1.22 miles. **Exhibit 1 Roadway Aerial View** shows the alignment and location of High Glen Road over the two public lands segments, separated by the one private ownership segment. Refer to the **Road Data Table, Section 4.2.2**, for widths, constraints and proposed mitigation.

High Glen Road traverses lands characterized by open space on the two Cleveland National Forest segments and very low residential density, agricultural uses, and large parcel sizes ranging from 20 acres to 80 acres in the private ownership segment. In the private ownership segment, eight parcels take access from the road including the two legal parcels that compose the project site. Nine residences are located on the eight private parcels, including the applicant's residence on the project site. Five of the eight privately owned parcels are shown on assessor's records to be under agricultural preserve contract, including one parcel of the project site. **Exhibit 2, Zoning and Exhibit 3, Land Use Designation** delineate the existing zoning and general plan land use designation of all parcels along the alignment of High Glen Road.

The combination of the land use designation and zoning precludes further subdivision of any of the parcels to create additional parcels and additional residential units. In addition, the effective result of the combination of land use designation, zoning, and agricultural preserve contract limits potential residential development at a density well below one dwelling unit per 40 acres.

The following table summarizes by Assessor Parcel Number the existing parcel size, ownership, general plan land use designation, zoning, and whether an agricultural preserve contract is in place for the parcels that access High Glen Road.

APN	Ownership	Existing Parcel Size	Land Use Designation	Zoning	Ag. Preserve Contract
522-070-03	Project	40.0 ac	RL -40	A72 (8)	No
521-130-05	Project	38.5 ac	RL -40	A72 (40)	No
521-130-07	Project	40.0 ac	RL -40	A72 (40)	No
521-130-08	Project	40.0 ac	RL -40	A72(40)	Yes
521-130-06	Private	40.0 ac	RL-40	A72(40)	Yes
521-130-04	Private	20.0 ac	RL-40	A72(8)	Yes
523-130-09	Public	312.6 ac	National Forest and State Parks	A72(40)	No
523-130-08	Private	81.0 ac	RL-40	A72(40)	Yes
524-010-01	Private	40.4 ac	RL-40	A72(8)	No
524-010-02	Private	80.0 ac	RL-40	A72(8)	No
524-010-08	Public	490.7 ac	National Forest and State Parks	A72-(8)	No
524-061-03	Private	41.5 ac	RL-40	A72(40)	Yes

Note: Project Assessors Parcels 522-070-03, 521-130-05 and 07 constitute one of two legal parcels that comprise the project site.

Each of the two segments of High Glen Road over Cleveland National Forest land and the privately-owned segment are described in further detail below. Refer to **Exhibit 4 High Glen Road** which shows the alignment and features along High Glen Road by road station from Japatul Valley Road to the Project site.

Segment 1 - High Glen Road from Japatul Road Southerly 1,150 Feet (to Station 11 + 50)

The first segment of High Glen road traverses approximately1150 feet through the Cleveland National Forest (CNF) and is authorized by the Special Use Permit from the CNF that provides for a 14-foot roadway width. As indicated on Sheet 1 of Exhibit 4 the existing graded travel way varies from 17.5 feet to 27 .0 feet wide, plus additional graded width on the sides for drainage swales. The road grade varies from 10% to 14%. The road surface is in good condition and the road has been recently re-graded and re-surfaced with disintegrated granite by SDG&E. The road edges are lined with brush on both the up-hill side and down-hill side of the road. Most of the road is lined by either a steep cut bank on the up- hill side and a falling slope of 2:1 on the down-hill side, except for flat areas on both sides near Japatul Road. There are no trees or brush that restrict overhead clearance.

Segment 2 –From Segment 1, southerly 3,500 Feet to Station 46 + 50

The second segment of High Glen Road traverses approximately 3,500 across privately owned land, providing access to six existing parcels, containing seven residences. As indicated on Sheets 1 and 2 of Exhibit 4 the dirt road has a graded width that varies from 11 feet wide to 20 feet wide within a road easement of 20 feet wide, with a majority of the roadway between 13 to 16 feet wide. Road grades along this segment are generally flat to slightly sloping (under 10%), except for one area at the northerly portion near the end of Segment 1 where grades range from 13% to 17.5% for approximately 300 feet. The road surface is good and well maintained over most of this road segment.

Road edges are generally flat, except for a berm along one edge for 200 feet between stations 33 + 00 to 35 + 00 and where the road crosses a culvert over a small drainage at Station 27 +00. Concrete headwalls line the edge of the roadway at this location. Except as noted, the road edge conditions generally pose no constraint to additional widening to the allowed easement width of 20 feet.

Trees along the roadway are limited to the culvert crossing. These have been trimmed and do not limit overhead clearance.

Segment 3 –From Segment 2, southerly 5,320 Feet to Project Boundary (Station 99 + 70)

The third segment of High Glen road traverses 5,320 feet through the Cleveland National Forest (CNF) and is authorized by the Special Use Permit from the CNF that provides for a 14-foot wide road access. This segment starts at a gate (lower gate) installed and owned by the Project Applicant and traverses the CNF property to the boundary of the project site, where another gate is located. In addition to the Project with its existing residence, this segment provides access to one additional parcel with a residence to the northwest of the Project, for a total of two of the nine residences that utilize High Glen Road for access.

As indicated on Sheet 3 of Exhibit 4 the dirt road has a graded width that varies from 13 feet to 28 feet wide, with additional graded width provided along the sides of the roadway for drainage swales. The predominate graded road width is approximately 16 feet. There are several areas along the road where graded width widens to 19 feet and greater. Road grades vary from virtually flat to 23%. The predominate grade is approximately 15% over large portions of this segment. Two sections, each

approximately 200 feet long, are 21% to 23%, located at Station 60 + 50 to 62 + 50 and Station 97 + 50 to 99 + 50.
As shown on Sheet 3 of Exhibit 4 much of the road edges are lined with brush on both the up-hill side and down-hill side of the road. The road is lined by steep cut banks on the up- hill side with down-slopes, as steep as 1:1 on the downhill side. Boulders line several locations along the roadway. There are no trees or brush that restrict overhead clearance.
The steep up-hill and down-hill slopes and boulders preclude additional widening along much of the road.

4.2.2 Proposed Road Access Improvements

Both topographic and right-of-way constraints restrict the Applicant's ability to widen and improve much of the High Glen Road access to meet emergency and fire access standards customarily applied to development projects. However, given the low intensity and transitory nature of the training activities proposed by the project, and the number and nature of the participants that will participate in the training activities, the following ~~four~~ three areas of roadway improvements are proposed to improve emergency access commensurate to the level of increased use of the road and threat to participants resulting from the proposed use. The ~~four~~ three areas are: ~~1) Graded improvement width and surfacing;~~ 2) Turnarounds and Turnouts; 3) Signage; and 4) Brush Management. These improvements, while providing safer conditions for the Project's training participants, will also greatly enhance emergency access conditions for all of the residents along High Glen Road, particularly to residences at the end of High Glen Road. These road improvements vary between the three road segments as previously identified. Refer to **Exhibit 4, High Glen Road by Segment**, that details existing road conditions by road section and **Exhibit 5, High Glen Road-Turnaround, Turnout & Signage Locations** that provide all of the turnaround, turnout and signage locations.

The SAEO does not require right of way, graded width and surfacing requirements on the three segments of roadway.

~~**Right-of-Way, Graded Improvement Width and Surfacing**~~

~~The following improvements are proposed that widen the graded width and improve the surfacing of the travel way along High Glen Road. The level of improvements differ by road segment as previously identified in the existing conditions discussion, depending upon available right-of-way, topography, and other conditions. Turnarounds, turnouts and signage are provided in part as mitigation, together with other project features, for sections along the road where road width and grade can not be improved to meet fire access standards due to constraining topographic or right-of-way conditions.~~

~~The Road Data Table provided for each segment below identifies where widening and surfacing will occur and where specific turnaround or turnout locations are to be located, that when coupled with signage and enhanced surfacing, provide for mitigation for the roadway condition, commensurate with the characteristics and intensity of the use proposed by the project. NC indicates that no change is proposed in graded road width, S & R indicates sheer and rocky, N/A indicates not applicable, and N indicates no mitigation required.~~

Segment 1

~~No additional widening beyond current conditions for the graded width is proposed in Segment 1. However, it is proposed that the existing Special Use Permit be modified to increase the right-of-way width from 14 feet as currently specified in the Special Use Permit to match the existing graded width. This would entail an increase from~~

~~14 feet to the existing widths ranging from 17.5 feet to 27 feet as delineated in Exhibit 4, Sheet 1.~~
~~The road surface would be improved by application of a non-toxic, biodegradable binding agent, such as Poly Pavement or equivalent, to the existing DG road surface to all portions of the road over 15% grade.~~

One turnout location with signage as indicated in the Road Data Table is proposed and is further discussed in the appropriate section below.

ROAD DATA TABLE – SEGMENT 1

STA.	EXIST. ROAD WIDTH	PROP. GRADED ROAD WIDTH	Bank Obstruction LEFT	Bank Obstruction RIGHT	Mitigation Required	Mitigation
0+00	+80'	NC	N/A - FLAT	N/A - FLAT	N	
1+00	19.0'	NC	N/A - FLAT	3:1 RISING SLOPE	N	
2+00	22.0'	NC	N/A - FLAT	3:1 RISING SLOPE	N	
3+00	24.0'	NC	N/A - FLAT	3:1 RISING SLOPE	N	
4+00	27.0'	NC	N/A - FLAT	N/A - FLAT	N	
4+50			--			TURNOUT #1
5+00	26.0'	NC	S&R CUT SLOPE	3:1 FALLING SLOPE	N	
6+00	21.0'	NC	S&R CUT SLOPE	2:1 FALLING SLOPE	N	
7+00	22.0'	NC	S&R CUT SLOPE	2:1 FALLING SLOPE	N	
8+00	20.0'	NC	S&R CUT SLOPE	2:1 FALLING SLOPE	N	
9+00	21.5'	NC	S&R CUT SLOPE	2:1 FALLING SLOPE	N	
10+00	20.0'	NC	S&R CUT SLOPE	2:1 FALLING SLOPE	N	
11+00	20.5'	NC	S&R CUT SLOPE	3:1 FALLING SLOPE	N	

Segment 2

~~The graded width in Segment 2 would be widened to 20 feet, less necessary side slopes to keep all grading within the 20-foot wide private road easement. Travel way width at the culvert in the drainage crossing would be maintained as is however.~~
~~The road surface would be improved by application of a non-toxic, biodegradable binding agent, such as Poly Pavement or equivalent, to the existing DG road surface at all portions of the road over 15% grade.~~

~~Three~~ Two turnarounds ~~and one turnout with signage~~ are ~~also~~ proposed as mitigation and locations are identified in the Road Data Table. These are discussed further in the appropriate section below.

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

ROAD DATA TABLE – SEGMENT 2

STA.	EXIST. ROAD WIDTH	PROP. GRADED ROAD WIDTH	Bank Obstruction LEFT	Bank Obstruction RIGHT	Condition Requiring Mitigation	Mitigation
12+00	24.5'	NC	S&R CUT SLOPE	FLAT - ROCKS	N	
13+00	19.5'	NC	1:1 CUT SLOPE	3:1 CUT SLOPE	N	
14+00	17.5'	NC	1:1 CUT SLOPE	2:1 CUT SLOPE	N	
15+00	23.0'	NC	N/A- FLAT	N/A - FLAT	N	
16+00	36.0'	NC	N/A- FLAT	N/A - FLAT	N	
16+50	--	--	--	--		~~TURNAROUND #1~~
17+00	13.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
18+00	11.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
19+00	11.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
20+00	11.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
21+00	13.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
22+00	13.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
23+00	15.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
24+00	13.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
25+00	14.0'	~~20.0'~~ NC	N/A- FLAT	BOULDERS - FLAT	N	
26+00	20.0'	**	N/A- FLAT	N/A - FLAT	N	
26+50	--	--	--	--		TURNAROUND #2
27+00	11.0'	NC	CULVERT CROSSING*	CULVERT CROSSING*	Road width	
28+00	17.5'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
28+50	--	--	--	--		~~TURNOUT #2~~
29+00	12.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
30+00	14.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
31+00	15.0'	~~20.0'~~ NC	N/A- FLAT	3' BERM	N	
32+00	16.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
33+00	12.0'	~~20.0'~~ NC	N/A- FLAT	8' BERM	N	
34+00	14.0'	~~20.0'~~ NC	N/A- FLAT	8' BERM	N	
35+00	13.0'	~~20.0'~~ NC	N/A- FLAT	8' BERM	N	
36+00	13.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
37+00	18.0'	~~20.0'~~ NC	N/A- FLAT	N/A - FLAT	N	
38+00	13.0'	~~20.0'~~ NC	N/A - FLAT	N/A - FLAT	N	
39+00	14.0'	~~20.0'~~ NC	N/A - FLAT	N/A - FLAT	N	
40+00	15.0'	~~20.0'~~ NC	N/A - FLAT	N/A - FLAT	N	
41+00	15.5'	~~18.0'~~ NC	SLOPE	N/A - FLAT	Road width	
42+00	12.0'	~~20.0'~~ NC	N/A - FLAT	N/A - FLAT	N	
43+00	12.0'	~~20.0'~~ NC	N/A - FLAT	N/A - FLAT	N	

STA.	EXIST. ROAD WIDTH	PROP. GRADED ROAD WIDTH	Bank Obstruction LEFT	Bank Obstruction RIGHT	Condition Requiring Mitigation	Mitigation
43+50	--	--	--	--		TURNAROUND #3
44+00	11.0'	~~12.0'~~ NC	N/A - FLAT	POND	Road width	
45+00	14.0'	NC	12' BERM	POND	Road width	
46+00	15.5'	NC	N/A - FLAT	POND	Road width	

Segment 3

~~In Segment 3, the graded width of the road will remain as it exists except as necessary to provide a travel way width of 16 feet. The existing Special Use Permit will be modified to increase the right of way width from 14 feet as currently specified to a minimum of 16 feet or larger to match the existing graded width, up to 28 feet wide as delineated in Exhibit 4, Sheet 3. Additional width to accommodate proposed turnarounds and turnouts will also be provided.~~

~~Surfacing on road grades in excess of 20% shall be improved with compacted road base material composed of three quarter inch crushed aggregate and disintegrated granite coupled with an application of a non toxic, biodegradable binding agent, such as Poly Pavement or equivalent, and contained by a redwood header or equivalent border. Grades over 15% shall be also be improved with the application of the binding agent.~~

Four turnarounds and three turnouts with signage are proposed. These are discussed in the appropriate section below.

ROAD DATA TABLE – SEGMENT 3

STA.	EXIST. ROAD WIDTH	PROP. GRADED ROAD WIDTH	Bank Obstruction LEFT	Bank Obstruction RIGHT	Condition Requiring Mitigation	Mitigation
47+00	18.0'	NC	N/A - FLAT	N/A - FLAT	Road width	
47+00	--	--	--	--		TURNOUT #3
48+00	15.0'	~~16.0'~~ NC	N/A - FLAT	N/A - FLAT	Road width	
49+00	13.0'	~~16.0'~~ NC	N/A - FLAT	N/A - FLAT	Road width	
50+00	12.0'	~~16.0'~~ NC	N/A - FLAT	N/A - FLAT	Road width	
51+00	13.0'	~~16.0'~~ NC	N/A - FLAT	N/A - FLAT	Road width	
52+00	16.0'	NC	N/A - FLAT	N/A - FLAT	Road width	
53+00	25.0'	NC	N/A - FLAT	N/A - FLAT	N	
53+00	--	--	--	--		TURNAROUND #4
54+00	20.0'	NC	3:1 RISING SLOPE	4:1 FALLING SLOPE	N	
55+00	16.5'	NC	S&R CUT SLOPE	4:1 FALLING SLOPE	Road width	
56+00	19.0'	20 NC	3:1 RISING SLOPE	S&R CUT SLOPE	N	

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

STA.	EXIST. ROAD WIDTH	PROP. GRADED ROAD WIDTH	Bank Obstruction LEFT	Bank Obstruction RIGHT	Condition Requiring Mitigation	Mitigation
57+00	28.0'	NC	4:1 RISING SLOPE	1:1 FALLING SLOPE	N	
57+00	--	--	--	--		TURNAROUND #5
58+00	24.0'	NC	3:1 RISING SLOPE	1:1 RISING SLOPE	N	
59+00	21.0'	NC	1:1 FALLING SLOPE	S&R CUT SLOPE	N	
60+00	15.0'	~~16.0'~~ NC	1:1 FALLING SLOPE	S&R CUT SLOPE	21% to 23% grade & Road width	Enhanced surfacing
61+00	16.0'	NC	1:1 FALLING SLOPE	S&R CUT SLOPE	21% to 23% grade & Road width	Enhanced surfacing
62+00	19.5'	NC	1:1 FALLING SLOPE	S&R CUT SLOPE	21% to 23% grade	Enhanced surfacing
63+00	17.0'	NC	1:1 FALLING SLOPE	S&R CUT SLOPE	Road width	
64+00	16.5'	NC	1:1 FALLING SLOPE	S&R CUT SLOPE	Road width	
65+00	17.5'	NC	1:1 FALLING SLOPE	1:1 RISING SLOPE	Road width	
66+00	19.0'	NC	1:1 FALLING SLOPE	S&R CUT SLOPE	Road width	
67+00	16.0'	NC	1:1 FALLING SLOPE	4:1 RISING SLOPE	Road width	
68+00	19.5'	NC	N/A- FLAT	S&R CUT SLOPE	Road width	
69+00	18.5'	NC	5:1 RISING SLOPE	N/A - FLAT	Road width	
70+00	27.5'	NC	2:1 FALLING SLOPE	S&R CUT SLOPE	N	
70+00	--	--	--	--		TURNOUT #4
71+00	16.5'	NC	2:1 RISING SLOPE	3:1 RISING SLOPE	Road width	
72+00	19.0'	NC	S&R CUT SLOPE	N/A - FLAT	Road width	
73+00	15.5'	~~16'~~ NC	BOULDERS - FLAT	2:1 FALLING SLOPE	Road width	
74+00	17.0'	NC	1:1 RISING SLOPE	5:1 FALLING SLOPE	Road width	
75+00	15.5'	~~16'~~ NC	1:1 RISING SLOPE	2:1 FALLING SLOPE	Road width	
76+00	16.5'	NC	S&R CUT SLOPE	3:1 FALLING SLOPE	Road width	
77+00	18.0'	NC	2:1 RISING SLOPE	2:1 FALLING SLOPE	Road width	

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

STA.	EXIST. ROAD WIDTH	PROP. GRADED ROAD WIDTH	Bank Obstruction LEFT	Bank Obstruction RIGHT	Condition Requiring Mitigation	Mitigation
78+00	13.0'	~~16~~ NC	3:1 RISING SLOPE	5:1 FALLING SLOPE	Road width	
79+00	16.0'	NC	BOULDERS - FLAT	N/A - FLAT	Road width	
80+00	15.5'	~~16.0'~~ NC	1:1 FALLING SLOPE	3:1 FALLING SLOPE	Road width	
81+00	16.0'	NC	1:1 FALLING SLOPE	1:1 FALLING SLOPE	Road width	
82+00	19.5'	NC	3:1 RISING SLOPE	3:1 FALLING SLOPE	Road width	
82+50	--	--	--	--	--	TURNAROUND #6
83+00	21.0'	NC	1:1 RISING SLOPE	1:1 FALLING SLOPE	N	
84+00	15.0'	~~16.0'~~ NC	1:1 RISING SLOPE	1:1 FALLING SLOPE	Road width	
85+00	15.0'	~~16.0'~~ NC	1:1 RISING SLOPE	1:1 FALLING SLOPE	Road width	
86+00	15.0'	~~16.0'~~ NC	1:1 RISING SLOPE	1:1 FALLING SLOPE	Road width	
87+00	13.5'	~~16.0'~~ NC	1:1 RISING SLOPE	1:1 FALLING SLOPE	Road width	
88+00	14.5'	~~16.0'~~ NC	1:1 RISING SLOPE	1:1 FALLING SLOPE	Road width	
89+00	20.0'	NC	1:1 RISING SLOPE	N/A - FLAT	N	
89+50	--	--	--	--		TURNOUT #5
90+00	14.5'	~~16.0'~~ NC	1:1 RISING SLOPE	3:1 FALLING SLOPE	Road width	
91+00	14.0'	~~16.0'~~ NC	N/A - FLAT	1:1 FALLING SLOPE	Road width	
92+00	16.0'	NC	4:1 RISING SLOPE	ROCKS - FLAT	Road width	
93+00	18.0'	NC	S&R CUT SLOPE	5:1 FALLING SLOPE	Road width	
94+00	16.0'	NC	S&R CUT SLOPE	N/A - FLAT	Road width	
95+00	17.0'	NC	3:1 RISING SLOPE	1:1 FALLING SLOPE	Road width	

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

STA.	EXIST. ROAD WIDTH	PROP. GRADED ROAD WIDTH	Bank Obstruction LEFT	Bank Obstruction RIGHT	Condition Requiring Mitigation	Mitigation
96+00	18.5'	NC	2:1 FALLING SLOPE	1:1 RISING SLOPE	Road width	
96+00	--	--	--	--	Road width	TURNAROUND #7
97+00	16.5'	NC	1:1 FALLING SLOPE	S&R CUT SLOPE	21% to 23% grade & Road width	Enhanced surfacing
98+00	15.5'	~~16.0'~~ NC	1:1 RISING SLOPE	1:1 RISING SLOPE	21% to 23% grade & Road width	Enhanced surfacing
99+00	19.0'	NC	N/A - FLAT	3:1 FALLING SLOPE	21% to 23% grade & Road width	Enhanced surfacing
99+90	+30'	NC	GATE	GATE		

Turnarounds and Turnouts

To reduce the potential for vehicular traffic blocking or otherwise delaying a response by emergency equipment and personnel and to improve the capacity of High Glen Road during potential evacuations, road turnouts and turnarounds are proposed six along the length of the road. These are provided, in-part with other project measures, as mitigation for non-compliant sections of the road. A total of ~~seven~~ turnarounds and ~~five~~ four turnouts are proposed. The locations of the turnarounds and turnouts are shown on the Data Table above for each road segment and described below. The locations were selected close to constrained sections along the road where topographic conditions allowed. Exhibit 5 is an aerial photo that shows all of the locations of the turnarounds and turnouts along High Glen Road.

Travelers along the road would be advised of the locations of the turnouts and turnarounds by signage placed at appropriate intervals along the road. Signage content and locations are discussed further under Signage that follows.

Segment 1

One turnout would be provided on Segment 1 at the wide point in the turn in the road at Station 4 + 50, 450 feet southerly of Japatul Road.

Two

Segment 2

~~Three~~ turnarounds ~~and one turnout~~ are proposed along Segment 2. These are proposed at wider locations along the road where driveways or road easements intersect High Glen Road. The locations of these are: ~~Station 16 + 50~~; Station 26 + 50; ~~28 + 50,~~ and Station 43 + 50.

Segment 3

Four turnarounds and three turnouts are proposed along Segment 3, spaced at roughly equal distances of approximately 1,400 feet apart. These are located at: Station 53 + 00 (lower gate); Station 57 + 00; Station 70 + 00; Station 82 + 50; 89 +50, and Station 96 + 00.

Signage

Signs that inform drivers of turnouts or turnarounds ahead will be installed along the High Glen Road, approximately 300 feet in each direction from a turnout or turnaround. In addition, a sign will be located on High Glen Road, just south of its intersection with Japatul Road that will advise drivers about High Glen Road and its

length, width, grade, and the presence of turnarounds along the road. Refer to Exhibit 5 for these locations. Signage will conform to San Diego Design Standards in size and lettering.

Suggested wording, which will be finalized with the fire official and the Cleveland National Forest, is: "Caution – Be advised High Glen Road is a private road with intermittent steep grades and a narrow travel way. Maintain a safe speed at all times. Designated turnarounds and turnouts are located at regular intervals. Use designated turnarounds and turnouts to yield to emergency vehicles or on-coming traffic where necessary."

Roadway Brush Management/Maintenance

Brush shall be thinned along each side of High Glen Road in accordance with County Fire Regulations or as specified by the Fire Official Having Jurisdiction.

Road ways will be maintained with ~~20~~ 15 foot of maintenance ~~in those areas that are not federal lands. Federal lands shall be maintained with 15 ft of roadside maintenance~~.

Gating Requirements

Covert Canyon gate (station 99+90 Exhibit 4) will be replaced with a solar powered automatic gate 25 feet in width. The Gate at station 53+50 Exhibit 4 is on U.S. Forest Service lands and will remain as constructed. The existing gates plus any future gates that may be installed must be equipped with an approved padlock or "Knox" key box ("Knox" padlock, or "Knox" weather resistant lock box, for use with a "Knox" sub-master key) or "Knox" box electronic access system. If an electronic access system is installed it must be equipped with approved emergency key-operated switches overriding all command functions and opening the gate(s). Upon activation of the key switch, the gate (egress and ingress) shall open and remain open until returned to normal operation by means of the key switch. The key switch shall be readily visible and unobstructed. The "Knox" box must be placed in a conspicuous location and clearly labeled with a permanent red sign with not less than ½" contrasting letters reading "FIRE DEPT" or with a "Knox" decal. Installed electronic access system devices must be approved by the San Diego County Fire Marshal, which will activate the gate on the approach of emergency apparatus with a battery back-up or manual mechanical disconnect in case of power failure. Automatic gates shall allow egress without the use of codes or remote devices (e.g., the use of pressure pads, metal detection or infrared sensors).

4.3 Water Supply

The project obtains its water supply from two onsite wells: one for landscape irrigation and the other supplying a 10,000-gallon water tank providing domestic water supply and fire suppression. The owners shall be required to store 10,000 gallons of water dedicated for fire protection as per Table No.903.3.2 from the San Diego County Consolidated Fire Code. ~~An additional 10,000 gallons of water will be stored in the vicinity of the small arms range.~~ When exposure distance is one hundred feet (100') or less from adjacent property, an increase in water storage may be required by the County Fire Marshal.

During the interim use allowed by the SAEO Covert Canyon will provide a mobile, 500 gallon water tank in the vicinity of the small arms range.

TABLE NO. 903.3.2.			
Building Square Feet	Gallons Per Minute Water Flow	Capacity Gallons	Duration Minutes
Up to 1,500 Over 1,500	250 250	5,000 10,000	20 40

1. Tank elevation shall be equal to or higher than the fire department connection on the premises. Regardless of domestic use, all tanks shall be equipped with a device that will ensure that the tank contains the designated amount of water for fire flow duration as determined by the fire department. Tank size may be increased to serve multiple structures on a single parcel.

2. Supply outlet shall be at least 4 inches in diameter from the base of the tank to the point of outlet at the fire department connection. The fire department connection shall be at least one 4-inch National Standard thread (male). Additional outlets may be required.

3. Location of fire department outlet to be determined on the plot plan when submitted to the fire department. Consideration will be given to topography, elevations, and distance from structures, driveway access, prevailing winds, etc.

4. The outlet/fire department connection shall be located along an access roadway and shall not be closer than 50 feet or further than 150 feet from residential structures.

5. All exposed tank supply pipes shall be of an alloy or other material listed for above ground use. Adequate support shall be provided.

6. Water storage tanks shall be constructed from materials approved by the Fire Marshal and installed per manufacturer recommendations.

7. The Fire Marshal may require any necessary information to be submitted on a plot plan for approval.

8. Vessels previously used for products other than water shall not be permitted.

4.4 Ignition Resistant Construction and Fire Protection Systems

There are no new habitable structures proposed.

***FIREWISE* 2000, Inc.**, conducted an on-site exterior analysis of shooting ranges, storage and occupied structure to determine any deficiencies on or around the existing structures that are vulnerable to embers from nearby wildfires. The owner's residence, Building A-1 Command Post/Administrative Services, and hanger do not meet the current Consolidated County Fire Code and would be vulnerable to embers. It should also be noted that the owner's residence included interior fire sprinklers. However, a storage building located 90 feet from Building A-1 Administrative Services/Command Post has numerous fire code deficiencies and shall be retrofitted or removed to meet current ignition resistant fire code (California Building Code-Chapter 7A) requirements. Building A-1 will be upgraded to meet current code requirements as well.

4.5 Defensible Space and Vegetation Management

4.5.1 Off-site Fire Hazard and Risk Assessment - Covert Canyon is located in a very high fire hazard severity zone approximately thirty (30) miles inland from the ocean. The project is surrounded by national forest and one private 40 acre developed parcel. A notable wildland fire threat will come from a wildland fire burning in the off-site highly flammable native and non-native vegetation north and east of this proposed project. This is undeveloped national forest land and the greatest threat to this project will be firebrands carried a long distance (one mile or more) by fire drafts or strong winds.

4.5.2 On-site Fire Hazard and Risk Assessment - At the date of this plan most of the vegetation north the project area burned in the 1992 Loveland Fire and 2002 Horse Fire. The area has re-vegetated and, if left undisturbed by natural events or without any fire hazard abatement practices, the project area's vegetation would again become a mature chaparral/Coastal Sage Scrub community.

The mixed chaparral, characterized as a Fuel Model FM 4 – Chaparral, will be of the most concern for the project area during a worst case scenario northeastern wind pattern (Santa Ana) with hot dry wind speeds that could reach 60 MPH. These conditions would be similar to what was experienced for the more recent Harris Fire. In this vegetation type, a high percentage of the vegetation would have an abundance of dead material. This is especially true of the black sage and sumac plants. This is due to the effects of the local Mediterranean climate where warm wet winters promote new growth, and long, hot and very dry summer seasons sometimes occur. Occasionally, multi-year droughts cause significant parts of these plants to die back. All of these plants are adapted to the intense wildfires that they need for species regeneration.

In summary, any wind or topography driven wildfire burning under a northeast (*Santa Ana*) wind pattern creates a very high wildland fire hazard, especially for wildland fires starting northeast of the development. However, the proposed fuel modification treatments will mitigate the potential loss of structures to less than significant levels due to direct fire impingement or radiant heat around the perimeter of the structures.

The on-site wildland fire threat from this native vegetation can be mitigated within the development with the required fuel modification and utilization of "*firewise*" landscaping criteria.

4.6 Vegetative Fuel Assessment

The minute-by-minute movement of a wildland fire will probably never be totally predictable–certainly not from weather conditions forecast many hours before the fire. Nevertheless, practice and experienced judgment in assessing the fire environment coupled with a systematic method of calculating fire behavior yields surprisingly good results (Rothermel 1983).

The BehavePlus Fire Modeling System has been used to predict the wildland fire behavior (rate-of-spread, fireline intensity and flame length) for the northeastern and southwestern boundary vegetative fuels. The BEHAVE: Fire Behavior Prediction and Fuel Modeling System–Burn Subsystem, Part 1 by Patricia L. Andrews, is one of the

best systematic methods for predicting wildland fire behavior. The BEHAVE fire behavior computer modeling system was developed by USDA–Forest Service research scientists at the Intermountain Forest Fire Laboratory, Missoula, Montana, and is utilized by wildland fire experts nationwide. Since the model was designed to predict the spread of a fire, the fire model describes the fire behavior only within the flaming front. The primary driving force in the fire behavior calculations is the dead fuel less than one-fourth inch in diameter; these are the fine fuels that carry the fire. Fuels larger than three (3") inches in diameter are not included in the calculations at all (Andrews 1986)".

BehavePlus, Version 3.0.2, is an updated and enhanced form of the BEHAVE System. The BEHAVE fire model describes a wildfire spreading through surface fuels, which are the burnable materials within six (6') feet of the ground and contiguous to the ground. Regardless of the limitations expressed, experienced wildland fire managers can use the BEHAVE modeling system to project the expected fire intensity, rate-of-spread and flame lengths with a reasonable degree of certainty for use in fire protection planning purposes.

The ***FIREWISE* 2000, Inc.** evaluation team used the computer based BEHAVE Plus 3.0.2 Fire Behavior Prediction Model to make the fire behavior assessments and projections for the hazardous vegetative fuels on the areas in proximity to the existing structures in Covert Canyon (see APPENDIX 'C' for actual calculations). The projections are based on scenarios that are "worst case" San Diego County fire assumptions.

Two (2) fire scenarios are presented based on "worst case" fire weather assumptions for the project area, and one (1) fire scenarios based on "typical" fire weather projections for comparison. Each fire scenario displays the expected Rate of Fire Spread (expressed in feet per minute), Fireline Intensity (expressed in British Thermal Units per foot per second) and Flame Length (expressed in feet) for two (2) separate BEHAVE Plus predications: one for the untreated fuels, and one for the treated fuels for the two worst case scenarios following the completion of the required fuel modification work. The tables also include the calculation inputs used in the BEHAVE Plus program which were obtained from project site observations and fuel levels typically observed during the local fire season.

Table 4.6.1
Fire Scenario # 1 – Fire Approaching from the North and East
(Late Fire Season With 60 MPH North, Northeast And East Wind Conditions)

Fire Behavior Calculation Input Data	Anticipated Fuel Moistures
• 20 percent slope • 60 mph 20-foot wind speed • 65° aspect from north • 45° wind direction from north	* 1-Hour Fine Fuel Moisture of.....2% * 10-Hour Fuel Moisture of.....3% * 100-Hour Fuel Moisture of.....5% * Live Herbaceous Fuel Moisture of.....30% * Live Woody Fuel Moisture of.....50%

Expected Fire Behavior Fuel Model 4 – Chaparral
Rate of Spread - 2,028 feet/minute
Fireline Intensity - 116,611 BTU's/foot/second
Flame Length - 96.4 feet in length

Expected Fire Behavior in Treated Fuels Combined Fuel Model - [tl6 – Very High Load Broadleaf Litter 50% and gs1 - Short, Sparse Dry Climate Grass 50%]
Rate of Spread - 209 feet/minute
Fireline Intensity - 1,535 BTU's/foot/second
Flame Length - 13.1 feet in length

Table 4.6.2
Fire Scenario # 2 – Fire Approaching from the South and West
(Late Fire Season With Above Average 30 MPH South, West and Southwest Wind Conditions)

Fire Behavior Calculation Input Data	Anticipated Fuel Moistures
• 15 percent slope • 30 mph 20-foot wind speed • 180° aspect from north • 225° wind direction from north	* 1-Hour Fine Fuel Moisture of .....2% * 10-Hour Fuel Moisture of.....3% * 100-Hour Fuel Moisture of .....5% * Live Herbaceous Fuel Moisture of.....30% * Live Woody Fuel Moisture of.....60%

Expected Fire Behavior Combined Fuel Model gs2 -
Rate of Spread - 107 feet/minute
Fireline Intensity - 1,074 BTU's/foot/second
Flame Length - 11.2 feet in length

Expected Fire Behavior in Treated Fuels Combined Fuel Model - [tl6 – Very High Load Broadleaf Litter 50% and gr1 - Short, Sparse Dry Climate Grass 50%]
Rate of Spread - 36 feet/minute
Fireline Intensity - 225 BTU's/foot/second
Flame Length - 5.4 feet in length

Table 4.6.3 *Fire Scenario # 3 - Fire Approaching from the South and West* *(Typical 10 MPH South, West and Southwest Wind Conditions)*	
Fire Behavior Calculation Input Data • 40 percent slope • 10 mph 20-foot wind speed • 180° aspect from north • 225° wind direction from north	**Anticipated Fuel Moistures** * 1-Hour Fine Fuel Moisture of .....4% * 10-Hour Fuel Moisture of.....6% * 100-Hour Fuel Moisture of .....8% * Live Herbaceous Fuel Moisture of.....50% * Live Woody Fuel Moisture of.....60%
Expected Fire Behavior **Fuel Model gs2 – Moderate Load Dry Climate Grass Shrub**	
Rate of Spread - 19 feet/minute	
Fireline Intensity - 164 BTU's/foot/second	
Flame Length - 4.7 feet in length	

4.7 Required Fuel Modification Zones for Buildings, Structures and Access Roads

Projects located in Hazardous Fire Areas shall include Fuel Modification Zones (FMZ) surrounding all structures that are greater than 250 square feet in size. San Diego County Code stipulates that the FMZ is a minimum of 100-foot area surrounding and extending in all directions from all structures, in which flammable vegetation or other combustible growth is cleared away or modified, **except for:**

- Single specimens of trees or other vegetation that are well-pruned and maintained.
- Grass and other vegetation located more than 50 feet from the structure and less than 18 inches in height above the ground.
- All ornamental landscaping that is consistent with County Wildland Interface plant list (see APPENDIX 'A').

Although San Diego County Code requires a minimum of 100 feet of vegetation management, this is not sufficient especially to the north and east of the ranch house due to the projected flame lengths of nearly 100 feet and type of fuel. Therefore, a larger fuel treatment zone is required.

Below are the detailed defintions and required treatments for the Fuel Modification Zones. There are three fuel modifcation zones required for the Covert Canyon: an irrigated zone 50 feet in width: a 50% thinning zone 50 – 100 feet in width and a 30% thinning zone ~~100~~ 200 feet in width for a total of ~~200~~ 300 feet of fuel treatment. In addtion, the edge of roadways and driveways must be treated to prevent ignition starts and to provide safe ingress and egrees should a wildfire occur. Each of these zones is described below in greater detail.

All distances in this report are measured horizontally. These distances are depicted on the Fire Protection Plan Map included herein as 'Exhibit 1'. Prior to approval of the Major Use Permit, the access road shall be accepted by the SDRFPD Fire Marshal.

The responsibility for the fuel modification maintainence defined below shall remain with the current owner(s) and any subsequent owners, and as such shall run with the

land. In the event the project is repossessed or sold, the unit/agency holding title to the Covert Canyon property will be responsible for such maintenance. Fuel Modification Zones will be the responsibility of the owner(s) of Covert Canyon.

Fuel Modification Zone 1 (Owner Maintained) - *(Shown as Green on the Fire Protection Plan Map)*

Defined

Zone 1 comprises the first 50 feet around a structure (front, back and side yards) and is commonly called the defensible space zone. It is an irrigated zone and shall be free of all combustible construction and materials. Much of this area is currently cleared to native decomposed granite or no vegetation is growing because of soil type.

Required Landscaping

Zone 1 will be cleared of all existing native vegetation and replanted with drought tolerant and irrigated fire resistant lawns, ground covers and shrubs. Landscaping shall be irrigated and primarily consist of fire resistant, maintained native or ornamental plantings usually less than 18 inches in height. However, this zone may contain occasional fire resistant trees and single well spaced ornamental shrubs up to 48 inches in height, intermixed with ground covers and lawn. Shrubs and ground covers may be located no closer than 5 feet from the structure provided these plants will not carry fire to the structure. Non-flammable concrete patios, driveways, swimming pools, walkways, boulders, rock, and gravel can be used to break up fuel continuity within Zone 1.

Plants in this zone need to be fire resistant and should not include any pyrophytes that are high in oils and resins such as pines, eucalyptus, cedar, cypress or juniper species. Thick, succulent or leathery leaf species with high moisture content are the most "fire resistant". Refer to APPENDIX 'A' County of San Diego's desirable plant list and APPENDIX 'B' for Prohibited Plants for plant selection.

Trees must be planted so that when they reach maturity the tips of their branches are at least 10 feet away from any structure and must have a minimum of 6 feet of vertical separation from low growing irrigated vegetation beneath the canopy of the tree.

Required Maintenance

The area surrounding the structures shall be maintained year round by the property owner(s) as required by this FPP or the SDRFPD Fire Marshal. Shrubs and trees are to be annually maintained free of dead material. Trees will be maintained so that their crown cover will be more than ten (10) feet from any structure. All tree crowns will be separated by twenty (20) feet and maintained to keep a separation of 6 feet between the ground fuels (shrubs and ground covers) and the lower limbs. All trees must be maintained to the current ANSI A300 standards [*Tree, Shrub, and Other Woody Plant Maintenance —Standard Practices (Pruning)]*
(See www.treecareindustry.org/public/gov_standards_a300.htm).

Fuel Modification Zone 2 (Owner Maintained) - *(Shown as Yellow on the Fire Protection Plan Map)*

Defined

Zone 2 is a non-irrigated thinning zone 50 feet in width beginning at the outer edge of Zone 1 and is between 50 and 100 feet from each structure as shown on the Fire Protection Plan Map.

Required Landscaping

All flammable native plants (see San Diego County prohibited plant list in APPENDIX 'B') shall be removed with the resulting 50 - 100 feet of treated area containing low growing (maximum 18 inches in height) and low fuel volume "ground cover" vegetation or native grasses and occasional well spaced (separated by a minimum of twenty (20) feet), low growing (maximum height 15 feet) fire resistant trees (see APPENDIX 'A').

Required Maintenance

The intent is to achieve and maintain an overall 50 percent reduction of the canopy cover spacing, a 50 percent reduction of the original fuel loading, and the 100 percent removal of all dead and dying plant material. Low growing plants and ground covers are to be maintained to a height of 18 inches or less. Each tree will be limbed to maintain a separation of 6 feet between the ground fuels (shrubs and ground covers) and the lower limbs. Maintenance shall be on-going throughout the year as needed. Native annual and perennial grasses will be allowed to grow and produce seed during the winter and spring. As grasses begin to cure (dry out), they will be cut to 4 inches or less in height.

Fuel Modification Zone 3 (Owner Maintained) - *(Shown as Tan on the Fire Protection Plan Map)*

Defined

200

Zone 3 is a non-irrigated thinning zone ~~100~~ feet in width, beginning at the outer edge of Zone 2, 100 – ~~200~~ feet from each structure.

300

Required Landscaping

The intent is to achieve and maintain an overall 30 percent reduction of the canopy cover spacing, a 30 percent reduction of the original fuel loading, and the 100 percent removal of all dead and dying plant material. Only structures, construction and materials (i.e. decks, gazebos, trellises, patio covers etc.) constructed from Class A rated materials or alternatives reviewed and approved by the SDRFPD Fire Marshal are allowed in this zone.

Required Maintenance

Low growing plants and ground covers are to be maintained to a height of 18 inches or less. Each tree will be limbed to maintain a separation of 6 feet between the ground fuels (shrubs and ground covers) and the lower limbs. Maintenance shall be on-going throughout the year as needed. Native annual and perennial grasses will be allowed to grow and produce seed during the winter and spring. As grasses begin to cure (dry out), they will be cut to 4 inches or less in height.

Roadways – Owner Maintained *(Shown as [redacted] on the Fire Protection Plan Map)*

Required Maintenance

Fifteen (15)

Clearance of brush or vegetative growth along existing on and off-site roadways will comply with the Consolidated Fire Code for the 17 Fire Protection Districts in San Diego County. ~~Twenty (20)~~ feet on each side of the existing access roads shall be cleared of highly flammable vegetation and maintained to Zone 2 requirements.

The applicant has received tentative approval for: ~~1) increased right of way width up to 24 feet where practical;~~ 2) construction of additional vehicle turnouts and turnarounds for emergency access vehicles; and, 3) creation of additional fuel modification thinning zone along each side of the ~~national forest~~ access road out to 15 feet. (see APPENDIX 'E').

4.8 Cumulative Impact Analysis

The combination of San Diego County's weather, fuel, and terrain has often contributed to intense, uncontrolled wildland fires. This was clearly evident in the devastating Cedar, Paradise and Otay Fires of October 2003, and the more recent Witch Fire of November 2007.

Typically, the areas of greatest concern are adjacent to urbanized areas or where residences are intermixed with wildland. Since no new structures are planned in this project, this concern is slight. As the population of San Diego County increases and the Wildland Urban Interface (WUI) expands, fire hazards and risks will continue to be encountered. Increased vehicular access for this project by way of approval of the major use permit and improving an existing road will increase human activities in the immediate area and therefore increase the risk of property loss, injury or death within the wildland interface to a limited extent.

The approval of this proposal, the existing structures in the surrounding area, and dedicated open space/national forest activities will increase the concern for wildfire as activity in the area increases. At present, the density of development in this portion of San Diego County, is relatively low and includes properties both compliant and non-compliant with the fuel modification and weed abatement requirements of the County of San Diego. It is doubtful the area density will change much, due to current Zoning Requirements.

Range design criteria will limit ricochet events from occurring. Additionally, the students are all highly trained, disciplined shooters. Range berm heights will be 12 to 14 feet with 8 to 10 foot wooden ricochet barriers placed on top of them. It is estimated to overshoot the range berm, a shooter would have to raise the muzzle of their weapon to 30 degrees or greater.

5.0 MITIGATION MEASURES AND DESIGN CONSIDERATIONS

5.1 Enhancements for Modification under Section 104.8 of the County Consolidated Fire Code.

Providing a full code compliant access is not feasible. Refer to Section 4.2 for constraints, and overall improvements. Fire enhancements and fire modifications made in conjunction with the Covert Canyon project is in compliance with the intent and purpose of the fire code and such modifications do not lessen health, life and fire safety requirements on the following grounds:

1. Any proposed new habitable structures will be built to San Diego County Consolidated Fire and Building Code standards, which includes the installation of automatic fire sprinkler systems (National Fire Protection Association – NFPA Standard 13D), and would require a new permit.

2. (Accessory Building) Building A-1 Command Post/Administrative Services/Temporary Safe Refuge (TSR) will be up-graded to meet all current code requirements. The

structure is currently metal framed and metal clad, a code compliant sprinkler system will be installed, all windows will be replaced with current CBC Chapter 7a requirements. A 3000 gallon water tank has been installed next to the structure for emergency water. Additionally, the building has air conditioning and back up power. As the Command Post it will be equipped with communications equipment, closed circuit TV with thermal imaging, and PA and Mass Notification System, as well as direct communications between the Command Post and Range Safety Officer.

300

3. A minimum of ~~200~~ feet of fuel treatment shall be placed around all structures that abut flammable native vegetation. The first 50 feet from the structure if landscaped will require irrigation (most areas are native DG with no vegetation), plus an additional 150 feet of fuel treatment (thinning zone) beginning at the edge of the irrigated zone (see Fire Protection Plan Map, Section 5.4). In actual fact the facility is currently maintained to mineral earth, either by disking or other means, all remaining oak trees have been limbed and leaf litter removed.

4. The primary access road will be partially improved with additional measures such as: ~~1) road surfacing;~~ 2) road widening; 3) turnouts & turnarounds; and, 4) brush thinning.

5. Range re-design and improvements to provide better ricochet/skip safety. Design elements to include wooden ricochet barriers atop earthen backstop berms.

6. ~~Additional water storage 2nd 10,000 gal tank near small arms range.~~

7. Provided for a mechanism whereby the Training Facility will be in a closed through the use of Triggers during an emergency event (see APPENDIX 'F').

8. Appendix F is meant to be a stand-alone part of the plan which:
   - Establishes roles, responsibilities, and staffing levels
   - Provides for training, requires specific training of staff.
   - Requires safety brief on conditions prior to operation
   - Outlines Evacuation procedures both fire and serious injury

9. Safe Refuge for adjacent home owner.

During the interim use allowed by the SAEO Covert Canyon will provide a mobile, 500 gallon water tank in the vicinity of the small arms range.

10. Ready Set Go

1. Ready – Preparing for the Fire Threat: Covert Canyon will insure Defensible Space is maintained in the manner designed. No modifications to Building A-1 that would nullify the hardened standards of the structure. Provide clear concise instruction to students on all aspects of the Evacuation Plan and the use of the Safe Refuge Building during the initial safety brief. Keep a watchful eye out for smoke in the area or on the horizon. Report any smoke. Ensure all supplies are ready for use, daily checks of emergency generators and communications.

2. Set – Situational Awareness When a Fire Starts: Reported smoke anywhere in the vicinity of the facility will initiate an immediate check fire. Staff will immediately attempt to ascertain exact location and distance. Student and Staff will report to the Safe Refuge Area. A situation brief will take place to advise all students of current conditions and resources available at the Safe Refuge Building. A decision will be made by the Fire Coordinator to evacuate or stay in the Safe Refuge Building.

3. Go – Leave early! Remember Evacuate early, follow the pre-defined plan. Life Safety of the Students and Staff will be the main concern of the Fire Coordinator.

5.2 Range Mitigation Measures.

1. Range ordinance will be limited to crew served weapons, consisting of small arms, shot guns, and rifles. Caliber will range from 22 to 50, and meet the current standard requirements as defined by Department of the Navy, Homeland Security and other user Agencies.

2. Range design will include berm heights from 12 to 14 feet, a wooden ricochet barrier will be built on top of the berm it will range from 8 to 10 feet in height. Berms will be constructed with clean fill dirt or DG. Dirt fill will be rock free to ensure no ricochet is possible.

3. Ordinance will be limited to metal clad bullets, no tracers or other type of incendiary devices will be allowed. Larger caliber rounds would have non-effective range of 2 miles. However to overshoot the berm would require the shooter to elevate the muzzle above 30 degrees. Considering the type of students projected to use the range, highly skilled professionals this is highly unlikely.

4. Berms and adjacent areas to 100ft will be disked, mowed or weed whipped to mineral earth.

5. Smoking is restricted on the entire site with the exception of the designated smoking area Building A-1 Administrative Services.

6. This report and its recommendations shall be incorporated by reference into the final project Conditions of Approval to ensure compliance with codes/regulations and significance

5.3 Management Controls and Evacuation Planning

Refer to APPENDIX 'F'.

5.4 Fire Protection Plan Map

A pocket folder containing - FIRE PROTECTION PLAN MAP can be found following this FPP depicting the location of all proposed fuel modification treatment locations and other mitigation measures for Covert Canyon Training Facility.

6.0 - CONCLUSIONS

This FPP evaluated the adverse environmental effects that the proposed training facility may have from wildland fire and to properly mitigate those impacts to ensure that this facility does not unnecessarily expose people or structures to a significant risk of loss, injury or death involving wildland fires.

- The requirements of this FPP provide the fuel modification standards to mitigate the exposure of people or structures to a significant risk of loss, injury or death. Zone 1 is 50 feet in width and includes the level building pad and provides the defensible space zone for fire suppression forces and will protect structures from radiant and convective heat. This zone will also be a landscaped zone that is permanently irrigated and consists of fire resistant and maintained plantings. Zone 2 is the next 50 feet and provides removal of 50 percent of the native vegetation, including all prohibited highly combustible native vegetation, but permits plantings with very specific criteria. Zone 3 is the next ~~100~~ 200 feet and

provides for the removal of 30 percent of the native vegetation including all prohibited highly combustible native vegetation.

- The requirements of this FPP provide the project area with adequate emergency access in terms of access and construction standards for the existing roadways. The San Diego Rural Fire Protection District, CAL FIRE, the U.S. Forest Service, and nearby fire departments will provide fire protection through automatic aid as needed. The inclusion of a Safe Refuge area and extensive training will minimize risk to student and staff in a catastrophic fire situation.

- Water supplies via storage tanks and related requirements will provide adequate water for fire protection.

- With the implementation of the requirements of this FPP, the Covert Canyon Training Facility can be considered a safe zone for the staging of students/staff and other residents in the area during a fire event.

7.0 - LIST OF PREPARERS, PERSONS AND ORGANIZATIONS CONTACTED

7.1 List of Preparers

The principal author and preparer of this Fire Protection Plan is David C. Bacon, President of ***FIREWISE* 2000, Inc.**, a San Diego County DPLU certified wildland fire consultant. Other ***FIREWISE* 2000, Inc.**, members contributed to this plan with comments and peer review. These members include Mel Johnson, Wildland Fire Associate; Herb Spitzer, Senior Wildland Fire Associate; and, Monty Kalin, Senior Wildland Fire Associate.

7.2 List of Persons Contacted During the Course of this Project

1. Jeff Barfield - RBF Consulting
2. Dan Hortert - RBF Consulting
3. Marc Halcon - Owner, Covert Canyon Training Center
4. Charlie Robinson - Ranch Hand, Covert Canyon Training Center
5. Chief Dave Nissen - Fire Chief, San Diego Rural Fire Protection District
6. Martin Owen-District Ranger, Cleveland National Forest
7. Chief Howard Windsor-Ranger Unit Chief, CAL FIRE-San Diego Ranger Unit
8. Chief Ralph Steinhoff - SD County Fire Authority
9. Michel Anderson - Michel Anderson Associates

8.0 - REFERENCES

1. *BEHAVE: Fire Behavior Prediction and Fuel Modeling System - BURN Subsystem, Part 1.* General Technical Report INT-194. January 1986. Patricia L. Andrews, United States Department of Agriculture - Forest Service, Intermountain Station, Ogden, Utah 84401.

2. *BEHAVE: Fire Behavior Prediction and Fuel Modeling System - BURN Subsystem, Part 2.* General Technical Report INT-260. May 1989. Patricia L. Andrews and Carolyn H. Chase, United States Department of Agriculture - Forest Service, Intermountain Station, Ogden, Utah 84401.

3. *BehavePlus Fire Modeling System, Version 3.0.2* General Technical Report RMRS-GRT-106WWW. June 2003. Patricia L. Andrews, Collin D. Bevins. United States Department of Agriculture - Forest Service, Rocky Mountain Research Station, Missoula, Montana.

4. County of San Diego Ordinance No. 9915 – *An Ordinance Amending Appendix II-A of the County Fire Code Relating to Wildland/Urban Interface Standards.*

5. *How to Predict the Spread and Intensity of Forest and Range Fires.* General Technical Report INT-143. June 1983. Richard C. Rothermel. United States Department of Agriculture - Forest Service, Intermountain Station, Ogden, Utah 84401.

6. National Fire Protection Association - NFPA 1144 *Standard for Protection of Life and Property from Wildfire* (2002).

7. National Fire Protection Association - *NFPA 13 Standard for the Installation of Sprinkler Systems in One – and Two-Family Dwellings and Manufactured Homes, 13-R & 13-D, 2002 Editions*

8. *Wildland/Urban Interface Development Standards.* San Diego County Fire Chief's Association, originally Developed by Orange County Wildland/Urban Interface Task Force Subcommittee on Open Space Management, July, 1994, Modified by the San Diego County Wildland/Urban Interface Task Force, November, 1995, Revised August, 1997.

9. California Code of Regulations, Title 14, section 1280; California Public Resources Codes sections 4201 through 4204 & International Urban – Wildland Interface Code, 2006 edition,

10. California Government Code, sections 51175 through 51189; the 2007 Fire Code portion of the CBSC, including appendices to Chapters 1 & 4 and Appendices B, F & H, the 2006 International Fire Code (IFC)

11. *County of San Diego. Consolidated Fire Code, October 2011.*

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15. *County of San Diego. Plant List and Acceptable Plants for a Defensible Space in Fire Prone Areas. Department of Planning and Land Use, December, 1998.*

16. *Western Fire Center, Inc. Report on the Fire Testing of "Tedlar" Membrane Roofing Samples in Accordance with ASTM 108-04: Standard Test Methods for Fire Tests for Roof Coverings. Class "A" Burning Brand Tests (4). Report Issued: August 9, 2006.*

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18. *Standard Fire Behavior Fuel Models: A Comprehensive Set for Use with Rothermel's Surface Fire Spread Model,* General Technical Report. RMRS-GTR 153, June 2005 United States Department of Agriculture - Forest Service

19. *The California State and Local Responsibility Area Fire Hazard Severity Zone Map – Fire and Resource Assessment Program of CALFIRE*

EXHIBITS

Roadway Aerial	**Exhibit 1**
Zoning	**Exhibit 2**
Land Use Designation	**Exhibit 3**
High Glen Road by Segment	**Exhibit 4**
High Glen Road Turnaround, Turnouts and Signage	**Exhibit 5**
Project Site Plan	**Exhibit 6**

APPENDICES

Recommended Plant List	**APPENDIX 'A'**
Prohibited/Invasive Plant List	**APPENDIX 'B'**
Behave Plus Version 3.0.2 Fire Behavior Calculations	**APPENDIX 'C'**
Non-Combustible & Fire Resistant Building Materials	**APPENDIX 'D'**
Correspondence with Forest Service Access Road	**APPENDIX 'E'**
Emergency Relocation and Evacuation	**APPENDIX 'F'**
Fire Availability Form	**APPENDIX 'G'**

FIRE PROTECTION PLAN MAP

EXHIBIT 1

Roadway Aerial

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

EXHIBIT 2

Zoning

EXHIBIT 3

Land Use Designation

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

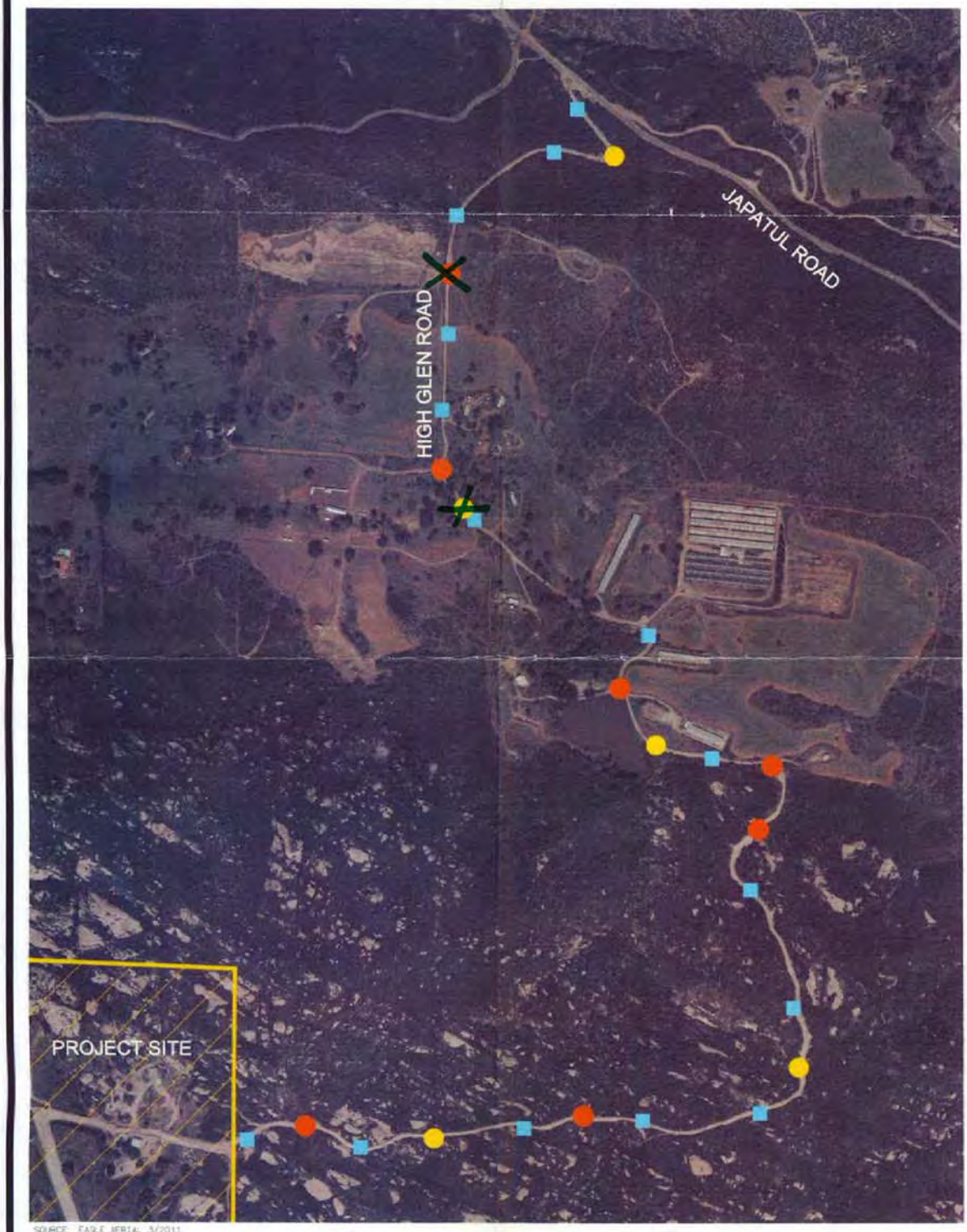
EXHIBIT 4

High Glen Road by Segment 1, 2 and 3

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

EXHIBIT 5
High Glen Road Turnround, Turnout and Signage Locations

HIGH GLEN ROAD - TURNROUND, TURNOUT & SIGNAGE LOCATONS



SOURCE: EAGLE AERIAL 3/2011

SIGNAGE

TURNAROUND

TURNOUT

Covert Canyon Training Center
EXHIBIT 5

RBF CONSULTING

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

EXHIBIT 6

Project Site Plan

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

APPENDIX 'A'

COUNTY OF SAN DIEGO

ACCEPTABLE PLANTS FOR DEFENSIBLE SPACE IN FIRE PRONE AREAS

ALL NATIVE PLANTS ON THE FOLLOWING LIST are considered to be drought-tolerant in the particular climate zone they are found. Those that grow best in riparian areas, as indicated by the "R", are generally the least drought-tolerant plants on the list.

SPECIAL NOTE: When planting, it is necessary to water deeply to encourage the plant roots to seek natural moisture in the soil. This watering should continue for at least three years to allow the plants to naturalize. More water should be provided in summer and less (if any) in the winter. These plants should be weaned off the supplemental irrigation and become less dependent on it over the establishment period.

No plant is totally fire resistant. The plants listed were chosen due to their high water content, minimum amount of flammable resins and/or low fuel volume.

Definitions:

Defensible Space: The area around a structure, where material capable of causing fire has been cleared, reduced or changed, to act as a barrier between an advancing fire and the structure.

Drought-Tolerant Plant Materials: Trees, shrubs, groundcovers, and other vegetation capable of sustained growth and reproduction with only natural moisture. Occasional supplemental irrigation is necessary only in extreme drought situations.

Establishment Period: The time it takes for a plant to become drought-resistant. This is usually a period of three years and is the time when supplemental irrigation is necessary.

Native or Naturalizing Plant Species: Plant species native to the region or introduced which, once established, are capable of sustaining growth and reproduction under local climatic conditions without supplemental irrigation.

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

***FIREWISE* 2000, Inc. Note:** The plant list which follows was developed using the plants found on the San Diego County approved plant list. This list was then compared to those plants which are suitable for the climatic zone in which the project is located. Only those plants suitable for the project area listed below. The list is therefore shorter than that provided by the County. By providing this custom list, plants that are likely to be killed or seriously damaged by frost or will not perform in hot dry conditions have been eliminated. ***FIREWISE* 2000, Inc.** believes that the planting of species suited to the site is essential to fire management goals and is a environmentally sound practice.

San Diego County
Customized Acceptable Plant List
For The Covert Canyon Training Center

No.	Type	Genus	Species	Common Name
1	Annual	Lupinus spp.	nanus	Lupine
2	Groundcover	Achillea	millefolium	Yarrow
3	Groundcover	Arctostaphylos spp.		Manzanita
4	Groundcover	Cerastium	tomentosum	Snow-in-Summer
5	Groundcover	Coprosma	kirkii	Creeping Coprosma
6	Groundcover	Cotoneaster spp.		Redberry
7	Groundcover	Drosanthemum	hispidum	Rosea Ice Plant
8	Groundcover	Dudleya	virens	Island Live-Forever
9	Groundcover	Eschscholzia	californica	California Poppy
10	Groundcover	Ferocactus	viridescens	Coast Barrel Cactus
11	Groundcover	Gaillardia	grandiflora	Blanket Flower
12	Groundcover	Gazania spp.		Gazania
13	Groundcover	Helianthemum spp.		Sunrose
14	Groundcover	Lantana spp.		Lantana
15	Groundcover	Lasthenia	californica	Common Goldfields
16	Groundcover	Lasthenia	glabrata	Coastal Goldfields
17	Groundcover	Lupinus spp.		Lupine
18	Groundcover	Pyracantha spp.		Firethorn
19	Groundcover	Rosmarinus	officinalis	Rosemary
20	Groundcover	Santolina	chamaecyparissus	Lavender Cotton
21	Groundcover	Trifolium	frageriferum	O'Connor's Legume
22	Groundcover	Verbena	rigida	Verbena
23	Groundcover	Viguiera	laciniata	San Diego Sunflower
24	Groundcover	Vinca	major	Periwinkle
25	Groundcover	Vinca	minor	Dwarf Periwinkle
26	Perennial	Coreopsis	grandiflora	Coreopsis
27	Perennial	Coreopsis	maritima	Sea Dahlia
28	Perennial	Coreopsis	verticillata	Coreopsis
29	Perennial	Heuchera	maxima	Island Coral Bells
30	Perennial	Iris	douglasiana	Douglas Iris
31	Perennial	Kniphofia	uvaria	Red-Hot Poker
32	Perennial	Lavandula spp.		Lavender
33	Perennial	Penstemon spp.		Penstemon
34	Perennial	Satureja	douglasii	Yerba Buena
35	Perennial	Sisyrinchium	bellum	Blue-Eyed Grass

36	Perennial	Sisyrinchium	californicum	Golden-Eyed Grass
37	Perennial	Solanum	xantii	Purple Nightshade
38	Perennial	Zauschneria	'Catalina' ?	Catalina Fuschia
39	Perennial	Zauschneria	californica	California Fuschia
40	Perennial	Zauschneria	cana	Hoary California Fuschia
41	Shrub	Agave	americana	Desert Century Plant
42	Shrub	Agave	Amorpha fruticosa	False Indigobush
43	Shrub	Agave	deserti	Shaw's Century Plant
44	Shrub	Agave	shawii	NCN
45	Shrub	Agave		Century Plant
46	Shrub	Arbutus	menziesii	Madrone
47	Shrub	Arctostaphylos spp.		Manzanita
48	Shrub	Atriplex	canescens	Hoary Saltbush
49	Shrub	Atriplex	lentiformis	Quail Saltbush
50	Shrub	Baccharis	pilularis	Coyote Bush
51	Shrub	Baccharis	salicifolia	Mule Fat "R"
52	Shrub	Carissa	macrocarpa	Natal Plum
53	Shrub	Ceanothus spp.		California Lilac
54	Shrub	Cistus spp.		Rockrose
55	Shrub	Cneoridium	dumosum	Bush rue
56	Shrub	Comarostaphylis	diversifolia	Summer Holly
57	Shrub	Convolvulus	cneorum	Bush Morning Glory
58	Shrub	Elaeagnus	pungens	Silverberry
59	Shrub	Encelia	californica	Coast Sunflower
60	Shrub	Encelia	farinosa	White Brittlebush
61	Shrub	Eriobotrya	deflexa	Bronze Loquat
62	Shrub	Eriophyllum	confertiflorum	Golden Yarrow
63	Shrub	Escallonia spp.		Escallonia
64	Shrub	Feijoa	sellowiana	Pineapple Guava
65	Shrub	Fouqueria	splendens	Ocotillo
66	Shrub	Fremontodendron	californicum	Flannelbush
67	Shrub	Fremontodendron	mexicanum	Southern Flannelbush
68	Shrub	Galvezia	juncea	Baja Bush-Snapdragon
69	Shrub	Galvezia	speciosa	Island Bush-Snapdragon
70	Shrub	Garrya	elliptica	Coast Silktassel
71	Shrub	Garrya	flavescens	Ashy Silktassel
72	Shrub	Heteromeles	arbutifolia	Toyon
73	Shrub	Lantana spp.		Lantana
74	Shrub	Lotus	scoparius	Deerweed
75	Shrub	Mahonia spp.		Barberry
76	Shrub	Malacothamnus	clementinus	San Clemente Island Bush Mallow
77	Shrub	Malacothamnus	fasciculatus	Mesa Bushmallow
78	Shrub	Melaleuca spp.		Melaleuca
79	Shrub	Mimulus spp.		Monkeyflower
80	Shrub	Nolina	parryi	Parry's Nolina
81	Shrub	Photinia spp.		Photinia
82	Shrub	Pittosporum	rhombifolium	Queensland Pittosporum
83	Shrub	Pittosporum	tobira 'Wheeleri'	Wheeler's Dwarf
84	Shrub	Plumbago	auriculata	Cape Plumbago
85	Shrub	Prunus	caroliniana	Carolina Laurel Cherry
86	Shrub	Prunus	ilicifolia	Hollyleaf Cherry
87	Shrub	Prunus	lyonii	Catalina Cherry

88	Shrub	Puncia	granatum	Pomegranate
89	Shrub	Pyracantha spp.		Firethorn
90	Shrub	Rhamus	alaternus	Italian Buckthorn
91	Shrub	Rhamus	californica	Coffeeberry
92	Shrub	Rhaphiolepis spp.		Rhaphiolepis
93	Shrub	Rhus	continus	Smoke Tree
94	Shrub	Rhus	ovata	Sugarbush
95	Shrub	Rhus	trilobata	Squawbush
96	Shrub	Romneya	coulteri	Matilija Poppy
97	Shrub	Rosa	californica	California Wild Rose
98	Shrub	Rosa	minutifolia	Baja California Wild Rose
99	Shrub	Salvia spp.		Sage
100	Shrub	Sambucus spp.		Elderberry
101	Shrub	Symphoricarpos	mollis	Creeping Snowberry
102	Shrub	Syringa	vulgaris	Lilac
103	Shrub	Teucrium	fruticans	Bush Germander
104	Shrub	Verbena	lilacina	Lilac Verbena
105	Shrub	Xylosma	congestum	Shiny Xylosma
106	Shrub	Yucca	schidigera	Mojave Yucca
107	Shrub	Yucca	whipplei	Foothill Yucca
108	Tree	Acer	macrophyllum	Big Leaf Maple
109	Tree	Acer	saccarum	Sugar Maple
110	Tree	Acer	saccharinum	Silver Maple
111	Tree	Alnus	rhombifolia	White Alder "R"
112	Tree	Arbutus	unedo	Strawberry Tree
113	Tree	Brahea	edulis	Guadalupe Palm
114	Tree	Ceratonia	siliqua	Carob
115	Tree	Cercis	occidentalis	Western Redbud
116	Tree	Cerdidium	floridum	Blue Palo Verde
117	Tree	Cornus	nuttallii	Mountain Dogwood
118	Tree	Cornus	stolonifera	Redtwig Dogwood
119	Tree	Elaeagnus	angustifolia	Russian Olive
120	Tree	Eriobotrya	japonica	Loquat
121	Tree	Gingko	biloba "Fairmount"	Fairmount Maidenhair Tree
122	Tree	Gleditisia	triacanthos	Honey Locust
123	Tree	Juglans	californica	California Walnut
124	Tree	Juglans	hindsii	California Black Walnut
125	Tree	Lagerstroemia	indica	Crape Myrtle
126	Tree	Ligustrum	lucidum	Glossy Privet
127	Tree	Liquidambar	styraciflua	Sweet Gum
128	Tree	Liriodendron	tulipifera	Tulip Tree
129	Tree	Melaleuca spp.		Melaleuca
130	Tree	Nerium	oleander	Oleander
131	Tree	Parkinsonia	aculeata	Mexican Palo Verde
132	Tree	Pistacia	chinensis	Chinese Pistache
133	Tree	Pistacia	vera	Pistachio Nut
134	Tree	Pittosporum	phillyreoides	Willow Pittosporum
135	Tree	Platanus	acerifolia	London Plane Tree
136	Tree	Platanus	racemosa	California Sycamore "R"
137	Tree	Populus	alba	White Poplar
138	Tree	Populus	fremontii	Western Cottonwood "R"
139	Tree	Populus	trichocarpa	Black Cottonwood "R"
140	Tree	Prunus	caroliniana	Carolina Laurel Cherry

141	Tree	Prunus	cersifera 'Newport'	Newport Purple-Leaf Plum
142	Tree	Prunus	ilicifolia	Hollyleaf Cherry
143	Tree	Prunus	lyonii	Catalina Cherry
144	Tree	Prunus	serrulata 'Kwanzan'	Flowering Cherry
145	Tree	Prunus	xblireiana	Flowering Plum
146	Tree	Prunus	yedoensis 'Akebono'	Akebono Flowering Cherry
147	Tree	Quercus	agrifolia	Coast Live Oak
148	Tree	Quercus	engelmannii	Engelmann Oak
149	Tree	Quercus	suber	Cork Oak
150	Tree	Rhus	lancea	African Sumac
151	Tree	Salix spp.		Willow "R"
152	Tree	Ulmus	parvifolia	Chinese Elm
153	Tree	Ulmus	pumila	Siberian Elm
154	Tree	Umbellularia	californica	California Bay Laurel "R"
155	Vine	Antigonon	leptopus	San Miguel Coral Vine
156	Vine	Distictis	buccinatoria	Blood-Red Trumpet Vine
157	Vine	Keckiella	cordifolia	Heart-Leaved Penstemon
158	Vine	Lonicera	japonica 'Halliana'	Hall's Honeysuckle
159	Vine	Lonicera	subspicata	Chaparral Honeysuckle
160	Vine	Solanum	jasminoides	Potato Vine

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

APPENDIX 'B'

UNDESIRABLE PLANT LIST

The following species are highly flammable and should be avoided when planting within the first 50 feet adjacent to a structure. The plants listed below are more susceptible to burning, due to rough or peeling bark, production of large amounts of litter, vegetation that contains oils, resin, wax, or pitch, large amounts of dead material in the plant, or plantings with a high dead to live fuel ratio. Many of these species, if existing on the property and adequately maintained (pruning, thinning, irrigation, litter removal, and weeding), may remain as long as the potential for spreading a fire has been reduced or eliminated.

BOTANICAL NAME	COMMON NAME
Abies species	Fir Trees
Acacia species	Acacia (trees, shrubs, groundcovers)
Adenostoma sparsifolium**	Red Shanks
Adenostoma fasciculatum**	Chamise
Agonis juniperina	Juniper Myrtle
Araucaria species	Monkey Puzzle, Norfolk Island Pine
Artemesia californica**	California Sagebrush
Bambusa species	Bamboo
Cedrus species	Cedar
Chamaecyparis species	False Cypress
Coprosma pumila	Prostrate Coprosma
Cryptomeria japonica	Japanese Cryptomeria
Cupressocyparis leylandii	Leylandii Cypress
Cupressus forbesii**	Tecate Cypress
Cupressus glabra	Arizona Cypress
Cupressus sempervirens	Italian Cypress
Dodonea viscosa	Hopseed Bush
Eriogonum fasciculatum**	Common Buckwheat
Eucalyptus species	Eucalyptus
Heterotheca grandiflora**	Telegraph Plant
Juniperus species	Junipers
Larix species	Larch
Lonicera japonica	Japanese Honeysuckle
Miscanthus species	Eulalia Grass
Muehlenbergia species**	Deer Grass
Palmae species	Palms
Picea species	Spruce Trees
Pickeringia Montana**	Chaparral Pea
Pinus species	Pines
Podocarpus species	Fern Pine
Pseudotsuga menziesii	Douglas Fir
Rosmarinus species	Rosemary
Salvia mellifera**	Black Sage
Taxodium species	Cypress
Taxus species	Yew
Thuja species	Arborvitae
Tsuga species	Hemlock
Urtica urens**	Burning Nettle

** San Diego County native species

APPENDIX 'B' References:

Gordon, H. White, T.C. 1994. Ecological Guide to Southern California Chaparral Plant Series. Cleveland National Forest.

Willis, E. 1997. San Diego County Fire Chief's Association. Wildland/Urban Interface Development Standards

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www.ucfpl.ucop.edu. 2004. University of California, Berkeley, Forest Products Laboratory, College of Natural Resources. Defensible Space Landscaping in the Urban/Wildland Interface. A Compilation of Fire Performance Ratings of Residential Landscape Plants.

County of Los Angeles Fire Department. 1998. Fuel Modification Plan Guidelines. Appendix I, Undesirable Plant List, and Appendix II, Undesirable Plant List.

APPENDIX 'C'
Behave Models

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

BehavePlus 3.0.2 (Build 265)

Covert Cyn. - Eastern Boundary 60 MPH
Sun, Jan 04, 2009 at 12:30:49

1. Input Worksheet

Modules: SURFACE

Input Variables	Input Value(s)	Units
Fire Name	Covert Cyn. Project	
Fire Date & Projection Period	Sunday, Jan 4, 2009	
Fire Analyst	H. Spitzer, Firewise 2000, Inc.	
Fuel/Vegetation, Surface/Understory		
Fuel Model	4	
Fuel Moisture		
1-h Moisture	2	percent
10-h Moisture	3	percent
100-h Moisture	5	percent
Live Herbaceous Moisture	30	percent
Live Woody Moisture	50	percent
Weather		
20-ft Wind Speed	60	mi/h
Wind Adjustment Factor	0.5	
Wind Direction (from north)	45	deg
Terrain		
Slope Steepness	20	percent
Aspect (from north)	65	deg

Notes

Numerous large rock outcroppings throughout the fuelbed.

2. Run Option Notes

Calculations are only for the direction of maximum spread [SURFACE].

Fireline intensity, flame length, and spread distance are always

for the direction of the spread calculations [SURFACE].

Wind and spread directions are degrees clockwise from north [SURFACE].

Wind direction is the direction from which the wind is blowing [SURFACE].

3. Results

Output Variable	Value	Units

Surface Rate of Spread (maximum)	2028	ft/min
Fireline Intensity	116611	Btu/ft/s
Flame Length	96.4	ft

4. End

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

BehavePlus 3.0.2 (Build 265)

Covert Cyn. - Northern Boundary 60 MPH
Sun, Jan 04, 2009 at 12:32:58

1. Input Worksheet

Modules: SURFACE

Input Variables	Input Value(s)	Units
Fire Name	Covert Cyn. Project	
Fire Date & Projection Period	Sunday, Jan 4, 2009	
Fire Analyst	H. Spitzer, Firewise 2000, Inc.	
Fuel/Vegetation, Surface/Understory		
Fuel Model	4	
Fuel Moisture		
1-h Moisture	2	percent
10-h Moisture	3	percent
100-h Moisture	5	percent
Live Herbaceous Moisture	30	percent
Live Woody Moisture	50	percent
Weather		
20-ft Wind Speed	60	mi/h
Wind Adjustment Factor	0.5	
Wind Direction (from north)	45	deg
Terrain		
Slope Steepness	10	percent
Aspect (from north)	45	deg

Notes

Numerous large rock outcroppings throughout the fuelbed.

2. Run Option Notes

Calculations are only for the direction of maximum spread [SURFACE].

Fireline intensity, flame length, and spread distance are always

for the direction of the spread calculations [SURFACE].

Wind and spread directions are degrees clockwise from north [SURFACE].

Wind direction is the direction from which the wind is blowing [SURFACE].

3. Results

Output Variable	Value	Units
Surface Rate of Spread (maximum)	2021	ft/min
Fireline Intensity	116206	Btu/ft/s
Flame Length	96.2	ft

4. End

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

BehavePlus 3.0.2 (Build 265)

Covert Cyn. - Southern Boundary 30 MPH Rare Event Wind

Sun, Jan 04, 2009 at 12:38:18

Input Worksheet

Modules: SURFACE

Input Variables	Input Value(s)	Units
Fire Name	Colvert Cyn. Project	
Fire Date & Projection Period	January 4, 2008	
Fire Analyst	H. Spitzer, Firewise 2000, Inc.	
Fuel/Vegetation, Surface/Understory		
Fuel Model	gs2	
Fuel Moisture		
1-h Moisture	2	percent
10-h Moisture	3	percent
100-h Moisture	5	percent
Live Herbaceous Moisture	30	percent
Live Woody Moisture	60	percent
Weather		
20-ft Wind Speed	30	mi/h
Wind Adjustment Factor	0.3	
Wind Direction (from north)	225	deg
Terrain		
Slope Steepness	15	percent
Aspect (from north)	180	deg

Notes

Southern Boundary fuels contain several large oak trees with little or no understory due to fuel treatment. FM GS2 utilized to represent an untreated fuelbed.

Run Option Notes

Calculations are only for the direction of maximum spread [SURFACE].

Fireline intensity, flame length, and spread distance are always

for the direction of the spread calculations [SURFACE].

Wind and spread directions are degrees clockwise from north [SURFACE].

Wind direction is the direction from which the wind is blowing [SURFACE].

Results

Output Variable	Value	Units
Surface Rate of Spread (maximum)	107	ft/min
Fireline Intensity	1074	Btu/ft/s
Flame Length	11.2	ft

End

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

BehavePlus 3.0.2 (Build 265)

Covert Cyn - Western Boundary 30 MPH Rare Event Wind

Sun, Jan 04, 2009 at 12:18:17

5. Input Worksheet

Modules: SURFACE

Input Variables	Input Value(s)	Units
Fire Name	Covert Project	
Fire Date & Projection Period	January 4, 2009	
Fire Analyst	H. Spitzer, Firewise 2000, Inc.	
Fuel/Vegetation, Surface/Understory		
Fuel Model	gs2	
Fuel Moisture		
1-h Moisture	2	percent
10-h Moisture	3	percent
100-h Moisture	5	percent
Live Herbaceous Moisture	30	percent
Live Woody Moisture	60	percent
Weather		
20-ft Wind Speed	30	mi/h
Wind Adjustment Factor	0.3	
Wind Direction (from north)	225	deg
Terrain		
Slope Steepness	10	percent
Aspect (from north)	225	deg

Notes: Scattered Oak trees currently exist west of the existing structures. Little or no vegetation currently exists beneath the trees due to fuel treatment.

6. Run Option Notes

Calculations are only for the direction of maximum spread [SURFACE].

Fireline intensity, flame length, and spread distance are always for the direction of the spread calculations [SURFACE].

Wind and spread directions are degrees clockwise from north [SURFACE].

Wind direction is the direction from which the wind is blowing [SURFACE].

7. Results

Output Variable	Value	Units
Surface Rate of Spread (maximum)	107	ft/min
Fireline Intensity	1070	Btu/ft/s
Flame Length	11.1	ft

8. End

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

BehavePlus 3.0.2 (Build 265)

Covert Cyn. - Eastern Boundary 60 MPH Treated

Sun, Jan 04, 2009 at 12:47:14

Input Worksheet

Modules: SURFACE

Input Variables	Input Value(s)	Units
Fire Name	Covert Cyn. Project	
Fire Date & Projection Period	Sunday, Jan 4, 2009	
Fire Analyst	H. Spitzer, Firewise 2000, Inc.	
Fuel/Vegetation, Surface/Understory		
First Fuel Model	tl6	
Second Fuel Model	gs1	
First Fuel Model Coverage	50	percent
Fuel Moisture		
1-h Moisture	2	percent
10-h Moisture	3	percent
100-h Moisture	5	percent
Live Herbaceous Moisture	30	percent
Live Woody Moisture	50	percent
Weather		
20-ft Wind Speed	60	mi/h
Wind Adjustment Factor	0.5	
Wind Direction (from north)	45	deg
Terrain		
Slope Steepness	20	percent
Aspect (from north)	65	deg

Notes

Numerous large rock outcroppings throughout the fuelbed.

Run Option Notes

Two fuel model weighting method: two-dimensional spread [SURFACE].

Calculations are only for the direction of maximum spread [SURFACE].

Fireline intensity, flame length, and spread distance are always for the direction of the spread calculations [SURFACE].

Wind and spread directions are degrees clockwise from north [SURFACE].

Wind direction is the direction from which the wind is blowing [SURFACE].

Results

Output Variable	Value	Units
Surface Rate of Spread (maximum)	209	ft/min
Fireline Intensity	1535	Btu/ft/s
Flame Length	13.1	ft

End

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

BehavePlus 3.0.2 (Build 265)

Covert Cyn. - Southern Boundary Treated

Sun, Jan 04, 2009 at 12:44:19

3.9.III. Input Worksheet

Modules: SURFACE

Input Variables	Input Value(s)	Units
Fire Name	Covert Cyn. Project	
Fire Date & Projection Period	January 4, 2008	
Fire Analyst	H. Spitzer, Firewise 2000, Inc.	
Fuel/Vegetation, Surface/Understory		
First Fuel Model	tl6	
Second Fuel Model	gr1	
First Fuel Model Coverage	50	percent
Fuel Moisture		
1-h Moisture	2	percent
10-h Moisture	3	percent
100-h Moisture	5	percent
Live Herbaceous Moisture	30	percent
Live Woody Moisture	60	percent
Weather		
20-ft Wind Speed	30	mi/h
Wind Adjustment Factor	0.3	
Wind Direction (from north)	225	deg
Terrain		
Slope Steepness	15	percent
Aspect (from north)	180	deg

Notes

Southern Boundary fuels contain several large oak trees with little or no understory due to fuel treatment. FM GS2 utilized to represent an untreated fuelbed.

3.9.1III. Run Option Notes

Two fuel model weighting method: two-dimensional spread [SURFACE].

Calculations are only for the direction of maximum spread [SURFACE].

Fireline intensity, flame length, and spread distance are always for the direction of the spread calculations [SURFACE].

Wind and spread directions are degrees clockwise from north [SURFACE].

Wind direction is the direction from which the wind is blowing [SURFACE].

3.9.1IV. Results

Output Variable	Value	Units
Surface Rate of Spread (maximum)	36	ft/min
Fireline Intensity	225	Btu/ft/s
Flame Length	5.4	ft

3.9.1V. End

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

APPENDIX 'D'

Non-Combustible & Ignition Resistant Building Materials For Balconies, Carports, Decks, Patio Covers and Floors

Examples of non-combustible & fire resistant building materials for balconies, carports decks, patio covers and floors are as follow:

I. **NON-COMBUSTIBLE HEAVY GAGE ALUMINUM MATERIALS** - *Metals USA Building Products Group - Ultra-Lattice*



Ultra-Lattice Stand Alone Patio Cover



Ultra-Lattice Attached Patio Cover



Ultra-Lattice Solid Patio Cover



Ultra-Lattice Vs. Wood

II. FRX Exterior Fire-Retardant Treated Wood

Exterior Fire Retardant Treated (FRT) Wood

FRX® fire retardant treated wood may be used in exterior applications permitted by the codes where: public safety is critical, other materials would transfer heat or allow fires to spread, sprinkler systems cannot easily be installed, corrosive atmospheres necessitate excessive maintenance of other materials, or fire protection is inadequate or not readily available. The International Building, Residential and Urban-Wildland Interface Codes and regulations permit the use of fire retardant treated wood in specific instances. See below for typical exterior uses and typical residential uses.

Typical Exterior Uses

- Balconies
- Decks



Homeowners and Residential Architects: See this 2-minute video and the diagram below.



For information on fire retardant treated wood for exterior uses, visit www.frxwood.com.

Decking (SFM Standard 12-7A-4)

III. TREX COMPANY, INC –"Trex Accents ®: Fire Defense ™ " wood and polyethylene composite deck board, nominal 5/4" thick x 5-1/2" width, nominal density of 0.036 lb/in^3.

Trex Accents®: Fire Defense™

The perfect blend of beauty and brawn.

Trex's #1 selling platform, Trex Accents®, exceeds the strict fire regulations set by the State of California and San Diego County.



- Offers superior safety performance:
  - Exceeds ASTM E84 Class B Flame Spread.
  - Exceeds 12-7A-4 Part A (underflame) and Part B (Burning Brand).
- Self-extinguishing even under extreme fire exposure.
- Approved for use by the California State Fire Marshal's Office and San Diego County. Read the California Department of Forestry and Fire Protection, Office of the State Fire Marshal WILDLAND URBAN INTERFACE (WUI)PRODUCTS Report. (PDF)

IV. SOLID "WOOD" DECKING

◊Company Name: Various Manufacturers
Product Description: Solid "Wood" decking: "Redwood", "Western Red Cedar", "Incense Cedar", "Port Orford Cedar", and "Alaska Yellow Cedar".
Sizes: Minimum nominal 2" thickness (American Softwood Lumber Standard PS 20).
Lumber grades: Construction Common and better grades for Redwood, 3 Common and better grades for Cedars, and commercial decking or better grades for both Redwood and Cedars.

Special instructions: Solid wood decking shall be 3x decking and installed over solid wood joists spacing 24" or less on center with 6x6 columns, 4x10 or 6x8 beams and 4x8 joists.

APPENDIX 'E'

Correspondence with Forest Service Access Road

United States Department of Agriculture
Forest Service
Cleveland National Forest
Descanso Ranger District
3348 Alpine Blvd.
Alpine, CA 91901-3923
(619) 445-6235
(619) 445-1753 FAX
CRS 1-800-735-2922

File Code: 2710
Date: February 28, 2011

Marc Halcon
5590 Ruffin Road
San Diego, CA 92123

Dear Mr. Halcon,

This letter is to follow up on Owen Martin's letter of October 10, 2010 responding to your proposal to amend your Special Use Permit (DRD018401) to allow for improvements to the access road located on National Forest System lands which serves your private real property in the vicinity of Japatul Valley.

Your proposal meets Forest Service screening criteria regulations located at Title 36 CFR 251.54(e) (enclosed) for consideration as an application for the use and occupancy of National Forest System lands. We anticipate accepting your proposal as an application sometime in 2012 when workload allows. At that time your application will be subject to environmental analysis according to the provisions of the National Environmental Policy Act (NEPA). I will consider approving your application based on the findings of the NEPA analysis when it has been completed.

If you have any questions concerning this matter, please contact Tim Cardoza, District Lands Specialist. He can be reached at (619) 445-6235 ext. 3434.

Sincerely,

Sharon Wallace

SHARON I. WALLACE
Acting District Ranger

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

APPENDIX 'F'
Part 1
Emergency Relocation/Temporary Safe Refuge Plan

1. Management Controls and Responsibilities

The applicant has agreed to cancel all events at Covert Canyon Training Facility (CCTF) when the following weather and/or fire conditions exist, This will be the responsibility of the project's Fire Coordinator.

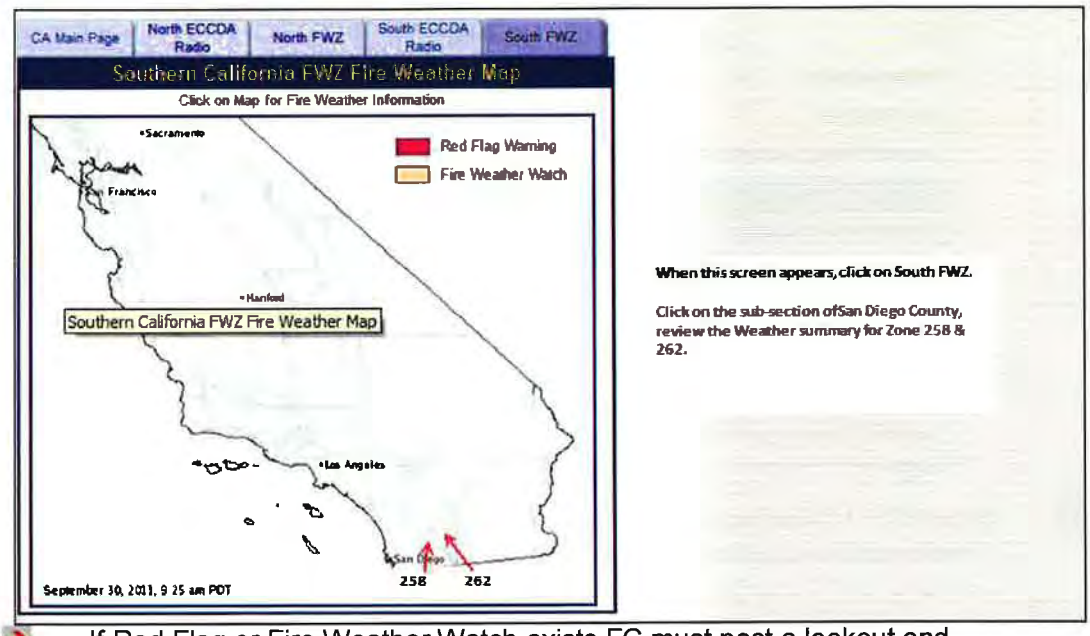
Management will designate a Fire Coordinator (FC), the individual named will be a specific, top level employee, designation to be by title.

The Fire Coordinator will be responsible for insuring full fire compliance with this Fire Protection Plan, including monitoring for.

TRIGGERS

- FC must monitor National Weather Service to be aware of "Red Flag" weather. http://www.wrh.noaa.gov/sto/cafw/index.php

  1. When the NOAA web page appears, click on South FWZ. Review local fire weather forecast by clicking on sub-sections of San Diego County.



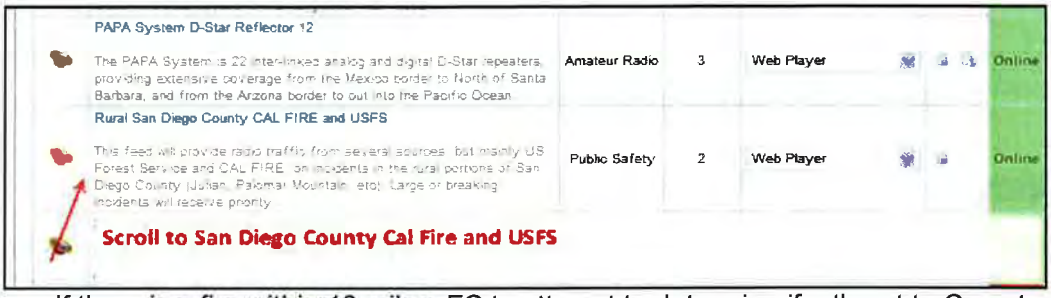
- If Red Flag or Fire Weather Watch exists FC must post a lookout and

- Check CAL FIRE website http://www.fire.ca.gov/fire_protection/firemaps.php for any fires in San Diego County.

  1. **Any fires within 30 miles of the Facility could indicate diminished local resources.**

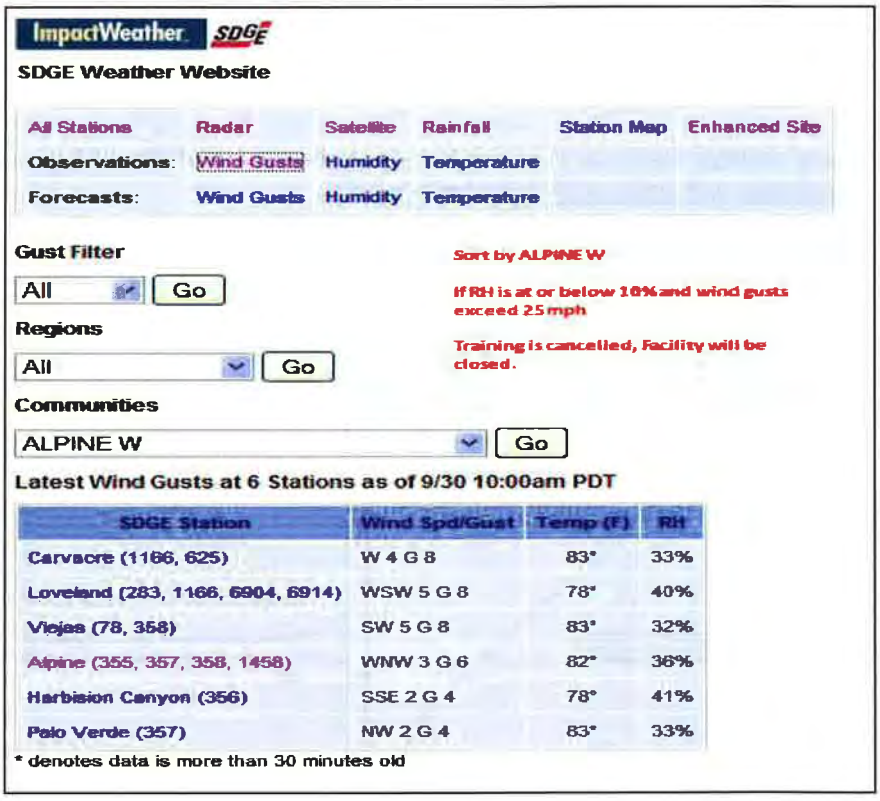
1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

FC must attempt to find out if local Fire Protection has been assigned to an incident, by monitoring radio traffic at http://www.radioreference.com/apps/audio/?ctid=219



- If there is a fire within ~~10 miles,~~ FC to attempt to determine if a threat to Covert Canyon Training Facility by checking local weather at http://www.sdgeweather.com/index.php?com=ALPINE+W&submit=Go

5 miles



- If the RH is 10% or below and there are wind gusts exceeding 25mph, the FC will cancel Training and/or close the Facility, and vacate the premises.

- If a fire exists and should there be insufficient time to cancel or relocate all trainees and staff will relocate to the TEMPORARY SAFE REFUGE building.

- ~~Any interruption of power by SDG&E will cause immediate closure.~~

2. Range Control Responsibilities

When the range is in use it shall be under the control of the Range Safety Officer (RSO) from the client group

2.1 RSO Responsibilities

- Stay in radio contact with the Covert Canyon Command Post located at the Classroom
- Put the Range in check fire when any abnormal occurrence takes place that could jeopardize the safety of personnel being trained.
- Observe firing conditions and ensure all weapons are being fired in an appropriate manner.
- Investigate any occurrence of multiple ricochets which could be caused by a shooter.
- Initiate cease fire direct all personnel to the designated Staging Area. This process may be initiated by sounding the Training Facility's Mass Notification System (MNS) audible alarm. The process may be initiated by the RSO or by the FC from the Command Post. Once the Alarm is sounded all training will cease, weapons will be cleared and personnel will report to the designated staging area for instructions. The FC may give instruction over the Facilities PA system.
- Ensure the no smoking condition is adhered to when on the range.

3. Client Briefing Information for Fire Event

Students will be provided with information prior to arrival and/or at the time of arrival which will apprise them of risks associated with large vegetation fires which may occur in the immediate area during their stay. Visitors will be informed that Staff, may escort them to the Temporary Safe Refuge (TSR) building should a fire occur, that is blocking the evacuation route.

This initial information will not be detailed. Rather, it will be a brief notice of the potential for such a wildfire event and act as a confidence building device. Should the unlikely event occur, the students will be directed to the Temporary Safe Refuge (TSR) building and there receive a detailed explanation of the circumstances and an opportunity to participate in an analysis of relevant information, in real time, and the resulting iterative decision-making process. Staff will describe active and passive features of the TSR facility; the building, the features designed into the area immediately surrounding the building including vegetation management, and the level of staff training.

Key Factors describing the Safe Refuge Facility

1) Ignition resistive construction utilizing the most current California Building Code,
2) Automatic fire sprinklers in compliance with standards for public assembly areas
3) Building size of 847sq.ft. will not exceed the required 7 sq. ft. per person x maximum capacity. No more than 30 students and staff will be on site per session.
4) More than 200 ft. of defensible space will surround the Refuge building. This means proper maintenance of existing trees, currently the space is disked.
5) Optimum Communication systems including radio, television, telephone, fax and internet capability with back-up power for those devices.
6) Refuge building will have adequate water supply via stored water.
7) Adequate access for emergency vehicles.
8) Back up power for building lights in case of power outage.
9) Safe and efficient relocation from the Range area to the TSR

Emergency Supplies to be housed in the Temporary Safe Refuge:

1. Batteries for all battery powered appliances
2. Tool kit, duct tape, misc fasteners, cord, wire, etc.
3. Battery operated am/fm radio
4. Flashlights 5.
5. Bottled water for drinking
6. First Aid Kit
7. Scanner to monitor emergency frequencies.

Fire Drills/Training Documentation

Covert Canyon will provide at least two Temporary Safe Refuge drills annually. These drills will focus on the specific duties of staff members to ensure that safety procedures are carried out as outlined in the FPP. Document training and drills by the use of a Log Book.
The Log Book will identify the FC for the training session, which organization is being trained and who is assigned as the RSO

Additional Staff Training

Other training in addition to Safe Refuge procedures will be required for staff to determine an adequate risk assessment. Areas of training will cover:

1. Determination of fire and the characteristics of an incipient stage fire or fires that can be extinguished with portable fire extinguishers/available 300 gal water support trailer, and those that are above staff level of training.
2. Size of the Fire – If a fire is contained within the defensible space and not wind driven extinguishment should be a priority.
3. Immediate Environment – If room temperature is slightly increased with visible signs of smoke or is heat easily felt within 10-15' of fire and smoke is quickly filling room with decreasing visibility.
4. Evacuation Path – If there is a clear path way behind you as you fight the fire or is the fire, heat and/or smoke blocking the route to the TSR.

Training will help staff better identify when evacuation is necessary from such fires. All Covert Canyon staff are trained on the use of portable extinguishers and such extinguishers are inspected, tested and maintained. Additionally the staff will be required to operate the emergency water trailer and pump.

PART 2
FIRE DISCOVERY

Discovery of wildland fire within a ten mile radius of Covert Canyon, will be considered a life safety threat to staff and students within the Covert Canyon property. The designated Fire Coordinator will monitor the situation as outlined in this Appendix and determine the appropriate action to ensure the safety of both staff and client/student. The Mass Notification System (MNS) will be activated and all personnel will rally at the pre-determined Staging Area. At that location staff of Covert Canyon will ensure that all students are accounted for and pass on available information.

Evacuation

If there is sufficient time to evacuate Covet Canyon, staff will deploy under the direction of the Fire Coordinator to the following monitoring locations:

- Intersection of Japatul Road and High Glenn Road
- Lower Gate, this is located approximately half way between Japatul Valley Road and the Covert Canyon facility.

Staff will be deployed by car and will have radio communication with the Fire Coordinator located at Covert Canyon. Once the above locations are determined to be clear and passable, the Fire Coordinator will initiate evacuation from Covert Canyon Training Facility. The staff person located at the intersection of Japatul Valley Road and high Glenn Road will maintain a written roster of persons that have safely evacuated. The Fire Coordinator will then confirm that all persons have evacuated Covert Canyon Training Facility. Once confirmation is made, remaining staff will evacuate in the same manner including the two monitoring locations. In the event of an observed wildfire, should visibility be obscured by smoke at the arrival of the first gate the monitors will immediately return to the Safe Refuge Building no attempt will be made to leave the facility for pre-established monitoring positions.

Temporary Safe Refuge (TSR)

If fire conditions are such that the Fire Coordinator determines evacuation to not be a safe option all personnel will be notified and escorted to a safe location. Building 1A (Administrative Office) has been designated the Temporary Safe Refuge (TSR) location. The Fire Coordinator will ensure that all staff and students are accounted for and notify duty personnel at the San Diego County Rural Fire Protection District - Station 45 of the situation. The Fire Coordinator will monitor the situation and determine if an evacuation can take place as conditions change.

In addition, the FC will listen for fire updates on television or radio. Ensure backup generator is functioning correctly in case electricity goes out.

Medical Evacuation

In the event of a medical emergency at Covert Canyon, the highest medical trained person available shall determine: Client Groups will often have a Paramedic accompanying the training event. Covert Canyon Staff will have at least one Certified EMT

- If the patient requires more than first aid
- If the patient requires evacuation
- If the patient requires emergency evacuation

Evacuation:
If the patient can be safely evacuated by car, the patient will be driven to the intersection of Japatul Valley Road and High Glen Road. The Fire Coordinator will contact Emergency Medical Services (EMS) and arrange for EMS to meet the patient at that location.

Emergency Evacuation:
If the patient cannot safely be evacuated by car the Fire Coordinator or designee shall contact EMS providing the appropriate information for an emergency aerial evacuation. This is possible due to the uniqueness of the CCTF having an FAA approved air strip. The Fire Coordinator or designee shall initiate the establishment of a designated helicopter landing zone.

APPENDIX 'G'

1/15/2009 (revised 12/12/2011) (revised to comments 05/17/2012)

Fire Availability Form

COUNTY OF SAN DIEGO
DEPT. OF PLANNING & LAND USE
5201 RUFFIN ROAD, SUITE D
SAN DIEGO, CA 92123-1666
(858) 565-5981 • (888) 267-8770

PROJECT FACILITY AVAILABILITY FORM

FIRE F

Please type or use pen

Cover Canyon LLC, Marc Halcon (858) 279-7233
Owner's Name Phone

5590 Ruffin Road
Owner's Mailing Address Street

San Diego CA 92123
City State Zip

ORG_____
ACCT_____
ACT_____
TASK_____
DATE_____ AMT $_____
DISTRICT CASHIER'S USE ONLY

SECTION 1. PROJECT DESCRIPTION — TO BE COMPLETED BY APPLICANT

A.
- ☐ Major Subdivision (TM)
- ☐ Minor Subdivision (TPM)
- ☐ Boundary Adjustment
- ☐ Rezone (Reclassification) from_____ to_____ zone.
- ☒ Major Use Permit (MUP), purpose: For a Security Training Facility
- ☐ Time Extension...Case No._____
- ☐ Expired Map...Case No._____
- ☒ Other Williamson Act Agricultural Preserve Contract Cancellation
- ☐ Specific Plan or Specific Plan Amendment
- ☒ Certificate of Compliance:_____

B.
- ☐ Residential..... Total number of dwelling units_____
- ☐ Commercial..... Gross floor area_____
- ☐ Industrial..... Gross floor area_____
- ☐ Other..... Gross floor area_____

C. Total Project acreage 153 Total lots_____ Smallest proposed lot_____

Assessor's Parcel Number(s)
(Add extra if necessary)

5	2	2	0	7	0	0	3
5	2	1	1	3	0	0	5
5	2	1	1	3	0	0	7
5	2	1	1	3	0	0	8

Thomas Bros. Page 1274 Grid G2, G3
High Glen Road
Project address Street
Alpine Community 91901
Community Planning Area/Subregion Zip

OWNER/APPLICANT AGREES TO COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.
Applicant's Signature: Danielle Wegenstein Date: 9/14/07
Address: 9755 Clairemont Mesa Blvd., 100 San Diego, CA Phone: (858) 614-5015
(On completion of above, present to the district that provides fire protection to complete Section 2 and 3 below.)

SECTION 2: FACILITY AVAILABILITY — TO BE COMPLETED BY DISTRICT

District name San Diego Rural F.P.D.
Indicate the location and distance of the primary fire station that will serve the proposed project. Station 75 Descanso

A.
- ☒ Project is in the District and eligible for service.
- ☐ Project is not in the District but is within its Sphere of Influence boundary, owner must apply for annexation.
- ☐ Project is not in the District and not within its Sphere of Influence boundary.
- ☐ Project is not located entirely within the District and a potential boundary issue exists with the _____ District.

B. ☒ Based on the capacity and capability of the District's existing and planned facilities, fire protection facilities are currently adequate or will be adequate to serve the proposed project. The expected emergency travel time to the proposed project is 10 minutes.
- ☐ Fire protection facilities are not expected to be adequate to serve the proposed development within the next five years.

C.
- ☐ District conditions are attached. Number of sheets attached:_____
- ☒ District will submit conditions at a later date.

SECTION 3. FUELBREAK REQUIREMENTS

Note: The fuelbreak requirements prescribed by the fire district for the proposed project do not authorize any clearing prior to project approval by the Department of Planning and Land Use.

- ☒ Within the proposed project 100 feet of clearing will be required around all structures.
- ☒ The proposed project is located in a hazardous wildland fire area, and additional fuelbreak requirements may apply. Environmental mitigation requirements should be coordinated with the fire district to ensure that these requirements will not pose fire hazards.

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

David Nissen B.C. 619-669-1085 10/8/07
Authorized signature Print name and title Phone Date

Attachment D – Pertinent Sections of the County Zoning Ordinance

1008 INTERPRETATION AND APPLICATION OF THE ORDINANCE.
If ambiguity arises concerning the content or application of The Zoning Ordinance, it shall be the duty of the Director to ascertain all pertinent facts, render a decision on the interpretation, set forth findings and notify concerned persons. This decision may be appealed pursuant to the Administrative Appeal Procedure commencing at Section 7200.

1220 CLASSIFYING USES.
Uses will be classified into use types based upon the description of the use types as contained in Section 1250 through Section 1899, inclusive, and upon common functional, product, or compatibility characteristics with other uses already classified within the use type, subject to the applicable provisions of Section 1215 with respect to combinations of uses. A list of common uses and the use types into which they are classified shall be maintained by the Director. The Director shall have the authority to classify common uses according to use types. The classification of a use is subject to the right of appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

1346 LAW ENFORCEMENT SERVICES.
The Law Enforcement Services use type refers to the provision of police protection by a governmental agency, including administrative offices, storage of equipment and the open or enclosed parking of patrol vehicles.

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.

2720
A72 GENERAL AGRICULTURAL USE REGULATIONS

2720 INTENT
The provisions of Section 2720 through Section 2729, inclusive, shall be known as the A72 General Agricultural Use Regulations. The A72 Use Regulations are intended to create and preserve areas for the raising of crops and animals. Processing of products produced or raised on the premises would be permitted as would certain commercial

activities associated with crop and animal raising. Typically, the A72 Use Regulations would be applied to areas distant from large urban centers where the dust, odor, and noise of agricultural operations would not interfere with urban uses, and where urban development would not encroach on agricultural uses.

2722 PERMITTED USES.
The following use types are permitted by the A72 Use Regulations:

a. Residential Use Types.
   Family Residential

b. Civic Use Types.
   Essential Services
   Fire Protection Services (see Section 6905)
   Law Enforcement Services (see Section 6905)

c. Agricultural Use Types.
   Horticulture (all types)
   Tree Crops
   Row and Field Crops
   Packing and Processing: Limited

2723 PERMITTED USES SUBJECT TO LIMITATIONS.
The following use types are permitted by the A72 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types
   Mobilehome Residential "18"

b. Commercial Use Types
   Animal Sales and Services: Veterinary (Large Animals) "6"
   Animal Sales and Services: Veterinary (Small Animals) "6"
   Recycling Collection Facility, Small "2"
   Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types
   Packing and Processing: Small Winery “22” (see Section 6910)
   Packing and Processing: Boutique Winery “22” (see Section 6910)
   Packing and Processing: Wholesale Limited Winery “22” (see Section 6910)

2724 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the A72 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types

Minor Impact Utilities
Small Schools

b. Agricultural Use Types
Farm Labor Camps

c. Commercial Use Types.
Cottage Industries "17" (see Section 6920)

2725 USES SUBJECT TO A MAJOR USE PERMIT.

The following use types are permitted by the A72 Use Regulations upon issuance of a Major Use Permit.

a. Residential Use Types.
Group Residential

b. Civic Use types.
Administrative Services
Ambulance Services
Child Care Center
Civic, Fraternal or Religious Assembly
Clinic Services
Community Recreation
Cultural Exhibits and Library Services
Group Care
Major Impact Services and Utilities
Parking Services
Postal Services

c. Commercial Use Types.
Agricultural and Horticultural Sales (all types)
Animal Sales and Services: Auctioning
Explosive Storage (see Section 6904)
Gasoline Sales
Participant Sports and Recreation: Outdoor
Transient Habitation: Campground (see Section 6450)
Transient Habitation: Resort (see Section 6400)

d. Agricultural Use Types.
Agricultural Equipment Storage
Animal Waste Processing (see Section 6902)
Packing and Processing: Winery
Packing and Processing: General
Packing and Processing: Support

e. Extractive Use Types.
Mining and Processing (see Section 6550)