

# Windfall Ranch

Terry & David Howe  
619 445 5443



21800 Japatul Valley Rd  
Alpine, CA 91901

[www.windfallranch.net](http://www.windfallranch.net)

January 14, 2016

Department of Planning and Development Services  
5510 Overland Avenue, Suite 300  
San Diego, CA 92123

RE: APN 524-040-03 and 524-040-02

FCI

To Whom it May Concern:

We are the owners of Windfall Ranch, encompassing 475 acres on Japatul Valley Road in the Alpine area. While our main endeavor on this property is to operate an equestrian boarding facility, it has been our dream to someday facilitate development of part of the property into home sites.

We initially requested 20 acre minimum over the entirety of the property. That did not seem unreasonable to us because our immediate neighbors to the north (Japatul Estates, an extensive development on Larry Lane) are developed on 8 acres and less; and the same is true of our immediate neighbors touching our westernmost boundary across Japatul Valley Road. We greatly appreciate the fact that the Alpine Community Planning Group has always supported our request for this classification with unanimity which is unusual, to say the least. The Japatul Valley is a fertile area with plenty of water.

However, the San Diego County Planning Commission did not entirely agree. They recommended that only 120 acres of our holding be allowed the 20 acre minimum classification of RL-20. This recommendation is shown in Figure 4-3A of the Alpine Land Use Map Alternative.

While we would prefer the recommendation of the Alpine Planning Group, we can accept the recommendation shown in Figure 4-3A, so long as we can "cluster" lots in our preferred areas near other developments of similar size, and realize a potential of at least 14 lots

Thank you for your consideration.

Terry Howe

**From:** Cynthia Garrison  
**Sent:** Thursday, January 28, 2016 5:42 PM  
**To:** Citrano, Robert  
**Subject:** Draft Supplemental Environmental Impact Report Review

Dear Mr. Lyon and Mr. Citrano,

After reading the draft of the Supplementary Environmental Impact Report, my husband and I are very impressed with the scope and depth of the report and the consistent and coherent vision and analysis of possible regional growth based on 10 fundamental principals intended to guide future growth within the County.

We appreciate the leadership of the APG in ensuring that the study for this project has moved forward over recent months.

As property owners of a 5-acre parcel on Alpine Blvd near East Willows Road, we want to indicate our support for the "Proposed Project" in the SEIR and our rejection of both the "Mid-density Alternative" and the "Alpine Alternative Land Use Map." We believe that the "Proposed Plan" is the only plan that ensures that the area where our property is located is included in the benefits of development. The "Alpine Alternative" would propose to maintain the current or existing General Plan densities of 1 dwelling unit per 4 acres. This would ensure that the existing inadequate roadway widths, dead-end roads, one-way roads, and gated communities would continue to impair emergency access in this area. In the absence of the benefits of "Proposed Plan" by the County, we will continue to be unsafe when faced with an emergency. The second major concern about the alternative plans is that our parcel and those around us are not included in the improvement of water quality standards as planned in the "Proposed Plan." As the report indicated, "Violation of ground water quality standards by designating land uses that would be ground water dependent in areas currently exposed to ground water contamination."

In conclusion, the "Proposed Plan" for East Alpine is the only plan that ensures that the benefits of development will be based on the 10 guiding principals for future development of Alpine. Ensuring the safety of all through well planned roads and emergency access is critical to us, and access to quality water is essential in any plan for the future.

We believe that those who support the "Mid-density Plan" or the "Alpine Alternative Land Use Map" are not guided by the 10 sound principals underlying the proposed future development of Alpine. Self interest of a few cannot prevail over the consistent and coherent vision of regional growth.

Sincerely,  
Cynthia and Alberto Arce  
5615 Alpine Blvd  
Alpine, CA 91901

January 29, 2016

Planning & Development Services

5510 Overland Avenue, Suite 310

San Diego, California 92123

RE: GPA12-004; SCH NO. 2012081082; Forest Conservation Initiative Lands

General Plan Amendment

For the following reasons we again request RL20 in the Japatul Lane area of Alpine, and object to the RL40 designation as recommended by the County Planning and Development department.

- There is no significant impact in the SEIR, and the draft recirculated SEIR with an RL20 designation.
- The RL20 designation has consistently been upheld and approved by the Alpine Community Planning Group throughout many meetings over the past several years, as well as recommended to the county in the draft SEIR and Recirculated SEIR.
- The Japatul area is part of the Alpine community, and not remote or removed back country area.
- The downsizing to the RL40 designation would create hardship, reduce property value, and degradation of the area insuring future blight. Almost all the petitioning owners of properties on Japatul are seniors over the age of 65. Directly and cumulatively the RL40 designation would impact the quality, character and vitality of the Japatul Lane area. RL 20 would allow the ability to retain and enhance the rural character and economy of the Japatul and Alpine area.

We respectfully ask your favorable consideration and grant us the deserved RL20 designation.

I did not address concerns of the Forest Service as we are tax paying private property owners and not indentured buffers of the National Forest. And though not as financially lucrative, we are perhaps the better stewards of the land and neighbors, than SRPL. As to the concern of wildfires, we are in a high fire area, as is most of the county now, not just Japatul and not just Alpine. But during the last big fire, prior to staging at Viejas, the Fire Fighters staged at the end of Japatul Lane as the topography and geography allow it. RL20 is the deserved designation for our area.

Thank you,



Mary Kay Borchard, 21916 Japatul Lane, Alpine, 91901 691 445 9095

cc: Supervisor Dianne Jacob

February 1, 2016

Planning and Development Services

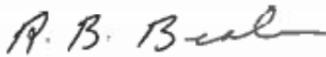
5510 Overland Avenue, Suite 310

San Diego, CA 92123

RE: GPA 12-004; SCH NO. 2012081082; Forest Conservation Initiative Lands, GPA

We request RL20 land use designation for our home and property. The affected property owners who live on Japatul Lane and the Japatul Valley have repeatedly asked for the RL-20 designation, and have had the consistent support and recommendation to the County on this designation.

We have lived on Japatul Lane for generations and are very much invested in the character and vitality of the land and our home. We would like to be able to continue to enjoy living in the Japatul Valley with, and for, our adult children, adult grand children, and future great grandchildren.



Robert Beale 21875 Japatul Lane, Alpine 91901 619-445-3306

Parcel # 523-100-13-00 and # 523-100-29-00

21912 Japatul Lane, Alpine 91901

Parcel # 523-100-15-00



Sharon Beale 21875 Japatul Lane, Alpine, 91901 619-445-3307

Parcel # 523-100-13-00 and # 523-100-29-00

21912 Japatul Lane, Alpine, 91901

Parcel # 523-100-15-00

cc: Supervisor Dianne Jacob

February 1, 2016

Planning and Development Services

5510 Overland Avenue, Suite 310

San Diego, CA 92123

RE: GPA 12-004; SCH NO.2012081082; FCI Lands General Plan Amendment

We have lived in the Japatul Valley for generations and request RL-20 designation for our property. Our immediate neighbors to the West have one residence on 5 acres, the immediate neighbor to the North has one residence on 8 acres, and our neighbors to the East and North have larger parcels. We affected property owners in the Japatul Valley area have requested RL-20 designation, and oppose the Planning and Development Services blanket RL-40 proposed designation. The Alpine Community Planning Group has consistently supported our RL-20 request throughout the many meetings over the last several years on the FCI lands General Plan Amendment.

We respectfully request you grant us RL-20 designation for our property and home.

Danny Ervin 22273 Japatul Lane, Alpine, CA 91901



Robin Ervin 22273 Japatul Lane, Alpine, CA 91901



*Sharon Haven Land Use Strategies*  
2904 Scenic view Road  
Alpine, CA 91901

February 2, 2016

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

5510 Overland Avenue Ste. 310

San Diego, CA 92123

RE: APN 523-150-10; APN 524-031-19

Att.: Mr. Bob Citrano

TO WHOM IT MAY CONCERN:

In July 2012, The Alpine Community Planning Group voted decisively for the lands in the Japatul Valley requesting RL-20 to receive that classification in the new plan . They have never wavered in that position, despite taking several votes on the overall plan since that time. In fact, this is the only vote taken on the plan which received the unanimous vote of all present.

Dortheia Hinkle's 237 acre holding (APN 523-150-10 and 524-031-19) shown in the "Project Map", Figure 4-2.1A Mid Density Alternative for Alpine, and in Figure 4-3A of the Alpine Land Use Alternative Map, is one of these properties. It is located immediately adjacent to the Japatul Spur, and is in close proximity to sites developed at eight acre minimum and less. She had requested 20 acre minimum over her entire site.

In November of 2013, the SD County Planning Commission heard the Alpine Community Plan. They reviewed the Plan supported by the Alpine Community Planning Group, as well as the Staff Recommendation. In the case of Mrs. Hinkle's property, they recommended that the portion of her property, closest to the Japatul Spur (approximately 60 acres), be designated RL-20. Subsequently, in June 2014, the Board of Supervisors heard the various plan alternatives and was unable to make a decision at that time on this area. It was sent back to staff for more review.

Mrs. Hinkle is willing to accept the Planning Commission recommendation as shown in figure 4-3A as a compromise to her original request. She recognizes that the terrain above the recommended 60 acres is rougher and less developable. She personally believes that there are several landmarks on the property that would be more protected if the upper area was to remain largely undeveloped. She hopes to be able to cluster her allowable lots on the lower portion of her land. That area is without steep slope, and is without significant preservable habitat.

*Sharon Haven Land Use Strategies*  
*2904 Scenic view Road*  
*Alpine, CA 91901*

The Japatul Valley is an area that needs more development to remain viable. The Sunrise Powerlink devastated much of the Valley, and has left its definable mark. Areas such as Mrs. Hinkle's, with close proximity to a major circulation road and ample water, need to have the ability to expand the base of the Valley population and provide home sites that are of manageable size.

We support the Planning Commission recommendation as shown in the "Alternative Alpine Plan".

Sincerely,

Sharon Haven

*Sharon Haven Land Use Strategies  
2904 Scenic view Road  
Alpine CA 91901*

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

5510 Overland Avenue Ste. 300

San Diego, CA 92123

RE: APN(S) 524-040-03 and 524-040-02

February 15, 2016

"Alpine Land Use Map Alternative" Figure 4-3A

TO WHOM IT MAY CONCERN:

I represent Terry and David How in the matter of securing appropriate land use classifications for their property known as WINDFALL RANCH on Japatul Road. Ms Howe appeared before the Alpine Community Planning Group along with other land owners in mid 2012 to ask that their land be considered for 20 acre minimum. The Planning Group was extremely supportive, and in subsequent votes never wavered in nearly unanimous approval for that classification in that area.

The Howe property, in particular, is deserving of this classification because it is located on both sides of Japatul Road, providing more than adequate circulation with several opportunities to improve such circulation for the area in general. . On its northernmost boundary, Larry Road, it is neighbored by the 8 acre and smaller subdivision of Japatul Estates, while its western boundary is bordered by more small lots. There are no "dead end road" issues, and there is a positive effect to be gained for the area as a whole by allowing the 20 acre minimum classification over the entire property.

In November of 2013, the Planning Commission recommended approval for 20 acre minimum over 120 acres of the Howe holding, In June of 2014, the Alpine FCI lands were heard before the Board of Supervisors, and they were unable to make a final decision on this issue,

Although they still believe their land suitable for RL-20 overall, the Howes are will to accept the Planning Commission recommendation of 20 acre minimum on 120 acres of their land -- with the understanding that they qualify to cluster that density in appropriate areas of their parcel most suitable for development. This recommendation is demonstrated in the "Alpine Land Use map Alternative": Figure 4-3A.

Thank you for your attention to this matter.

Sharon Haven

*Sharon Haven Land Use Strategies*  
2904 Scenic View Road  
Alpine, CA 92001

DEPARTMENT OF PLANNING AND LAND USE

5510 Overland Ave. STE: 300

San Diego, CA 92123

RE: APNs 404-231-03 and 404-240-18

February 16, 2016

Attn: Mr. Peter Eichar

TO WHOM IT MAY CONCERN:

I have been working with the property owners, Staff, and the Alpine Community Planning Group on the reclassification of this land holding for several years. The immediate neighbors to the north (which this property wraps around) are in full agreement with the changes in classification. The property touches a very dense mobile home park on its' western side, and is immediately adjacent to the site of the proposed Alpine High School. Its eastern boundary is tangent to the West Willows off ramp.

The classification of VR-2 is entirely appropriate for the residential sector of this property. The recommendation of staff for 2.4 acres of Rural Commercial is also completely reasonable given the site's proximity to freeway ingress and egress.

The Alpine Mid Density Map and the Alpine Land Use Map Alternative both reflect the wishes of not only the property owner, but multiple positive votes from the Alpine Community Planning Group and the vote of the SD County Planning Commission. The property is within the Water Service Availability Area, and the owner has been paying property taxes for years because that benefit is available to them, though not presently in use. Sewer access is a reasonable distance away.

On behalf of the property owners, I support the findings of the SEIR on this property.

Thank you for your attention to my comments.

Sharon Haven

*Sharon Haven Land Use Strategies*  
2904 Scenic View Road  
Alpine, CA 92001

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

5510 Overland Ave. Ste. 300

San Diego, CA 92123

RE: APNs 404-042-05; 404-050-55; 404-231-02; 404-240-13

Attn.: Peter Eichar

February 18, 2016

TO WHOM IT MAY CONCERN:

The above referenced APNs describe the property known as the Campbell Creek Ranch. It is located across Alpine Boulevard from property designated for Rural Commercial. It is immediately adjacent to densely developed mobile home property on its' western boundary, proposed Rural Commercial on its' eastern boundary, and proposed VR-2 on its' southern boundary.

It is within a few hundred feet of the property proposed for the new high school in Alpine. It is within the Water Service Area, and within a reasonable distance of prospective sewer service.

The Alpine Community Planning Group and the San Diego County Planning Commission have approved this property for exactly this classification. The Board of Supervisors reviewed these uses for this and other properties and voiced no disapproval at their July 25, 2014 meeting.

I support the Alpine Mid Density Map and the Alpine Land Use Map Alternative which show the above designations for this property.

Thank you for your consideration of my comments.

Sharon Haven

Janice C and Colin L Campbell  
3535 Alpine Boulevard  
Alpine, CA 91901-2301

February 18, 2016

Department of Planning and Development Services  
5510 Overland Ave. Ste. 300  
San Diego, CA 92123  
Attn: Mr. Peter Eichar

**Subj: Additional comments on the Forest Conservation Initiative (FCI) General Plan Amendment (GPA) Draft Supplemental Environmental Impact Report (SEIR) recirculated by the Planning & Development Services (PDS) in January 2016 on the reclassification of CAMPBELL CREEK RANCH, Augustyne-Kaderabek properties, and Alpine Oaks Mobile Estates.**

Dear Mr. Eichar:

Our property, known in the community as Campbell Creek Ranch (CCR), 4040420500, 4040505500, 4042401300, 4042310200 is adjacent to the Alpine Oaks Mobile Estates, 4040420400, on our northwest, Alpine Boulevard to our north and surrounded by the Augustyne-Kaderabek holdings, 4042310300, 4042401500, to our east, south and west.

CCR is immediately adjacent to an intensely developed mobile home park and a few hundred feet from the anticipated site of our new High School, 4040420100, 4042310500. CCR is within the "Village Core" of Alpine and within the Water Service Area of the Padre Dam Municipal Water District. When the High School is constructed, sewer will also be within a reasonable distance of our site. We also support the proposed Rural Commercial designations for our northern neighbors across from us along Alpine Boulevard and the Augustyne-Kaderabek family near the West Willows off-ramp.

CCR could be a perfect site for future multi-family residential growth. We have a deep love and appreciation for this property and want to see it evolve in a manner that is appropriate to Alpine community needs while maintaining much of its wild, natural beauty. We fully approve the recommended SEIR VR-2 reclassification which has been consistently supported by the Alpine Planning Group, the San Diego Planning Commission and your PDS department over the past several years providing for responsible development and growth while preserving open space consistent with the San Diego County GPA.

We support the recommendation of PDS Staff as seen in both the Alpine Mid Density Map and the Alpine Land Use Map Alternative of the SEIR.

Thank you for your attention to our comments.

Sincerely,

  
Janice C. Campbell  
  
Colin L. Campbell (Sr)

Alberto & Cynthia Arce  
5615 Alpine Blvd  
Alpine, CA 91901

February 24, 2016

Dear Members of the SD Board of Supervisors, Robert Citrano and Travis Lyon:

After reading the draft of the Supplementary Environmental Impact Report regarding the land use and zoning designations for the former FCI lands, my husband and I want to express our appreciation of the scope and depth of the report and the consistent and coherent vision and goals of the future regional growth of the county, based on the 10 guiding fundamental principles in the report. Over the past few years, we have attended many meetings of the Alpine Planning Group regarding land use designations for this area as well as the June 2014 meeting of the Board of Supervisors. We greatly appreciate the work of the BOS, Robert Citrano, and the current leadership of Travis Lyon of the APG in ensuring that the study for the General Plan Amendment based on land use designations has moved forward over recent months resulting in the SEIR draft.

As property owners of a 5-acre parcel on Alpine Blvd between Montecito Road and East Willows Road, we want to indicate our support for the SD County's "Proposed Project" in the SEIR and our rejection of both the "Mid-density Alternative" and the "Alpine Alternative Land Use Map." We believe that the "Proposed Plan" is the only plan that ensures a coherent and consistent plan for development of the area where our property is located. The County proposal for the land use designation here would increase population density by changing from the current SR-4 to SR-1. This would ensure that our property would be included in the expansion of water and sewer service areas required to serve the increased densities proposed. The "Alpine Alternative" would propose to maintain the current or existing General Plan zoning with densities of 1 dwelling unit per 4 acres, and to exclude our parcel and those around us from the benefits of development and the improvement of water quality standards as planned in the "Proposed Plan." As the report indicated, the alternative plan would be a "Violation of ground water quality standards by designating land uses that would be ground water dependent in areas currently exposed to ground water contamination." The County's proposed plan ensures access to quality water for all, which is essential in a consistent and coherent plan for the future development of this area.

A second observation and grave concern of ours is that, over the years, the current zoning here has resulted in a very unsafe environment. Due to inadequate roadway widths, many dead-end roads, many one-way roads, and gated communities, there is no emergency access in this area. There are junkyards, trash and other fire hazards up behind Montecito Road which epitomize the lack of safety here with no emergency access. In the absence of the benefits of the County's "Proposed Plan," we would continue to be unsafe when faced with a true emergency. Without the well planned roads and emergency access throughout San Marcos and Carlsbad, the 2014 & 2015 fires would have caused much greater damage and would have been much more challenging to contain. Ensuring the safety of all Alpine residents through well planned roads and emergency access is critical to us all.

After a thorough review of the SEIR Report, we want to express that we whole heartedly disagree with and reject the new alternative referred to in the draft as the "Mid-density alternative," where a few of our more vocal neighbors in the Montecito Road area propose "reduced densities on specific parcels to further reduce Project impacts associated with biological resources, fire hazards, increased urban unauthorized access, improvement to infrastructure, etc." Under the County's Proposed Plan, our neighbors' properties would be part of the larger plan, yet the owners would not have to subdivide and increase density on their land if they choose not to. The "Mid-density alternative, however, would exclude our properties from the benefits of the future development of all of Alpine and have a negative impact on the value of the land here. We believe that those who support the "Mid-density Plan" or the "Alpine Alternative Land Use Map" are not guided by the 10 sound principles and goals of the proposed future development of Alpine Blvd east of Viejas and south of interstate 8. This land must be included in the consistent and coherent vision for the future regional growth of San Diego County.

We hope to hear from you regarding our review of the SEIR, and we look forward to the future meeting of the Board of Supervisors regarding the land use designation of this area.

Sincerely,

Cynthia and Alberto Arce  
5615 Alpine Blvd  
Alpine, CA 91901  
[cynthiagarrison@ymail.com](mailto:cynthiagarrison@ymail.com)  
[albertoarcesandiego@gmail.com](mailto:albertoarcesandiego@gmail.com)

Cc: Dianne Jacob

Greg Cox

Dave Roberts

Ron Roberts

Bill Horn

Robert Citrano

Travis Lyon

# ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



February 25, 2016

*VIA ELECTRONIC MAIL*

Peter Eichar  
Dept. of Planning and Development Services  
County of San Diego  
5510 Overland Ave. Suite 110  
San Diego, CA 92123  
[peter.eichar@sdcounty.ca.gov](mailto:peter.eichar@sdcounty.ca.gov)

**RE: 2016 Draft Supplemental Environmental Impact Report (SEIR) for the Forest Conservation Initiative (FCI) Lands General Plan Amendment (GPA 12-004)**

Dear Ms. Eichar:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) that was prepared for the County's proposed General Plan Amendment on about 72,000 acres of backcountry land previously zoned under the Forest Conservation Initiative (FCI). For your reference, EHL is Southern California's only regional conservation group. For over a dozen years, EHL worked collaboratively with the County and other stakeholders to develop a truly sustainable General Plan that accommodates growth while reducing public infrastructure costs and increasing conservation of San Diego's world-class biodiversity and scenic landscapes.

EHL submits that the proposed Project would create numerous significant adverse impacts that could be substantially lessened or avoided by adoption of the environmentally superior, Modified FCI Condition Alternative ("Modified Project"). As is explained in detail below, the California Environmental Quality Act (CEQA) contains a substantive mandate precluding adoption of a Project where feasible alternatives that achieve most project purposes and which avoid or substantially lessen significant environmental impacts exist. Because the environmentally superior Modified Project meets these tests, the County has no substantial evidence that no such alternative exists. It therefore cannot make the necessary findings that are a predicate to approve a Project with significant impacts via a finding of overriding considerations.

Indeed, the SEIR acknowledges that the Modified Project's reduced development intensity results in less modification of the landscape, "thus decreasing environmental impacts in *all* issue areas evaluated." (SEIR at p. S-7, emphasis added.) Moreover,

because this alternative *fully* meets all Project objectives and in most cases *better* than the proposed Project—and no substantial evidence exists to support a contrary conclusion—CEQA *requires* its adoption in lieu of the proposed Project.

In the discussion below, we briefly summarize the stated Project objectives, the Project and environmentally superior Modified Project, the comparative impacts, and finally an evaluation of the uncontroverted evidence showing the Modified Project's superior ability to meet the Project objectives as compared with the Proposed Project.

### Project Objectives

The Project objectives are the same as those of the County of San Diego General Plan:

- Support a reasonable share of projected regional population growth;
- Promote sustainability by locating new development near existing infrastructure, services, and jobs;
- Reinforce the vitality, local economy, and individual character of existing communities while balancing housing, employment, and recreational opportunities;
- Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance;
- Ensure that development accounts for physical constraints and the natural hazards of the land;
- Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns;
- Maintain environmentally sustainable communities and reduce greenhouse gas (GHG) emissions that contribute to climate change
- Preserve agriculture as an integral component of the region's economy, character, and open space network;
- Minimize public costs of infrastructure and services and correlate their timing with new development; and
- Recognize community and stakeholder interests while striving for consensus.

In addition, the following two Project-specific objectives are added:

- Assign land use designations in a manner consistent with the Guiding Principles, Goals, and Policies of the adopted County General Plan.
- Assign land use designations that minimize conflicts with the U.S. Forest Cleveland National Forest Management Plan.

As is explained in detail below, every single one of these objectives is better or equally met by the Modified Project alternative.

## The Proposed Project

Nearly 2,000 additional dwelling units over the development quantity assumed in the 2011 General Plan Update would be added by the Project. (Table 1-1A.) Virtually all of these units would be spread out over the landscape in remote locations including in the Alpine, Central Mountain, Jamul/Dulzura, North Mountain, and Mountain Empire subregions. All of the affected 71,715 acres are located east of the County Water Authority line, and distant from infrastructure, services, public safety resources, and jobs. Indeed, FCI lands represent some of the most rugged, inaccessible areas in the County.

According to the SEIR, the Project would produce numerous significant unavoidable impacts. These include on Visual Character or Quality, Light or Glare, Direct Conversion of Agricultural Resources, Indirect Conversion of Agricultural Resources, Direct and Indirect Loss or Conversion of Forestry Resources, Air Quality Violations, Non-Attainment Criteria Pollutants, Sensitive Receptors, Special Status Species, Riparian Habitat and Other Sensitive Natural Communities, Wildlife Movement Corridors and Nursery Sites, Wildland Fires, Water Quality Standards and Requirements, Groundwater Supplies and Recharge, Mineral Resources Recovery Sites, Permanent Increase in Ambient Noise Level, Schools, Traffic and LOS Standards, Rural Road Safety, Adequate Water Supplies, Sufficient Landfill Capacity, Compliance with AB 32, and Effects of Global Climate Change on the Proposed Project. Only if no feasible alternatives meeting most Project objectives exist may the Project be approved consistent with CEQA.

Notable among the proposed changes is an expansion of the village in Alpine with urban densities around the Viejas reservation. This change is profound because it will involve the expansion of urban infrastructure further into the backcountry. The draft amended Community Plan for Alpine states:

“Expansion of imported water and sanitary sewer services are necessary to accommodate the increased land use intensities identified on the Alpine General Plan land use map. More specifically, both imported water and sewer services are necessary to fully realize the land use intensities allowed by the Village land use designated areas along Willows Road east of Viejas and residential densities south of Alpine Boulevard between the Interstate 8 interchanges at West Willows Road and at the eastern end of Willows Road.” (DEIR at p. 1-23.)

In addition, much the rugged former FCI lands would go from lower to higher density Rural and various Semi-Rural densities. There are some locations where the Semi-Rural designations make sense due to existing parcelization. In other areas, however, intact parcels of 40 and 80 acres and larger are being designated at higher Rural and even Semi-Rural densities (for example in Alpine). In comments on the NOP for the Project, EHL articulated several examples of such density increases:

**Alpine:** The area of 1:10 south of Abrams Ridge should change to 1:20. South of the Commercial district and south of Old Ranch are three large blocks of unparcelized land that should be 1:40 or 1:80 rather than 1:10. In the area of Fusco, Burdoaks, Old Ranch and Granite Vista there should be a 1:20 density rather than 1:10. Note: This last area may be in Descanso. Note: There are two "Old Ranch" roads in different parts of the map.

**Lake Moreno/Campo:** The "square" immediately south of the town center, labeled SR-10, should be RL-20.

**Descanso:** The area around Verna Road should be 1:20 rather than 1:10. The area around Old Ranch, South Forty, Campbell Ranch, and Granite Vista should be 1:20 rather than 1:10. South of the Commercial district and south of Old Ranch are three large blocks of unparcelized land that should be 1:40 or 1:80. (Note: This last area may be in Alpine.)

**North Mountain:** On the inset map, lands northeast of the village should be RL-20 or RL-40 rather than SR-10.

Notably, neither the SEIR nor Origins of the Forest Conservation Initiative Lands GPA Project Alternatives articulates *any* planning rationale or rationale based on the Guiding Principles for these shifts to Semi-Rural in the backcountry.

Nor is there any response in the SEIR to the compelling planning rationales EHL articulated in its comments on the NOP for maintaining low rural densities in these remote, rugged areas. For this reason, EHL repeats it here:

"Forest inholdings are generally remote locations, removed from urban services and urban infrastructure, with high ecological integrity and high fire risk. Therefore, intensities of use (as reflected in assigned densities) should be at the *lowest* levels the Land Use Element allows, consistent with underlying parcelization. In other words, the number of potential new parcels should rarely increase above the baseline number of parcels, and then only in locations already substantially committed to such parcelization, so as to avoid "spot zoning." Mere adjacency to areas of existing higher density, or proximity to a roadway, is *not* sufficient rationale for up-planning. The needs to reduce fire hazard, preserve the environmental, and reduce service costs remain paramount. The current General Plan's limits of estate, semi-rural, and village development should be respected. Absent a demonstrable objective need to increase the housing capacity of the General Plan, there should be *no* expansion of Village or Semi-Rural densities into the former FCI lands. A density of 1:40 or less dense should be the default *unless unique circumstances compel otherwise.*" (EHL NOP Comments, Appendix B.)

The flaws in the Project are most clearly seen in Alpine 5, 6, 7, and 8. Indeed, Alpine can be fairly described as a planning disaster.

AL 5

Semi-Rural densities of SR-1, SR-2, SR-4, and SR-10 are shown over large portions of 696 acres. These lands are constrained by prime agriculture, National Forest adjacency, high fire risk, lack of water and access, high biological value, and adjacency to National Forest. Existing parcelization does not justify Semi-Rural categories, and similarly unparcelized lands just to the east (and indeed, throughout the County) are designated Rural, creating inequities. Numerous General Plan Guiding Principles and Land Use Policies are violated. Land designated in the Project as Semi-Rural actually contains existing lots of 40 to 80 acres in size. *The proper designation is RL-20 or RL-40.* Subdivision of intact, relatively remote land into dispersed estate lots would place more residences at fire risk, fragment habitat, increase service costs, and increase GHG emissions for the resulting long-distance commuters.

These proposed designations *blatantly and irretrievably* violate the following Planning Criteria ostensibly used by staff to assign densities for the FCI Amendment:

*b) Consistency with existing parcel size – Outside of villages and the County Water Authority boundary, Semi-Rural 10 or Rural Lands 20 land use designations are assigned only when the predominant parcel size is similar (10 to 20 acres) and would result in little to no additional subdivision potential. To the contrary, the proposed SR-1, SR-2, SR-4, and SR-10 are not similar in size to the predominant parcels in these outside-Village and outside-CWA locations.*

*c) Reduced development adjacent to CNF lands – Lower land use designations are assigned adjacent to the CNF lands to reduce density in the Wildland/Urban Interface. Additional development in this area increases the likelihood of human-caused wildland fires, requires a greater commitment of resources to manage buffers between the CNF and developed areas, and increases the need for additional infrastructure and services in CNF lands. The proposed SR-1, SR-2, SR-4, and SR-10 place Semi-Rural adjacent to the CNF across a broad interface, where fire history shows repeated conflagrations.*

*d) Reduced development in areas with sensitive biological resources – Lower density residential designations are assigned in areas with high value biological resources to avoid these sensitive resources. Significant portions of the proposed SR-2, SR-4, and SR-10 and even some SR-1 have “high” biological value.*

*e) Reduced development in areas without adequate access – Lower densities are assigned in areas that are one-half mile or more from public roads. Except for a portion of SR-1, virtually all the SR-2, SR-4, and SR-10 in the Project is more than one-half mile from public roads.*

*f) Reduced development in areas with physical constraints – Lower densities are assigned in areas dominated with slopes greater than 25%. Portions of the*

proposed SR-1 and proposed SR-2 are slope constrained.

#### AL-6

Lands designated SR-1 and SR-2 over portions of 427 acres are constrained by very high fire risk, biology, wetlands, slope, and adjacency to public lands. Rural densities here are appropriate unless already parcelized. However, the Project errs in designating unparcelized land for estate subdivision when it should be RL-20 or RL-40. Planning Criteria b, c, d, e, and f are all violated to various extents, such as in placing Semi-Rural adjacent to the Cleveland National Forest and in placing even SR-1 more than a half mile from a public road. Such special treatment for these property owners would create inequities. Subdivision of intact land into estate lots would place more residences at fire risk, fragment habitat, increase service costs, and increase GHG emissions for the resulting long-distance commuters.

#### AL-7

While part of AL-7 is properly designated as Rural, SR-10 improperly appears over portions of 360 acres. Consistent with the Planning Criteria, and due to numerous constraints including high fire risk, slope, biology, wetlands, water, and limited access, these properties should be RL-40.

#### AL-8

The RL-20 in the Project is improperly placed over large expanses of unparcelized and highly remote land with high fire risk, National Forest adjacency, biological value, agriculture value, and slope, water, and access constraints. These unparcelized properties should given densities at the bottom of the range, namely, RL-40 or RL-80. Dead-end road lengths for fire safety are also exceeded. Planning Criteria b, c, d, e, and f are all violated.

No “unique circumstances” grounded in the Guiding Principles have been articulated in the Project or the accompanying SEIR to justify Alpine’s gross departures. The high degree of inconsistency with the Planning Criteria – which in turn simply embody General Plan Guiding Principles, Goals, and Policies – is truly astounding.

#### **Greenhouse Gas (GHG) Impacts**

The density increases in the Project and indeed all the alternatives (much less so for the Modified Project) are contrary to the 2011 General Plan’s goal of reducing development in more remote, GHG-intensive locations. A major expansion of the Alpine Village is highly adverse for GHG emissions, as this new development will create long distance commutes to jobs and activity centers absent any sort of transit capacity.

Besides this inconsistency with the General Plan, the Project is inconsistent with the SANDAG RTP/SCS. This is because the latter relies on the “smart growth” land use

designations of the 2011 General Plan for all of its assumptions and outcomes and does not contemplate additional rural residential density or major Village expansion *a la* Alpine. The County should not undermine the RTP/SCS through the FCI and, in the SEIR, all such impacts on regional planning should be properly analyzed. In doing so, the DEIR should follow recent court guidance regarding use of a “business as usual” comparison approach (*Ctr. for Biological Diversity v. Dept. Fish & Wildlife*, 62 Cal. 4th 204 (2015)) as well as evaluate consistency with gubernatorial Executive Orders on climate change.

The County’s Climate Action Plan (CAP) was invalidated due to the absence of enforceable mechanisms to reduce GHG emissions. Yet, the CAP was an integral part of the General Plan. It is difficult to understand how or why the County would amend its General Plan via the GHG-intensive Project absent first knowing where it is going in terms of addressing climate change. Indeed, absent a valid CAP, it may not be legally permissible to amend the plan in such a major way.

EHL therefore urges the County should adopt a legally valid revised CAP *prior to* the FCI Amendment. Otherwise, this GPA will face the twin burdens of 1) General Plan consistency when an important component of that plan – the CAP – is no longer valid and 2) providing alternative enforceable mechanisms for GHG reduction, as the invalidated CAP did not.

### **The Environmentally Superior Modified Project Alternative**

The Modified Project alternative is less intensive than the proposed Project and would result in less environmental impacts. This alternative would support build-out of approximately 4,521 residential dwelling units, or approximately 1,724 less than the proposed Project. (Table 4-4) When compared to the proposed Project, this alternative would primarily involve the re-designation of Semi-Rural lands (SR-10) and Rural lands (SR-20) to the lowest density rural land use designations allowed by the General Plan (SR-40 and SR-80), thereby increasing the amount of Rural lands by 2,952 acres as compared to the proposed Project. (Table 4-2)

### **CEQA’s Substantive Mandate**

CEQA outright prohibits the City from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can “avoid or substantially lessen” those effects. (Pub. Resources Code § 21002.) This substantive mandate operates through a series of required findings that *must* be made and supported with credible, substantial evidence.

Specifically, before the County may approve a project with significant environmental impacts, a lead agency must make two sets of findings under CEQA. The first must address how the agency responds to significant effects identified in the environmental review process, either by finding that these effects will be mitigated, or that “[s]pecific economic, legal, technological, or other considerations . . . make

*infeasible* the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines § 15091, subd. (a)(3).) The second set concerns any statement of overriding considerations, permitting an agency to approve a project despite the existence of significant environmental impacts. (CEQA Guidelines, § 15093.)

Because the findings requirements implement CEQA’s substantive mandate that public agencies refrain from approving projects with significant environmental impacts when there are feasible alternatives or mitigation measures that can lessen or avoid these impacts, an agency is prohibited from reaching the second set until it has properly addressed the first. (See CEQA Guidelines, § 15091, subd. (f), subd. (c); *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal. 4th 105, 134.)<sup>1</sup>

These findings must be supported by substantial evidence in the record. (Pub. Res. Code § 21081.5; CEQA Guidelines, § 15091, subd. (b).) Any finding that an alternative is infeasible must not only reflect a reasoned analysis, but must be based on specific and concrete evidence. For example, in *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, the court rejected a finding of infeasibility of alternatives based on conclusory assertions of unacceptable cost, noting that:

“The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is *evidence* that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.” (Id. at p. 1181.)

Only if this finding of infeasibility can properly be made may a lead agency rely on a statement of overriding considerations.

Here, as explained below, the Modified Project outperforms or is equal to the proposed Project or any of the other project alternatives considered in meeting every stated project objective, and no substantial evidence exists to support a finding of its infeasibility. Pub. Res. Code §21082.2(c) (Substantial evidence excludes “[a]rgument, speculation, unsubstantiated opinion or narrative, [and] evidence which is clearly inaccurate or erroneous...”); see also *Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17 (“[C]onclusory statements do not fit the CEQA bill.”).

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<sup>1</sup> While the purpose of an EIR is an analysis of environmental effects, the EIR must study a range of potentially feasible alternatives that will foster “informed decision making and public participation.” (Pub. Res. Code §15126.6(a).) “Feasible” is defined as “capable of being accomplished in a successful technological factors.” (Pub. Res. Code §21061.1, emphasis added.) Since the lead agency further has the responsibility to “find out and disclose all it reasonably can” (14 Cal. Code Regs. section 15144), including “sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project” (14 Cal Code Regs. section 15126.6(d)).

As is demonstrated below, the only alternative for which these required findings may be made is the environmentally superior, Modified Project alternative.

**The Modified Project Alternative Would Better or Equally Meet Every Stated Project Objective and Cause Substantially Less Impacts in All Issue Areas Evaluated**

The County in the SEIR has already acknowledged that the Modified Alternative would “decreas[e] environmental impacts in *all* issue areas evaluated.” (SEIR at p. S-7, emphasis added.) It therefore cannot be subject to reasonable dispute that adoption of the Modified Project alternative would “substantially lessen” those impacts within the meaning of CEQA’s substantive mandate. (See Pub. Resources Code § 21002; Guidelines §§ 15021(a)(2), 15126.6(b); (*City of Marina v. Bd. of Trustees of the California State Univ.* (2006) 39 Cal. 4th 341, 350.)

The Modified Project alternative would also more fully meet every stated Project objective and therefore more faithfully implement the adopted General Plan’s Guiding Principles. The following discussion addresses each objective:

**Support a reasonable share of projected regional population growth**

The Project would contain 6,245 units at build-out. (Table 4-4) The Modified Project has 4,521 units. The reality is, however, that *none* of this growth is needed to accommodate regional population growth, because the Draft Map analyzed during the 2011 General Plan Update, which contains significantly less growth than the adopted general plan, *already* accommodated anticipated regional growth. Adding growth on top of this actually *undermines* General Plan objectives. EHL made this point persuasively in its comments on the PEIR for the Update.<sup>2</sup> For this reason, the Modified Project actually outperforms the Project on this objective.

<sup>2</sup> “In a DPLU staff analysis of the ability of the Draft and Referral Maps to meet Plan Update objectives, planners concluded that the Draft Map fully met regional growth objectives, coming in slightly over the target population. (See *Land Use Scenario Comparison*, May 2004.) Maps significantly exceeding the population target, i.e., by 2 to 3%, were deemed inferior, since the additional growth in unincorporated areas was inconsistent with other planning objectives: “Scenarios within 2 to 3 percent of the County’s target population are evaluated as “meeting” [the population] objective. Higher populations were not because additional capacity increases costs for both infrastructure and essential services.” (See *Land Use Scenario Comparison*, May 2004, p. G-2, footnote.)

According to County staff, “All Board Referrals scenarios [i.e., the proposed project] add unnecessary population capacity” and thus do *not* meet the goal of accommodating a *reasonable share* of growth. (See *Land Use Scenario Comparison*, May 2004, p. G-3.) For this reason, staff concluded in a May 2004 analysis that the “April 2004 Working Copy Map [precursor to the Draft Map] best meets GP2020 [Update] project objectives and the Board-endorsed planning concepts, Land Use Framework, and Draft Goals and Policies.” (See *Land Use Scenario Comparison*, May 2004, p. G-3) Staff further noted that:

“[a]ll Board referrals scenarios contain some residential designations that do not fit the proposed GP2020 planning principles. Including these exceptions could jeopardize the

**Promote sustainability by locating new development near existing infrastructure, services, and jobs**

The SEIR acknowledges that by increasing densities (relative to the Modified Project) in remote forest in-holdings, the Project undermines this objective relative to the Modified Project.

**Reinforce the vitality, local economy, and individual character of existing communities while balancing housing, employment, and recreational opportunities**

Both the Project and the Modified Project will increase the number of local residents who use local businesses. However, by adding excessive Village residential development in the community of Alpine, the Project will create mobility issues and thereby adversely impact the character and vitality of this local community. While the Modified Alternative that EHL supports does not have the expanded Village Residential and Commercial component of the Project, there is no showing that this addition will provide a net benefit to the existing community of Alpine. Even if it did, less impactful alternatives that would impede attainment of project objectives to some degree should not be rejected as infeasible. (Guidelines § 15126.6(b).)

**Promote environmental stewardship that protects the range of natural and habitats that uniquely define the County's character and ecological importance**

The SEIR acknowledges that the Project will further fragment and degrade the high habitat values of these remote and biologically intact in-holdings. The designations denser than 1:40 du/acre are particularly fragmenting to habitat, and the Project contains a much higher proportion of these land use designations in sensitive, remote areas relative to the Modified Project.

**Ensure that development accounts for physical constraints and the natural hazards of the land**

The critical natural hazard in the FCI areas is fire risk. By increasing the densities and number of units in these remote and rugged high-fuel areas relative to the Modified Project, the Project strongly undermines this goal on a relative basis.

**Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns**

While neither the Project nor the Modified Project provide land use configurations that support multi-modal transportation, the lower unit count of the

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planning principles used to develop the GP2020 maps." (See *Land Use Scenario Comparison*, May 2004, p. G-2, footnote.)

Modified Project reduces the overall number of units in locations inaccessible to transit relative to the Project.

**Maintain environmentally sustainable communities and reduce greenhouse gas (GHG) emissions that contribute to climate change**

Neither the Project nor the Modified Project provides land use configurations that reduce automobile trips. Both permit additional housing in far-flung locations distant from jobs and services. However, the lower unit count of the Modified Project compared to the Project reduces the overall number of units in locations that would generate long commutes and trip to distant services, thereby causing less GHG emissions on a relative basis. Largely but not exclusively due to Alpine, there are huge increases in VMT and resulting GHG emissions in the Project compared to the Modified Project. According to Tables 4-8 and 4-12, there are about *5 times* as much mobile source emissions in the Project versus the Modified Project, and about *5 times* the amount of new average daily traffic generation (114,264 compared to 21,674).

**Preserve agriculture as an integral component of the region's economy, character, and open space network**

The former FCI lands contain little agricultural activity. To the extent that it does, however, the lower overall densities of the Modified Project relative to the Project will better preserve existing and future agricultural development opportunities.

**Minimize public costs of infrastructure and services and correlate their timing with new development**

Both the Project and the Modified Project would designate development in highly remote locations that are highly expensive to provide with infrastructure and emergency and other public services. However, the lower unit count of the Modified Project compared to the Project reduces the overall number of units requiring service and infrastructure in remote locations.

**Recognize community and stakeholder interests while striving for consensus**

The FCI GPA process is a continuation of the extensive public outreach process that resulted in the Update. While there are elements of the community and stakeholders in support of all the alternatives, it is important to remember that key stakeholders (including EHL and the Forest Service) as well as members of the community throughout the County firmly believe in the Project objectives incorporated in the General Plan and wish to see them followed.

While it is impossible to say definitively what the relevant community is, much less poll its feelings on the various alternatives, neither local landholders nor even a specific local community can conclusively represent the broader county public interest that should guide the County-wide General Plan process. The community and

stakeholders are best served by even-handed and objective application of the General Plan Guiding Principles to specific areas and problems presented. For this reason, and because the Modified Alternative most closely adheres to the vast majority of these Principles, the Modified Alternative is the best expression of community and stakeholder interests considered as a whole.

**Assign land use designations in a manner consistent with the Guiding Principles, Goals, and Policies of the adopted County General Plan**

The 2011 General Plan assigned Rural densities in locations with high fire hazard, high habitat values, and/or lack of infrastructure and services. Exceptions to these Guiding Principles, Goals, and Policies occurred where existing parcelization precluded such Rural designations. Inconsistent with the practices of the 2011 General Plan, the Project – particularly but not exclusively in the hillsides of Alpine in AL 5, 6, 7, and 8 – assigns Semi-Rural or R-20 densities absent existing parcelization. Such mis-assignment treats parcels elsewhere in the County but with similar characteristics differently, creating inequities among property owners. The Modified Project is markedly superior in assigning Rural densities in a manner consistent with the Guiding Principles, Goals, and Policies of the adopted General Plan.

To take one specific policy example, reducing fire hazard was a prime determinant of general plan densities. LU-6.11 states,

“Protection from Wildfires and Unmitigable Hazards. Assign land uses and densities in a manner that minimizes development in extreme, very high and high fire threat areas or other unmitigable hazardous areas.”

The carpeting of extremely fire prone hillsides in Alpine – *with histories of multiple burns* – with Semi-Rural densities is a flagrant and inexcusable violation of the policy to minimize such inherently dangerous development. To the contrary, the Modified Alternative places appropriate Rural densities in these locations. Throughout the rest of the County, Rural densities were applied to high fire risk lands. The Project would create glaring and, indeed irresponsible, exceptions.

**Assign land use designations that minimize conflicts with the U.S. Forest Cleveland National Forest Management Plan**

The United States Forest Service, in its comment letters, clearly identifies densities higher than the lowest Rural categories as creating conflicts with Forest management. Higher densities of human use and associated roadways are directly related to fire starts, a grave threat to the Cleveland National Forest. Greater adjacent density causes more human intrusion with adverse effects on wildlife and greater management costs. Landscaping leads to invasive plant and animal species. The Modified Project follows Forest Service recommendations – particularly but not exclusively in Alpine – far more closely and minimizes conflicts relative to the Project and the other alternatives.

### **The Alpine Alternative Is Similarly Flawed**

In the Alpine Alternative, the linear Village is extended eastward as in the Project, but otherwise the Study Area of Alpine 5, 6, and 7 retains “existing General Plan” densities (Semi-Rural and Rural). Ultimate planning would await economic studies, although such economic factors should not be determinative. Also, for Alpine 8, a split designation of RL-40 and RL-20 is applied rather than the Project’s uniform RL-20.

For the same reasons described above, the lower densities of the Modified Project are both superior and feasible compared to the higher densities of the Alpine Alternative. Indeed, staff’s own description of the constraints and hazards of these locations in its 2014 report to the Board of Supervisors – quoted below with emphasis added – paints a grim picture, particularly in terms of repeated wildfire conflagrations. Development at other than rural densities is the height of irresponsibility.

*The southeastern parcels (AL-7) contain steep slopes that exceed 25% (refer to Figure 1 above). Very High and High Sensitivity Biological Habitat associated with wetlands and oak woodlands are located primarily in the southern portions of the area (refer to yellow and pink areas in Figure 3 above). The entire area is located within the Very High Fire Hazard Severity Zone and contains some areas that have burned five or more times in the past 90 years (refer to Figure 4 above). In addition, the entire area is groundwater dependent with a five-acre minimum lot size per the County Groundwater Ordinance.*

*Alpine AL-8 contains 23 parcels that range in size from 4.7 to 355 acres for a total of 1,748 acres. Currently, this area of consideration is sparsely developed with some agriculture and support structures. The area is located approximately 2.3 miles east of Loveland Reservoir along Japatul Valley Road and Japatul Road approximately 3.7 miles southwest of Interstate 8. AL-8 is outside of the County Water Authority boundary and surrounded by the Cleveland National Forest (CNF) in a federally-designated wilderness area. Portions of the area are constrained by steep slopes (refer to Figure-1). Also, approximately one-third of AL-8 is more than one-half mile from the nearest County maintained road (refer to Figure- 2). This area contains approximately 131 acres of High Value Biological Habitat (refer to Figure-3). Some properties contain farmland of local importance, grazing land and prime agricultural land. Nearly all of the parcels are located within the Very High Fire Hazard Severity Zone with some areas of AL-8 burning up to four times in the past 90 years (see Figure-4).*

### **The Alpine Alternative Could Be Improved**

Regarding Alpine 8, due to fire hazard and other constraints, and consistent with the way similar areas in the 2011 Update were treated, these remote lands should all be designated at RL 40 or 80. The split designation in the Alpine Alternative, with 49 units, is a compromise only preferable by virtue of comparison with the Project, which contains

fully *double* the build-out units of the Modified Project (80 vs 40) in this area of extreme fire hazard.

For Alpine 5, 6, and 7, there are two practical ways to reconcile, or significantly reconcile, environmental concerns that should be analyzed as alternatives in the SEIR:

1) Transfer of development rights

The enormous up-planning of the Village creates a unique and obvious opportunity for a *transfer of development rights program* within this finite and circumscribed area. Units outside of the Village in excess of Rural densities would be purchased by those obtaining the windfall of up-planning. The baseline for assigning transferable units would be the existing General Plan corrected for slope constraints.

2) Study Area boundary modification

*Shrinking* the proposed Study Area could minimize its most egregious flaws. Specifically, the Village and immediately adjacent areas would be retained for future study. However, the more remote, southerly portions – those most threatened by fire and those most important for National Forest land use compatibility – would be properly designated as Rural *at this time*. This option – called the Modified Alpine Alternative and further described below – is both superior and feasible from a CEQA perspective.

### Modified Alpine Alternative

The great majority of the Project's defects arise in Alpine, particularly in Alpine 5, 6, 7, and 8 where Semi-Rural densities are wrongly applied and where a Village expansion greatly increases vehicle trips and GHG emissions. The "Alpine Alternative" would "white hole" the non-Village part of Alpine 5, 6 and 7, retaining old General Plan densities pending infrastructure and service studies. Alpine 8 would revert to a "compromise" of densities advanced by the Planning Commission.

EHL suggests also considering a *variation* on the Alpine Alternative which corrects the worst mis-applications of Semi-Rural designations while, logically, leaving study options open for the Village and immediately adjacent locations. Lower Rural densities would be applied in the more southerly tiers of parcels, corresponding to those with greatest impacts on the Forest and those most distant from the Village. The Study Area would be retained for the Village location, immediately adjacent lands, and for already parcelized locations. In this way, the most severe Guiding Principles, Goals, and Policies inconsistencies would be remedied at this time, improving fire safety, Forest compatibility, and habitat values. Simultaneously, the areas most appropriate for Village expansion, and potentially for immediately adjacent Semi-Rural use, would remain for future study per prior Board direction. This option would retain the Alpine 8 compromise. An example of this variation is shown on the accompanying *Modified Alpine Alternative* exhibit, where the retained and reduced Study Area is hatched and

appropriate Rural designations are applied to the southerly tiers of the original Study Area.

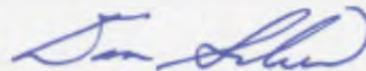
While not as environmentally beneficial as the Modified Project, the Modified Alpine Alternative is nevertheless a pragmatic option that would allow the County to pursue planned future studies along a far more responsible – and CEQA-compliant – course than the original Alpine Alternative.

### Conclusion

The above discussion demonstrates that the Modified Alternative not only substantially lessens virtually all the significant impacts of the Project and it better satisfies the overwhelming majority of Project objectives. It is well settled that “[i]f there are feasible alternatives or feasible mitigation measures that would accomplish *most* of the objectives of a project and substantially lessen the significant environmental effects of a project subject to CEQA, *the project may not be approved without incorporating those measures.*” (*Center for Biological Diversity, Inc. v. FPL Group, Inc.* (2008) 166 Cal.App.4th 1349, 1371 fn 19, emphasis added, [citation to Pub. Resources Code §§ 21000(g), 21002, Guidelines § 15091].) For this reason, CEQA requires adoption of the Modified alternative or something very closely resembling it.

Thank you for your attention to EHL’s concerns and we look forward to continuing to work with the County on a sustainable and legally defensible General Plan.

Very truly yours,

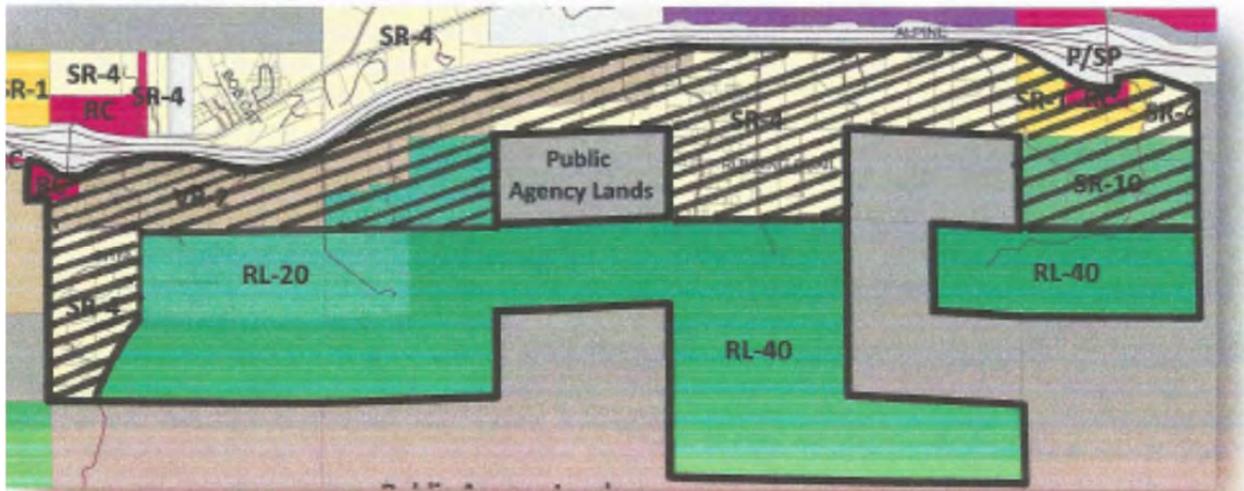


Dan Silver  
Executive Director

### Enclosure

Modified Alpine Alternative

## Modified Alpine Alternative



Reconfigured Study Area

*Sharon Haven*  
*Land Use Strategies*

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES  
5510 Overland Ave. Ste. 300  
San Diego, CA 92123

RE: APN 404-073-09 McCall Property

Att.: Peter Eichar

February 25, 2016

TO WHOM IT MAY CONCERN:

I have been working with Ms. McCall for several years to find an avenue that would allow her to develop the historic cottages on her 4+ acre parcel into an Artist's Colony.

She has owned the property since the late 70's, and her only recourse until now has been to rent them as residential units. The noise study she commissioned in 2013, done by Rick Tavares of ISE stated that "future noise would completely inundate the site and, in some cases, would exceed the 75-dBA "no residential build" standard. Given this, it is not unreasonable from an acoustical perspective to develop the site...as a commercial use, since uses of this type are typically classified as insensitive, or non sensitive to noise."

Mrs. McCall would have greatly preferred the classification of Rural Commercial. However, she has been persuaded that the county will stand by its commitment to support the "special zoning designation" in SR-4 that will allow her to proceed with the development of her Colony. It is, and has always been, her intent to pass on the management of this unique piece of Willows history to her many nieces, who also testified at the Planning Commission as to the family interest in pursuing her dream.

To the extent that the SEIR does not extend to the "special designation" zoning, I can only say that we look forward to hearing that that is a definite part of the presentation to the Board of Supervisors.

Thank you for your attention to my comments.

Sharon Haven

*2904 Scenic View Road, Alpine CA 91901*  
*619-985-5665 zinfann@cox.net*

*Sharon Haven*  
*Land Use Strategies*

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES  
5510 Overland Ave. Ste. 300  
San Diego, CA 92123

RE: Japatul Valley lands on Japatul Lane Owners Borchard, Beale, and Ervin

Attn: Mr. Peter Eichar  
cc. Supervisor Dianne Jacobs

February 25, 2016

TO WHOM IT MAY CONCERN:

I must oppose the SEIR recommendation of RL-40 on these particular Japatul Valley lands. The property owners are not asking for anything outside the boundaries of the county's own regulations

Criteria approved in the recent General Plan Update regarding "dead end roads" specifically allow 20 acre minimum to a distance of a mile from a county maintained road. All of these properties qualify under that ruling.

In addition, they are in close proximity, and in many cases adjacent to, homes on eight acres and less. The topography is gently rolling. There is plenty of water.

Most importantly, we are not talking about a lot of homes. Mary Kay Borchard's property, under this scenario, would have a maximum of 2 more homes. The other owners would cumulatively gain no more than 6 homes over the span of nearly 200 acres.

The impact to this area from the Sunrise Powerlink was devastating. Even now, its' towers loom over the top of the Borchard property. Rural blight in situations such as this is a significant problem. The inability to sell one's property for value adds to this situation.

I strongly hope that you will reconsider your recommendation. I know that the property owners stand ready to entertain any suggestions you might have, even including restrictive measures and clustering to preserve more open space.

Thank you for your attention to my comments.

Sharon Haven

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State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



February 26, 2016

Mr. Robert Citrano  
Environmental Planner  
County of San Diego  
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San Diego, CA 92123  
[Robert.Citrano@sdcounty.ca.gov](mailto:Robert.Citrano@sdcounty.ca.gov)

**Subject: Comments on the Draft Supplemental Environmental Impact Report for the Forest Conservation Initiative Lands General Plan Amendment, General Plan Amendment 12-004 (SCH# 2012081082)**

Dear Mr. Citrano:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced draft Supplemental Environmental impact Report (SEIR) for the Forest Conservation Initiative Lands General Plan Amendment (Proposed Project). The County requested comments on the SEIR by February 29, 2016. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program (Fish and Game Code § 2800 *et seq.*). The County of San Diego (County) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP), herein referred to as the South County MSCP (SCMSCP). Many of the former Forest Conservation Initiative (FCI) lands are located within the County's draft North County and East County MSCP (NCMSCP and ECMSCP, respectively) planning areas, which are at various level of development and not yet adopted. According to the FCI lands General Plan Amendment (GPA) documentation provided, some lands within the Alpine Community Planning Area occur in the County's existing permitted SCMSCP planning area.

The Proposed Project involves a GPA to the current San Diego County General Plan, based on the General Plan Update that was adopted on August 3, 2011. The proposed GPA would change the land use designations for approximately 71,700 acres of former FCI lands, which expired on December 31, 2010. The affected lands are comprised of privately-owned lands in and around the Cleveland National Forest within County

*Conserving California's Wildlife Since 1870*

Mr. Robert Citrano  
County of San Diego  
February 26, 2016  
Page 2 of 5

unincorporated community planning areas and subregional planning areas (e.g., Alpine, Central Mountain, Desert, Jamul/Dulzura, Julian, Mountain Empire, North Mountain, Pendleton/De Luz, and Ramona).

Additionally, the Proposed Project involves changes in land use designations for approximately 400 acres of private lands adjacent to former FCI lands to ensure that the uses anticipated for these lands are consistent with the changes proposed for the former FCI lands. The GPA would include removing the FCI Appendix from the General plan; amending the Alpine Community Plan; amending the Central Mountain, Jamul/Dulzura, and North Mountain Subregional Plans; and amending the County Zoning Ordinance with new zoning designations to ensure consistency with the GPA.

The Department appreciates the County's draft responses to our prior March 18, 2013, draft SEIR comment letter which incorporated many of our recommendations for the Forest Conservation Initiative Lands General Plan Amendment. Revisions to the Proposed Project (as originally circulated in 2013) have prompted the County to recirculate the current SEIR document including revised land use designations, Community/Subregional Plan revisions, a revised General Plan Mobility Element, and cumulative effects analysis. According to the project description "[T]he proposed Project tiers from the San Diego County General Plan and the General Plan Update Program EIR (PEIR) adopted on August 3, 2011...."

We offer the following comments and recommendations to assist the County in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and ensure that the Proposed Project is consistent with the County's adopted South County MSCP and ongoing regional habitat conservation planning efforts:

1. The Department is concerned with aspects of the Proposed Project that may affect implementation and coverage of species under the adopted SCMSCP, and affect the ability to cover species in the future NCMSCP and ECMSCP. Specifically, we are concerned with the potential for project-related increases in development densities to affect lands within the SCMSCP Pre-approved Mitigation Areas (PAMA), draft NCMSCP PAMA and in-progress ECMSCP Focused Conservation Areas (FCA). We are also concerned with project-related increases in densities that would occur adjacent to lands that have been conserved for MSCP or other biological purposes. According to the SEIR, "w[h]ile the General Plan EIR did not evaluate or consider the impact of adopting the General Plan land use element on the former FCI lands, it was prepared as a Program EIR." Therefore, the SCMSCP consistency analysis provided in the General Plan EIR evaluated FCI lands at a density of one dwelling per 40 acres, whereas the current SEIR appears to include some

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changes to the development densities within and adjacent to select SCMSCP open space and PAMA cases compared to the prior General Plan EIR. In areas where increased development is now proposed, it can potentially add strain on open space and conserved lands through direct and indirect impacts associated with various edge effects, including recreation use, trespass, and illegal dumping, and additional land management actions among other constraints. The final SEIR should clearly identify where the proposed project would change land use density or designations (either increase or decrease) within the adopted SCMSCP PAMA, draft NCMSCP PAMA, in-progress ECMSCP FCA and where it would occur adjacent to lands that have been conserved for MSCP or other biological purposes.

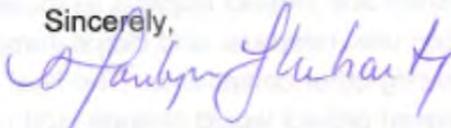
2. Figure 2.4-A depicts the boundaries of the adopted SCMSCP SAP planning area, draft NCMSCP, and in-progress ECMSCP plan areas in relationship to the FCI lands. However, this figure does not depict the locations of PAMA, Biological Resource Core Areas and designated wildlife corridors and linkage areas defined within the adopted SCMSCP. Additionally, the Department requests that the smaller-scale maps (e.g. Figure 1-2A and Figure 1-2B) provide a similar comprehensive approach. The final SEIR should include the above MSCP-related information on Figure 2.4-A to support the analysis of where and to what degree the proposed FCI GPA changes to land use density (especially increases) would result in direct or indirect impacts in the existing SCMSCP, draft NCMSCP, in-progress ECMSCP and to lands that have been conserved for MSCP or other biological purposes (see comment No. 1).
3. In response to our request to identify the ongoing NCMSP and ECMSP planning efforts, the SEIR references the October 29, 2008 Planning Agreement (PA) which establishes a process to review interim development within the planning areas to achieve the preliminary conservation objectives and preserve options for establishing a viable reserve system or equivalent long-term conservation measures. The October 29, 2008 PA described in the draft SEIR expired and was renewed on May 16, 2014. The final SEIR should use the latest 2014 reference when discussing the NSCMSCP and ECMSCP PA.

We appreciate the opportunity to comment on the SEIR for the Proposed Project and to assist the County in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that the County has to our comments and to receive notification to the forthcoming hearing date for this project (CEQA Guideline; §15073[e]).

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If you have questions or comments regarding this letter, please contact Eric Weiss, Senior Environmental Scientist at (858) 467-4289 or [Eric.Weiss@wildlife.ca.gov](mailto:Eric.Weiss@wildlife.ca.gov).

Sincerely,



FOR  
Gail K. Sevens  
Environmental Program Manager  
South Coast Region

cc: State Clearinghouse, Sacramento  
Eric Porter, U.S. Fish and Wildlife Service, Carlsbad

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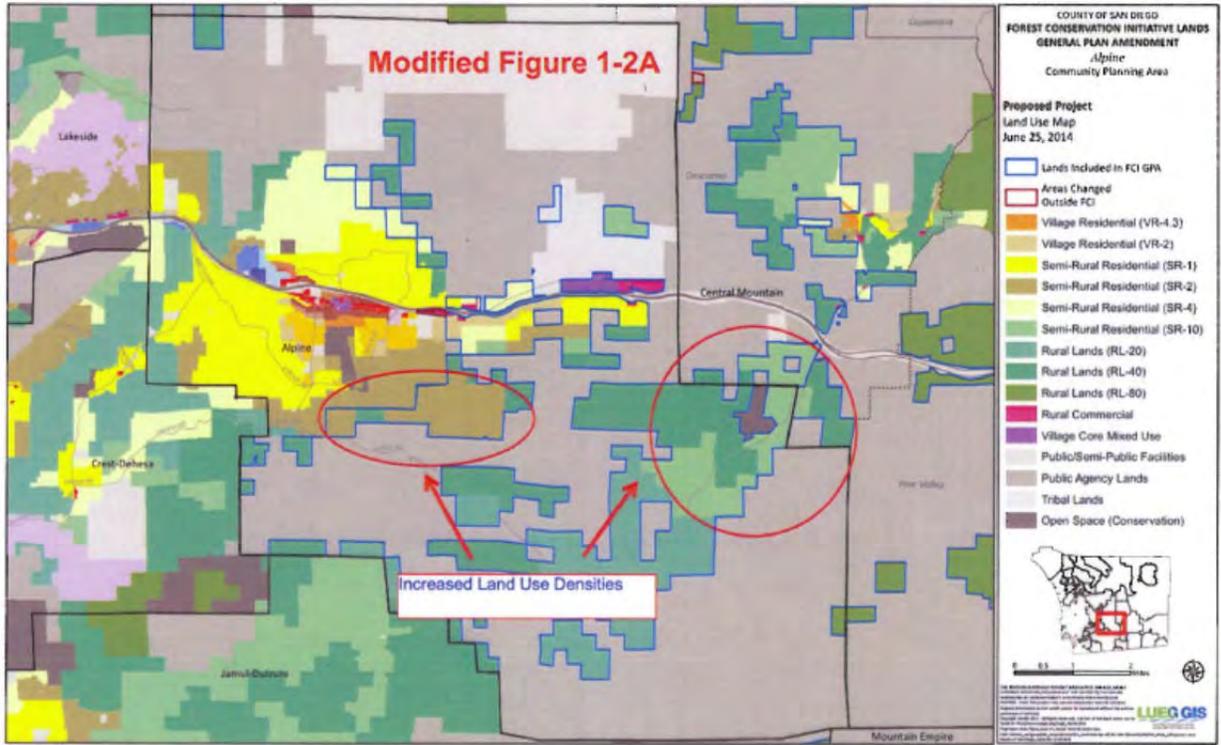
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Alpine Land Use Map

Figure 1-2A

Date: February 25, 2016

Name: County of San Diego Planning & Development Services

Address: 5510 Overland Avenue,  
Suite 11025621,  
San Diego, California 92123

To: Robert Citrano, (Robert.Citrano@sdcounty.ca.gov)

RE: Forest Conservation Initiative Lands (FCI) General Plan Amendment

Thank you for the opportunity to comment on the County SEIR amendment addressing Forest Conservation Initiative lands.

The greater US Forest boundary which contains inholdings, is critical for the health of the forest which in turn is critical to the plants, animals, and health of the entire community of San Diegans.

Lands in the US Forest as well as actions that would impact the forest fall under the National Environmental Policy Act, (NEPA) as well as those private inholdings that additionally fall under the California Environmental Quality Act, (CEQA). These environmental laws require project planers to “take a hard look” at the information to make an informed decision.

The county is required to base its decision using criteria from a viable climate action plan; but the county does not currently have a climate action plan in place.

I would like to present the following points taking these issues into consideration:

- Because this is a US Forest Service boundary and this action applies to activities within that boundary; decisions there do not represent a weighted consideration upon community action; but must necessarily represent an action to preserve and protect the last remaining wild expanses of undisturbed *forest* that we have.
- The most critical place where this action must focus its efforts, is not at the center of a wilderness, miles into the interior; but *at* the forest boundary. Protection *must start* there if we are to insure that the wilderness within does not fall to more splintering and sprawl.

- Currently the County does not have Climate Action Plan criteria upon which to gage their determination. This is a crucial factor. In 1993 the FCI was first established with overwhelming voter support. During the subsequent twenty-three *successful* years of operation, consideration of climate stabilization criteria has become both critical and required. Nevertheless the County has not incorporated this requirement into their decision.
- In reviewing the video from the June 25, 2014 San Diego Board of Supervisors meeting we observed considerable meaningful testimony about the crucial role our forest plays in “providing a safe haven for species diversity, wilderness, solitude, *primitive* recreation, species refuge, and preserving the wild character of these lands.” Specifically we observe very clear testimony from the US Forest Supervisor, William Metz, about these items and the critical role they additionally play in lands designated and recommended for full Congressional Wilderness status. Supervisor Metz specifically points out, that further subdividing these inholdings in the forest “puts the full viability of these wild and wilderness lands in jeopardy.” I agree as did the over whelming majority of voters in 1993.
- The community observed considerable testimony as to the value in limiting the urban to wild interface in its role in fire starts and the increased risk as well as expense, to life and property in placing more humans in these areas.
- I emphasis as many others have the critical role our forests play in the health of the community, their role in the integrity of our watersheds, and the ecology of the lands, and in the stabilization of our climate, a goal required by state and federal law.
- While NEPA requires a decision maker to take a hard look at the issues considering and disclosing all relevant information; when I review the live testimony on the Central Mountain areas by our Forest Supervisor, Mr. Metz literally did not make it back to his chair before a motion was on the floor to return the status of the CU-1 areas to RL40.
- There followed a blissful attempt to have us believe that these areas were less remote and critical than the RL-80 designations to the immediate south. I beg to differ.

- While the county has not field checked these areas, I have, over the last twenty years both for myself and for numerous successful projects while representing the San Diego Sierra Club. This includes our support for the recent unprecedented decision to establish over 30,000 acres in recommended wilderness status. In this capacity I and consequently the Sierra Club San Diego has enjoyed one of the rare few, if not the most thorough field presences in the last two decades in these remaining remote, unspoiled corners of the Cleveland, photographing and videoing in these recommended wilderness areas, visiting them every month if not almost weekly. I support Mr Metz's decision as one of the most courageous and even noted by Ryan Henson of CalWild, as one of the most unprecedented land mark wilderness decisions nationwide, for the sustained future of our wild lands in this region.
- This particular section of the forest, the county labels Central Mountain, laying adjacent to over 30,000 acres of recommended wilderness, within the boundary of the Cleveland National Forest, is one of the most critical, remote, least inhabited, and most threatened, of the entire forest, most sensitive to water issues as well as the most biodiverse. In fact it may well be the most uniquely biodiverse region in the county. Indeed the Kumeyaay word "Cuyamaca" means "*where the water comes from*".
- Clearly the apparent dismissal at the end of testimony for this area, was uncommon for this body as we have seen incredible and much appreciated support in the past. Just last spring Supervisor Jacob put a stop and facilitated a miraculous turnaround to severely damaging dirt dumping practices in the same area. Within two weeks four years and thousands of cubic yards of dirt washing into the watershed was finally halted on a proverbial dime thanks to her attentiveness to the issues.

Unfortunately this time by contrast, the reaction at the supervisor's meeting was shockingly devoid of the NEPA "hard look" at these issues, as well as general thoughtfulness to our Forest Supervisor's testimony. Obviously there could not have been time to even consider the very clear facts that were just presented by the Forest Supervisor himself in that meeting, over the validity of the emotional testimony of the land holders. They did not have time to verify the relationship of these speakers to the property as stated, moreover, while the only person in residence in the McCoy CU-1 section for the last decade and most in a thoughtful position to speak about these lands and 150 year history, was not present. Why did the other family members not ensure his testimony? Were they afraid that the one member that has known and cultivated a

relationship with the land and 150 year history around him may want to see that legacy remain intact?

- . I don't know but I see no clear reason or verification that this has been given sufficient review or consideration. Everyone wants a clear, easy, and final, swift answer. This is none of these. This one requires insight beyond math, physics, and economics of a physical world to at least some reasonable depth at the human ecumenical condition, courage, objectivity and foresight, -not selfishness.

I diverge for a moment to say what should have been said long ago.

Could the remaining heir and resident and his trusted colleagues living in the area, his wisdom and depth in understanding the components from the day by day facing them extend well beyond dollars and physical infrastructure?

In my opinion, clearly and absolutely.

From a 12 year history knowing him, Robert McCoy, his insight has been heartwarming, and enlightening, if not shockingly on point. He and his late and wonderful brother, David do not define life in terms that we could fully understand but to our historical record of our local society, they are invaluable and intrinsic. When I have looked at them and assured them that they are indeed the most important people in the forest, they looked back in humble, almost suspicious disbelief. But I've been there more than most and I can state categorically they are, and were. If nothing else they could use some time and elbow room. Not this outside malarkey, a contrived part of a contrived world reaching at them from down town, thrust upon theirs, living just next door to one of the most *UN-contrived* places in all of Southern California. They are disrespected via ignorance alone, so ignorant we think we are the ones in the know, in being pulled into a question using variables that were defined solely by the aggressor. We could only hope to speak their language. We have the same words; but I can assure you, we can't. Not only is the answers demanded where and when, not wanted nor appreciated, not even relevant to this remote world, I suspect there is no love for even defining this world by the *question* on outsider terms. Their genuiness and generousness did not recognize boundaries at all until recently, necessarily required to do so, with the sudden onslaught of hundreds of visitors into the area without warning or understanding.

I feel for what the truly legacy old timers, tied too closely to the stereotype of "Duck Dynasty's" , Si Robinson, Si, himself a victim of the

same in another part of the country, and with a heart and depth underneath, of William Faulkner for what truly matters when rarely allowed, without bias, to express themselves, what they have had to reconcile with the thousands descending upon a waterfall recently and discovering natural beauty for the first time. What a paradox!

You cannot address this question fairly or accurately until you take the time, diligence and courage, if not your own vulnerability laid upon the ground before you, to understand its components. No one in government is doing this, but to date I have my bets that when and if it comes; it will be the diligence of individuals within the USFS that go the distance. In many, many ways our legacy locals from the McCoy Ranch have been far more patient with the rest of us over the years, and more patient than many of us in the middle have been with the masses, suddenly showing up at their door step, far more respectful for far longer than clearly we have been with prejudging and demanding of them. They are far set apart than the average land investor, or even the modern guy, well meaning, and wanting to get a little piece of land away from it all. They ARE history in the live, and one of the last remaining links we have to an accurate view of the past. Careful what you seek... In my opinion the best you could do is suspend the question permanently for the foreseeable future and leave them alone. We gain volumes in the long run. They are a long lost treasure.

We look in horror at the legacy of our past upon the Native American Indian but then we fail to see our last remaining legacy ranches for the living history that remains and become as despicable in assuming we know beyond our old timers today as we were in severing all ties to the Native wisdom of the past. WE are the real losers in lost knowledge, in perpetuity, for it. We have so fallen out of scale in seeing this phenomenon for what it is and for what it represents it is mind blowing. The human condition is its own worst enemy once again. It's not too late to reconsider. This is a place where the question itself needs some very serious realigning, it is way too presumptuous in the context of this geographical apex.

To assume and proclaim on a dime without inspection or some time there, that it is the lesser end of the Central Mountain section you define, is almost shocking. This IS the CENTRAL Mountain, it is THE apex of the San Diego backcountry physically *and ecumenically*. It lies geographically in the center nestled up under Cuyamaca the 2<sup>nd</sup> highest mountain in the county escaping the top honors at Hot Springs by only 60 feet; but clearly far more known every day from every sky line in the county. I feel for the people but I feel even more for the endurance of

the integrity of the land. We should think long and hard, and carefully, before we decide we should, or are even entitled, to divide and conquer. After all we only dished up two deserts: subdivide by 40 or 80? What if we don't want desert?

What is the answer? I'm not sure; but I am sure we did not take a "hard look" and we do not have a good one yet. The numbers attempting to descend and force action by their own terms often even without checking in with the US Forest Service, here for any number of projects, is shocking; and the manner in which they attempted to do it, appalling. I've watched them all every step of it. Thanks to our Forest Supervisor it still has a chance to be spared heart break. But sorry, not the family members you saw give testimony, not the county, not even I, nor the Forest Service has the answers; but I think the latter two has at least acknowledged that much that we need to provide this particular corner a lot more grace and time until WE mature to a point that we act appropriately.

You have not begun to try to understand this area and that is what I object to more than anything. Because a place is not forest it suddenly becomes your jurisdiction and you suddenly know everything. You don't. When the residence of the Central Mountain area needed medical care who came, the County? Nope. It was members who cared and acted withing the US Forest Service. Who is at least paying attention? It wasn't the county. I caught red handed the county trying to turn the whole region into a giant wind farm and worse I caught them trying to NOT tell the Forest Supervisor. That alone gives me great pause about the county credentials to be making decisions here. I caught the county roads lying about their dirt dumping and storage and grading practices, --all too easily proven in the internet era with Google Earth's history function.

Again, I do appreciate that there are a few like Ms. Jacobs that step up and mean well, but the integration to the county government as a whole and my faith in them to take the extra mile for the intrinsic and ecumenically "San Diego" for perpetuity, is just not there, yet. This is within the bounds of the US Forest Service and that interface needs to demonstrate far more agility in working together.

I think we should impose nothing until we think about what we could lose for a lack of not getting out of our own way and that impact to all of time to come and to losing all of time that has come.

This is, at its core a philosophical question. --and those can be messy until clarity is at last earned and achieved. It will come, but it takes time and we should not destroy all in the process.

That would go as well for other pressures upon that living legacy that merely want to demand their right to divide it up for profit. I cannot stand in the shoes of one that has ties so clearly to what I've read only in history books; but I have spent enough time in and around the area to know that we have not accurately defined this situation and a rash decision on things we don't understand would separate us from valuable truths from the past forever at the demise of our own ignorance and arrogance to think we know it all without ever going there, much less living it.

I'm afraid to admit it but I will. I would not divide these properties at all. They are a living history. That perspective crumbles the moment it is divided --Compensate the losses of those that must have their family share and be done with it. We created this situation a hundred years ago and that much still comes at a huge bargain for the rest of us. If we are to evolve appropriately we must do that much. Pay the trust their gold but leave the legacy alone. It is a drop in the bucket compared to the resource and the cost of losing it. We certainly have for good reason to the American Indian, why would these not carry a similar responsibility? Accommodate the family ability to be there, generationally; but to remove it without acknowledging its place both historically and environmentally would be a big mistake.

At the end of the day, that is what subdividing does, does it not?

I know it; you know it, and at least some of our living legacy knows it, those that think in deep and broad terms about the land and its connections, all too painfully well. Some in these families know exactly what I mean, some won't.

- So don't subdivide **at all** , it was our mistake as a society in allowing without insight in the first place, but **do** compensate the fringe on the trust; and be done with it and let the land live on.
- These are difficult questions but those in residence do not gaff off the sanctity of the natural history over their living conditions. They've given up plenty in the modern world to ensure the integrity of their birthright. They deserve recognition and acknowledgment certainly at least by contrived modern day planners. Forcing the divide and conquer plan is hardly fair. This needs something else; yet so far, no one has a good idea. That does not mean replace no plan with a bad one. IN the interim, leave it alone. Their depth if one actually takes the time to listen rivals William Faulkner. Their focus is a totally different league of

banking where their sense of currency lies well outside the nuts and bolts of this decision trust upon them by an outside modern government. These ranches were in place before California was even a state, nor were there local or state taxes demanded of them to pay for things they never asked for, but little by little the land shrivels for thrusting monetary tribute in property taxes upon them.

I doubt seriously they had the benefit of fair accounting or effective legal counsel in the process. It is something to consider many times over.

If it weren't for their hanging on, rich in beauty, poor in dollars, for being one of the few to discern and choose the difference accordingly, our back country would be a series of tasteless, emotionless, type converted grasslands, timeshares, and industrial energy projects with freeways connecting them. Instead they are some of the richest in diversity and unspoiled beauty and habitat we have.

- However if you want a "black and white" answer to the upper Central Mountain section I'll provide a hefty place to start...In my opinion this is in the direction of the right thing to do:  
My plan costs money; but that is all. It could be much worse and much more expensive.

I would entitle the entire 160 acre McCoy Ranch to Robert Allen McCoy, the last "real McCoy", so to speak, to manage in full and to designate in legacy as he defines. He is the one that selflessly understands it, lives and nurtures it, studies its history, savors it day by day and preserves its legacy and still finds ample love for his family to share and learn from its history. It was clear from the testimony of his brother the late David McCoy that his only desire and real intention in life was to share this beauty with his family. David was poor beyond comprehension in dollars but rich more than most San Diegans know in the beauty he knew every day from the "real" San Diego. That was the unrelenting and uncommon choice he made, as has his brother. They deserve the respect of the community for the respect they have given the land. I quote even Supervisor Jacob in her comment, "thanks to the McCoy's for all they have given San Diego" at the last meeting on this issue.

Dividing and conquering this apex of the geography and historical crossroads of the county is not going to preserve this dream. Therefore the solution is to NOT divide at all, keep the real and proven trustee of the land, Robert McCoy in the dream that is his birthright, then for the others on the trust, pay them the fair market share of their inheritance now without further talk of subdividing and be done with it. Provide the

family with a continued ability to be present on the family ranch as their late father had wanted, without its subdivision within the forest boundary. The county created this controversy and pushed it upon the oldest ranch in the area, the county could pay and it would be a bargain to lay this to rest once and for all. Mr. McCoy is not going to disallow his family's presence upon their family ranch; but he will and does treasure and recognize that legacy in its whole. If it were possible I would include the full worth of the Green property, -- if Green could be adequately compensated, and rejoin to include all 300 acres of the original McCoy Ranch. That is the right thing to do, ecumenically. It is a unique situation underscores its existence before statehood. It deserves a thoughtful resolution, if possible without our barbaric intrusion further upon a private property and the county taking the responsibility to provide it. This solution endures the legacy and satisfies the financial woes of its inheritors, while preserving the integrity of its juxtaposition in the forest. That would answer once and for all the question of subdivision for this ranch and this issue. The only other property in like kind to this issue is the Marston Ranch to the immediate north east of the McCoy Ranch, which should be granted similar solution if and when the time comes. However its owners are not the legacy locals that have the unique issues of the McCoy Ranch. The county, essentially the public can pay for the course of history in putting things right. Otherwise we can spend another 20 years coming up with a better one that will be far more expensive in the long run. How much have we spent already on this? Fair? Much fairer than the debate before us now. It is a win-win. A similar solution should prevail for any other large legacy ranch inside the forest boundary. They should not be subdivided at all at the demise of forest and history; but their heirs should be compensated and allowed to have a presence on an undivided family owned parcel without further pawing at their property.

Just what does intact mean from the outside looking in and where are our boundaries to intrude? We may not be in a position to answer but I think that clearly these variables need more time and they need to be put into the context of the bigger picture. That picture now includes required CAP criteria as well as a long long voter recognized validity of our National Forest Boundary and autonomy of the US Forest Service to manage its lands under NEPA.

- While we too cherish the living historical legacy of these hundred and fifty year old ranches I fail to grasp how that cherished living legacy

would be favored by subdividing and redevelopment over this historical living legend in its current juxtaposition to the Forest in keeping it whole. That rare living legacy, remains a valuable resource in of itself, and unique and precious living glimpse of the past, also threatened side by side with natural resources there and in the adjacent Federal Forest.

- Therefore I resolve that the County of San Diego:
  1. MUST NOT evaluate the conditions of this region until they have legally acceptable Climate Action Plan criteria with which to do so.
  2. Additionally these criteria must protect our Forest Wilderness and watershed as critical components of a valid climate action plan as well as critical to the health of the forest ecology, and of our community.
  3. This decision should not be based on grandfathering old habits and political visibility; but on solid and scientific information that preserves our forests and the forest boundary in perpetuity.
  4. The county MUST respect the concerns of the US Forest Service in restricting further subdivisions, development, and management within the Cleveland National Forest, particularly next to wilderness, recommended wilderness, and anywhere within the US Forest greater boundary, where Forest resources, especially those protected by wilderness, such as water, habitat, critical species, critical and unique ecologies such as those in all of those the critical Central Mountain region, *quiet* untrammelled character and scenic integrity, could be compromised by more human activities such as a reduction in the protections by the FCI and *any OTHER* upcoming county proposals within the Forest Boundary.
  5. I would like to reference the concurrent comments by the Cleveland National Forest Foundation (CNFF) on this issue and recognize their suggestions to create a “forest” designator overlay district that would apply to all lands regardless of parcel size within the FCI planning area. I quote “New development can and should be accommodated inside the Village designated areas so that open space and forest land values can be preserved.” I agree.

#### IN Conclusion:

- Please do not accept less than the most environmentally stringent options for this effort.
- Please DO respect the guidance of the US Forest Service within the greater Forest Boundary.

Thank you again for the opportunity to participate in these very critical decisions for San Diego.

Sincerely,

Cindy Buxton, on behalf of myself

Former Chair of the Forest Committee, Adoptive Parent (CalWild) of the Eagle Peak recommended Wilderness

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February 28, 2016