PLEASE NOTE THAT A FORMAL APPLICATION FOR A HABITAT LOSS PERMIT HAS NOT BEEN FILED AT THIS TIME. THE FOLLOWING IS A DRAFT FORM OF DECISION FOR A HABITAT LOSS PERMIT SHOWING THE FORMAT AND POSSIBLE CONDITIONS FOR A FUTURE HABITAT LOSS PERMIT. BECAUSE A FORMAL APPLICATION HAS NOT BEEN FILED, CERTAIN DATES, FINDINGS AND OTHER INFORMATION IS ABSENT FROM THE DRAFT FORM OF DECISION, THIS INFORMATION WILL BE INCLUDED IN THE FINAL FORM OF DECISION.

DATE (To Be Determined)

Accretive Investments, Inc.
John Rilling
12275 El Camino Real, Suite 110
San Diego, CA 92130

DRAFT
Habitat Loss Permit

APPLICATION NUMBER: HLP XX-XXX, ER 12-02-003

ASSOCIATED PERMIT(S): 3810-12-001 (GPA), 3600-12-003 (REZ), 3100-5571 (TM), 3100-5572 (TM), 3300-12-005 (MUP), 3500-12-017 (STP), 3500-12-018 (STP)

NAME OF APPLICANT: Accretive Investments, Inc. (John Rilling)

DESCRIPTION/LOCATION OF LOSS:

The Lilac Hills Ranch project is a master planned community encompassing 608 acres and would consist of 1,746 residences, 90,000 square feet of commercial, office, and retail, a 50-room Country Inn, a 200 unit dementia care facility for Alzheimer patients, and civic facilities that include public and private parks, a private recreational facility, and other recreational amenities, and may include a fire station or a remodel of an existing fire station (Miller Station) and a school (K-8). Of the 1,746 residences, 903 would be single-family detached homes, 164 would be single-family attached homes, 211 would be mixed use residential units and 468 would be age-restricted houses within a senior citizen neighborhood. Also planned within the project site are a Recycling Facility, a Water Reclamation Facility, and other supporting infrastructure. The project would dedicate approximately 103 acres of permanent open space.

The project is located south and west of West Lilac Road approximately one-half mile north of Circle R Drive within the Bonsall and Valley Center Community Plan areas

within the unincorporated area of San Diego County as indicated on the attached USGS map. The project will impact 19.7 acres of Diegan coastal sage scrub (CSS) as shown on the attached Habitat Loss Exhibit.

Biological resources on the project site were evaluated in a Biological Resources Report prepared Recon Environmental Inc. (~~May 23, 2013~~May 14, 2014). Onsite habitat includes coast live oak woodland, Diegan coastal sage scrub, disturbed coastal/valley freshwater marsh, southern coast live oak riparian forest, southern mixed chaparral, southern willow riparian woodland, southern willow scrub, mule fat scrub, open water-freshwater, disturbed wetland, extensive and intensive agriculture, eucalyptus woodland and developed and disturbed lands. Thirteen sensitive wildlife species and three sensitive plant species were detected onsite: Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*), Coastal western whiptail (*Cnemidophorus multiscultatus tigris*), Red diamond rattlesnake (*Crotalus ruber*), Cooper's hawk (*Accipiter cooperii*), White-tailed kite (*Elanus leucurus*), Turkey vulture (*Cathartes aura*), Loggerhead shrike (*Lanius ludovicianus*), Western bluebird (*Sialia mexicana occidentalis*), Yellow warbler (*Dendroica petechia*), Yellow-breasted chat (*Icteria virens auricollis*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), San Diego desert woodrat (*Neotoma lepida intermedia*), Southern mule deer (*Odocoileus hemionus fuliginata*), Prostrate spineflower (*Chorizanthe procumbens*), Southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*) and Engelmann oak (*Quercus engelmannii*). Protocol surveys for the California gnatcatcher were performed in 2011 with negative results.

The proposed project would impact 505.04 acres onsite and 24.8~~2.5~~ acres offsite, as listed in Table 1. Mitigation would consist of onsite biological open space, a limited building zone, offsite purchase or preservation of habitat, revegetation, Resource Management Plans (RMP), breeding season avoidance, temporary fencing, permanent open space signage and biological monitoring. The Diegan coastal sage scrub habitat onsite is considered to be of intermediate quality as determined by the criteria established under the Natural Community Conservation Planning (NCCP) Logic Flow Chart. Mitigation ratios are listed in Table 1. With the above mentioned mitigation, all impacts associated with the development of the Lilac Hills Ranch property would be mitigated to a level below significance. The proposed project is in conformance with all standards and guidelines outlined in the NCCP Process Guidelines.

Table 1.

Habitat/Vegetation Community	Existing (acres)	Impacts (acres)	Offsite Impacts (acres)	Mitigation Ratio	Mitigation Required (acres)	Preserved Onsite/ Impact Neutral (acres)	Offsite Mitigation (acres)
Coast live oak woodland	3.6	0.3	0	3:1	1.2	3.3	1.2
Diegan coastal sage scrub	22.5	19.6	0.1	2:1	39.4	2.9	39.4
Coastal/valley freshwater marsh	0.6	0.1	0	3:1	0.3	0.5	0.3
Southern coast live oak riparian woodland	24.4	1.6	0	3:1	4.8	22.8	4.8
Southern mixed chaparral	81.4	54.3	0	0.5:1	26.9	27.1	26.9
Southern willow riparian woodland	4.7	0.5	0	3:1	1.5	4.2	1.5
Southern willow scrub	6.4	0.6	0	3:1	1.8	5.8	1.8
Mule fat scrub	0.1	0.1	0	3:1	0.3	0	0.3
Open water-freshwater	0.5	0.5	0	3:1	1.5	0	1.5
Disturbed wetland	0.4	0.1	0	3:1	0.3	0.3	0.3
Extensive Agriculture	90.5	84.5~~85.0~~	0	None	None	6.0~~5.5~~	None
Intensive Agriculture	301.8	283.2~~284.1~~	1.2	None	None	18.6~~17.7~~	None
Eucalyptus woodland	1.7	1.0	0	None	None	0.7	None
Disturbed habitat	44.0	34.8	2.4~~0.1~~	None	None	9.2	None
Developed	25.7	22.8	21.1	None	None	2.9	None
TOTAL	**608.3**	**505.04~~505.4~~**	**24.8~~22.5~~**		**78.0**	**104.1~~102.7~~**	**78.0**

DECISION:

The Director of Planning & Development Services has approved your application for a HABITAT LOSS PERMIT. This Habitat Loss Permit approval does not become final until both the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) concur with the Director's approval, by the either of the following:

1. Concurrence implied by allowing a 30-day period, initiated by their receipt of this decision, to lapse without presenting written notification to the County that the decision is inconsistent with the Southern California Coastal Sage Scrub (CSS) Natural Community Conservation Planning (NCCP) Process Guidelines (CDFW, November 1993) or any approved subregional mitigation guidelines; or

2. Granting concurrence through written notification to the County prior to the conclusion of the 30-day period, initiated by their receipt of this decision, that the project is consistent with the Southern California CSS NCCP Process Guidelines or any approved subregional mitigation guidelines.

Pending the issuance of an associated Grading Permit, Clearing Permit or Improvement Plan from the County of San Diego, this Habitat Loss Permit allows for the loss of the above-described coastal sage scrub habitat (see attached Habitat Loss Exhibit) and incidental take of the California gnatcatcher for a period of one calendar year commencing the day concurrence is given by both the USFWS and CDFW. If the loss of habitat, as authorized by this Habitat Loss Permit, has not occurred within this one-year period, this Habitat Loss Permit and the authorization for the loss of coastal sage scrub habitat expires.

Pending the issuance of an associated Grading Permit, Clearing Permit or Improvement Plan from the County of San Diego, this Habitat Loss Permit allows for this additional loss of coastal sage scrub as described above and shown on the attached Habitat Loss Exhibit for a period of one calendar year commencing the day concurrence is given by both the USFWS and CDFW. If the loss of habitat, as authorized by this Habitat Loss Permit, has not occurred within this one-year period, this Habitat Loss Permit and the authorization for the loss of coastal sage scrub habitat that was not previously cleared, graded or removed expires.

This Habitat Loss Permit cannot be relied upon for the clearing, grading or removal of any vegetation until a valid Grading Permit, Clearing Permit or Improvement Plan has been issued from the County of San Diego authorizing such vegetation removal. Furthermore, use and reliance upon this Habitat Loss Permit cannot occur until all of the requirements as specified within the "Conditions of Approval" section of this permit have been satisfied.

CONDITIONS OF APPROVAL:

The following conditions are being placed on the Implementing Tentative Map (TM 5572). Future discretionary permits will be required for the proposed project. The conditions applicable to those actions are outlined in the MMRP found in the Environmental Impact Report (EIR) and referenced in the Specific Plan. For the final Habitat Loss Permit, the list of conditions will be modified to require satisfaction of all conditions prior to use and reliance on the HLP.

APPROVAL OF MAP: The conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to approval of any plans, and issuance of any grading or other permits as specified):

1. BIOLOGICAL EASEMENT: [PDS, PCC] [DPR TC, GPM] [DGS, RP] [MA, GP, IP] [PDS, FEE X 2]. INTENT: In order to protect sensitive biological resources,

pursuant to the Resources Protection Ordinance (RPO) and the County of San Diego Guidelines for Determining Significance for Biological Resources, a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a conservation easement, as shown on the approved Tentative Map (TM 5572) as BIO OPEN SPACE LOT A, A1, A2, B, B1, B2, C, D, D1, E, F, F1 and F2. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to this prohibition are:

a. Selective clearing of vegetation by hand to the extent required by <u>written order</u> of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.

b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning & Development Services, Parks and Recreation or the Director of Public Works.

c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

d. Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the Director of Public Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state and local permits (e.g., California Section 1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.

e. Construction, use and maintenance of multi-use, non-motorized trails.

DOCUMENTATION: The applicant shall record the easements on the Final Map or prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, RP]*, and pay all applicable

fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to *[PDS, PCC]* for approval. **TIMING:** Upon the recordation of the Final Map, or prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **MONITORING:** The [*PDS, LDR*] shall verify that the easement is indicated on the map, and that the map details the language above. OR The *[DGS, RP]* shall prepare and approve the easement documents and send them to *[PDS, PCC] and [DPR TC, GPM]* for preapproval. The *[PDS, PCC]* shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements *[DGS, RP]* shall forward a copy of the recorded documents to *[PDS, PCC]* for satisfaction of the condition.

2. LBZ EASEMENT: [PDS, PCC] [DGS, RP][MA, GP, IP] [PDS, FEEX 2] **INTENT:** In order to protect sensitive biological resources, pursuant to Resources Protection Ordinance (RPO) and the County of San Diego Guidelines for Determining Significance for Biological Resources, a Limited Building Zone Easement shall be granted by separate document or on the Final Map to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the approved Tentative Map (TM 5572). The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

a. Decking, fences, and similar facilities.

b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

DOCUMENTATION: The applicant shall record the easements on the Final Map or prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, RP]*, and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to *[PDS, PCC]* for approval. **TIMING:** Upon the recordation of the Final Map, or prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be recorded. **MONITORING:** The [*PDS, LDR*] shall verify that the easement is indicated on the map, and that the map details the language above. OR The *[DGS,*

RP] shall prepare and approve the easement documents and send them to *[PDS, PCC]* for pre approval. The *[PDS, PCC]* shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements *[DGS, RP]* shall forward a copy of the recorded documents to *[PDS, PCC]* for satisfaction of the condition.

3. OFF-SITE MITIGATION: [PDS, PCC] [MA, GP, IP] [PDS, FEE X2] [DPR, GPM]
INTENT: In order to mitigate for the impacts to sensitive habitats, including coastal sage scrub, coastal/valley freshwater marsh, southern coast live oak riparian woodland, southern mixed chaparral and southern willow riparian woodland, which are sensitive biological resources pursuant to the County of San Diego Guidelines for Determining Significance for Biological Resources, off-site mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 23.2 acres, including 19.6 acres of coastal sage scrub, 0.3 acre of coastal/valley freshwater marsh, 1.5 acres of southern coast live oak riparian woodland, 0.3 acres of southern mixed chaparral and 1.5 acres of southern willow riparian woodland located within North County in the draft Pre-Approved Mitigation Area (PAMA) of the draft North County Multiple Species Conservation Program (MSCP) as indicated below.

a. **Option 1:** If purchasing <u>Mitigation Credit</u> the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in North County in the draft Pre-Approved Mitigation Area (PAMA) of the draft North County Multiple Species Conservation Program (MSCP) as indicated below:

1. The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PCC] before purchase or entering into any agreement for purchase.

2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.

3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.

4. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.

5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the off-site mitigation credits and provide the evidence to the *[PDS, PCC]* for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the *[PDS, PCC],* for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the *[PDS, ZONING].* **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **MONITORING:** The *[PDS, PCC]* shall review the mitigation purchase for compliance with this condition. Upon request from the applicant *[PDS, PCC]* can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the *[PDS, ZONING]* shall accept an application

for an RMP, and *[PDS, PPD]* shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

4. **OPEN SPACE SIGNAGE: [PDS, PCC] [MA, GP, IP] [PDS, FEE]. INTENT:** In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary of BIO OPEN SPACE LOT A, A1, A2, B, B1, B2, C, D, D1, E, F, F1 and F2 at 200-foot intervals. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources
Area Restricted by Easement
Entry without express written permission from the County of San Diego
is prohibited. To report a violation or for more information about easement
restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: ER 12-02-003

DOCUMENTATION: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space signs have been installed at the boundary of the open space easement(s). **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the open space signs shall be installed. **MONITORING:** The *[PDS, PCC]* shall review the photos and statement for compliance with this condition.

5. **REVEGETATION PLAN: [PDS, PPD] [MA, GP, IP]**
INTENT: In order to mitigate for the impacts to jurisdictional waters (Federal, State and County), which are sensitive biological resources pursuant to Federal and State Regulations and the County Resource Protection Ordinance (RPO), revegetation shall occur. **DESCRIPTION OF REQUIREMENT:** A Revegetation Plan, shall be prepared, which mitigates impacts to Resource Protection Ordinance (RPO) wetlands. The revegetation shall occur onsite as detailed in the Conceptual Wetland Revegetation Plan. The revegetation plan shall conform to the Conceptual Wetland Revegetation Plan, and the most current version of the County of San Diego Report Format and Content Requirements for Revegetation Plans. The Revegetation Plan shall include the following:

a. The monitoring plan shall be for a length of five years and have an 80 percent success criterion.

b. A preservation plan over the land to be revegetated shall be included in the Revegetation Plan. The preservation plan shall include evidence of dedication of an open space easement to the County of San Diego

or evidence of protection in perpetuity by some other means to the satisfaction of the Director PDS.

c. The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.

d. Revegetation objectives, revegetation site biological resource map, 24"x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.

e. A cost estimate based on a 3% annual inflation rate shall be submitted and approved, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.

DOCUMENTATION: The applicant shall prepare the Revegation Plan, submit it to the *[PDS, ZONING]* and pay all the applicable review fees and deposits. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the Revegetation Plan shall be approved. **MONITORING:** The *[PDS, LA]* shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Director's Decision of approval shall be issued to the applicant, and a request for compliance with Condition 6 shall be made to enter into a Secured Agreement for the implementation of the Plan.

6. SECURED AGREEMENT: [PDS, PPD] [MA, GP, IP]

INTENT: In order to assure project completion and success of the Revegetation Plan in Condition 5 a surety shall be provided and an agreement shall be executed**. DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan and,

b. Provide a 10 percent cash deposit of the cost of all improvements, but no less than $3,000 and no more than $30,000.

c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the installation is accepted

by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of the Revegetation Plan implementation provided the installed vegetation is in a healthy condition and meets the 80 percent success criteria. Eighty- percent success rate and one hundred percent vegetative cover, excluding herbaceous species, shall be considered satisfactory completion of the Revegetation Plan.

DOCUMENTATION: The applicant shall execute a Secured Agreement provided with the Revegetation Plan Final Decision, and provide the approved securities and the cash deposit for County monitoring time. The executed Agreement, cash deposit, and the securities shall be submitted to the *[PDS, Landscape Architect]* for final review and approval. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, and after the approval of the Revegetation Plan, the agreement shall be executed and the securities provided for the revegetation plan implementation. **MONITORING:** The *[PDS, LA]* shall review the Agreement cash deposit and securities provided are in compliance with this condition, and the Revegetation Plan Final Decision. The [PDS, LA] shall sign the Agreement for the Director of PDS and ensure the cash deposit is collected by [PDS, FISCAL]. Upon acceptance of the Agreement, securities and cash deposit, the *[PDS, LA]*, shall provide a confirmation letter-acknowledging acceptance of securities.

7. **RESOURCE MANAGEMENT PLAN: [PDS, PPD] [DPR, GPM] [MA, GP, IP]** **INTENT:** In order to provide for the long-term management of the proposed open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of Planning & Development Services, a Resource Management Plan (RMP). The RMP shall be for the perpetual management of onsite wetlands. The RMP shall be consistent with the Conceptual Biological Resource Management Plan for Onsite Biological Open Space on file with Planning & Development Services as Environmental Review Number 12-02-003. The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner and/or manager, to the satisfaction of the Director of DPR.

a. The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements.

b. The habitat land to be managed shall be completely purchased.

c. The easements shall be dedicated to ensure that the land is protected in perpetuity.

d. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager

e. The RMP funding mechanism shall be identified and approved by the County to fund annual costs for basic stewardship.

f. A contract between applicant and County shall be executed for the implementation of the RMP.

DOCUMENTATION: The applicant shall prepare the RMP and submit it to the *[PDS, ZONING]* and pay all applicable review fees. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the RMP shall be approved. **MONITORING:** The *[PDS, PPD]* shall review the RMP for compliance with the content guidelines, the conceptual RMP, and this condition.

8. BIOLOGICAL MONITORING: [PDS, PCC] [DPW, LDR] [GP, IP, MA] [PDS, FEE X2]. INTENT: In order to prevent inadvertent disturbance to onsite wetlands, all grading shall be monitored by a biologist. **DESCRIPTION OF REQUIREMENT:** A County approved biologist "Project Biologist" shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The following shall be completed:

a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Biological Report Format and Requirement Guidelines and this permit. The contract provided to the county shall include an agreement that this will be completed, and a Memorandum of Understanding (MOU) between the biological consulting company and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.

b. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with Planning & Development Services.

DOCUMENTATION: The applicant shall provide a copy of the biological monitoring contract, cost estimate, and MOU to the *[PDS, PCC*]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to the approval of any plan, issuance of any permit, and prior to approval of the map, the requirement shall be completed. **MONITORING:** The [PDS, PCC] shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, Project Manager], for inclusion in the grading bond

cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs.

PRE-CONSTRUCTION MEETING: *(Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

(BIOLOGICAL RESOURCES)

9. "BIOLOGICAL MONITORING: [PDS, PCC] [DPW,PDCI] [PC] [PDS, FEE X3]. **INTENT:** In order to prevent inadvertent disturbance to wetlands, all grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. "The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan and TM 5572:

a. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the PDS, Permit Compliance Section.

b. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. Such meeting shall include the PDS Permit Compliance Section.

DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided. **TIMING**: Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING**: The [*DPW, PDCI*] shall invite the [*PDS, PCC*] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [*PDS, PCC*] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared b the biologist.

10. "TEMPORARY FENCING: [PDS, PCC] [DPW,PDCI] [PC] [PDS, FEE]. **INTENT:** In order to prevent inadvertent disturbance to onsite wetlands, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading

activities after which the fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [*PDS, PCC*] for approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **MONITORING:** The [*PDS, PCC*] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant."

11. "RESOURCE AVOIDANCE: [PDS, PCC] [DPW, PDCI] PDS, FEE X2].
INTENT: In order to avoid impacts to raptors and migratory birds, which are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT**: There shall be no brushing, clearing and/or grading such that none will be allowed during the breeding season of raptors or migratory birds within the Resource Avoidance Area (RAA) as indicated on these plans. The breeding season is defined as occurring between January 15th and August 31st The Director of Planning and Development Services [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no raptors or migratory birds are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [*DPW, PDCI*] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.**"**

DURING CONTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

(BIOLOGICAL RESOURCES)

12. "BIOLOGICAL MONITORING: [PDS, PCC] [DPW, PDCI] [PC] [PDS, FEE X3].
INTENT: In order to prevent inadvertent disturbance to onsite wetlands, all grading shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological

monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any biological open space areas or sensitive habitats. If there are disturbances, the monitor must report them immediately to the [*PDS PCC*]. Additionally, the biologist shall perform the following duties:

a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;

c. Perform periodical monitoring of the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;

d. Conduct training for contractors and construction personnel, including the purpose for resource protection and the conservation measures that should be implemented during project construction;

e. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;

f. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;

g. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and PDS Permit Compliance Section within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond);

h. Confer with the Wildlife Agencies and PDS Permit Compliance Coordinator within 24 hours any time protected habitat or gnatcatchers are being affected by construction;

i. Attend construction meetings and other meetings as necessary.

DOCUMENTATION: The Project Biologist shall prepare and submit to the satisfaction the [*PDS, PCC*] monitoring reports, which indicate that the monitoring has occurred as indicated above. **TIMING**: The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [*DPW, PDCI*] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [*DPW, PDCI*] shall contact the [*PDS, PCC*] if the Project

Biologist or applicant fails to comply with this condition. The [*PDS, PCC*] shall review and approve the monitoring reports for compliance with this condition.

ROUGH GRADING: *(Prior to rough grading approval and issuance of any building permit).*

(BIOLOGICAL RESOURCES)

13. BIOLOGICAL MONITORING: [PDS, PCC] [RG, BP] [PDS, FEE].
INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TM 5572, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources, a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact additional areas of wetlands, sensitive habitat or other sensitive biological resources. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources. It shall also include but not be limited to the following items:

a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.

b. Monitoring logs showing the date and time that the monitor was on site.

c. Photos of the site after the grading and clearing activities.

DOCUMENTATION: The applicant shall submit the final biological monitoring report to the [*PDS, PCC*] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading final Inspection (Grading Ordinance SEC 87.421.a.2), the final report shall be completed. **MONITORING:** The [*PDS, PCC*] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

(BIOLOGICAL RESOURCES)

14. OPEN SPACE SIGNAGE: [PDS, PCC] [DPW, PDCI] [FG, UO] [PDS, FEE].
INTENT: In order to comply with Condition 4 pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) for TM 5572, the signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent open space signs shall be placed along the open space boundary of BIO OPEN SPACE LOT A, A1, A2, B, B1, B2, C, D, D1, E, F, F1 and F2 at 200-foot intervals.

a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.

b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources
Area Restricted by Easement
Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego, Planning & Development Services
Reference: ER 12-02-003

DOCUMENTATION: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [*PDS, PCC*]. **TIMING:** Prior to the occupancy of any structure or use of the premises in reliance of TM 5572, and prior to Final Grading Release (Grading Ordinance Sec. 87.421.a.3) the signage shall be installed. **MONITORING:** The [*PDS, PCC*] shall review the photos and statement for compliance with this condition.

15. "EASEMENT AVOIDANCE: [PDS, PCC] [DPW, PDCI] [PDS, FEE]. INTENT: In order to protect sensitive resources, pursuant to County Grading Ordinance Section 87.112 the open space easements shall be avoided. **DESCRIPTION OF REQUIREMENT:** The easement indicated on this plan is for the protection of sensitive environmental resources including wetlands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement; any disturbance shall constitute a violation of the County Grading Ordinance Section 87.112 and will result in enforcement action and restoration. The only exceptions to this prohibition are:

a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated

February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.

b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning & Development Services, Parks and Recreation or the Director of Public Works.

c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

d. Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the Director of Public Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state and local permits (e.g., California Section 1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.

e. Construction, use and maintenance of multi-use, non-motorized trails.

DOCUMENTATION: The applicant shall provide a letter statement to the [*PDS, PCC*] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **TIMING:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **MONITORING:** The [*DPW, PDCI*] shall not allow any grading, clearing or encroachment into the open space easement.**"**

ENVIRONMENTAL FINDINGS:

A. CEQA Findings

TO BE PROVIDED

B. FINDINGS MADE IN SUPPORT OF THE ISSUANCE OF THE HABITAT LOSS PERMIT:

The following findings are made based upon all of the documents contained in the record for this project, and pursuant to Section 86.104 of County of San Diego Ordinance No. 8365 (N.S.) and Section 4.2.g of the CSS NCCP Process Guidelines (CDFW, November 1993):

Finding 1.a: The habitat loss does not exceed the five percent guideline.

The proposed project will impact 19.7 acres of coastal sage scrub and no pairs of California gnatcatcher (*Polioptia californica*). Approved coastal sage scrub losses as of the date of April 19, 2013 and including this approval, for the entire unincorporated County, outside the boundaries of the Multiple Species Conservation Program (MSCP), are presented in the following table:

Unincorporated Area Coastal Sage Scrub Cumulative Losses

Total loss allowed under five percent guideline:	2953.30 acres
Cumulative loss of Coastal sage scrub to date:	1185.94 acres
Net loss due to this project:	19.70 acres
Total cumulative loss:	1205.64 acres
Remaining loss under five percent guideline:	1747.66 acres

Finding 1.b: <u>The habitat loss will not preclude connectivity between areas of high habitat values</u>.

The County Habitat Evaluation Model ranks the site primarily as agriculture, low and medium value. Small areas of the site are ranked as high and very high and are primarily associated with onsite wetland areas. Surrounding land uses include residential and agricultural uses and are primarily ranked as agriculture, low and medium value. The project would include the dedication of open space over onsite wetlands which would avoid onsite areas ranked as having a high to very high value and would allow for limited wildlife movement currently occurring onsite to continue. Due to the existing onsite land uses as well as the surrounding land uses, the proposed project would not preclude connectivity between areas of high habitat values.

Finding 1.c: <u>The habitat loss will not preclude or prevent the preparation of the subregional NCCP</u>.

Development of this site would not preclude the ability to create a viable preserve in the subarea and subregion as the site is not slated for preservation under the Draft North County Multiple Species Conservation Program (MSCP). No California gnatcatchers were detected onsite during on site surveys and the majority of the habitat is agriculture. Thirteen sensitive wildlife species and three sensitive plant species were detected onsite: Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*), Coastal western whiptail (*Cnemidophorus multiscultatus tigris*), Red diamond rattlesnake (*Crotalus ruber*), Cooper's hawk (*Accipiter cooperii*), White-tailed kite (*Elanus leucurus*), Turkey vulture (*Cathartes aura*), Loggerhead shrike (*Lanius ludovicianus*), Western bluebird (*Sialia mexicana occidentalis*), Yellow warbler (*Dendroica petechia*), Yellow-breasted chat (*Icteria virens auricollis*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), San Diego desert woodrat (*Neotoma lepida intermedia*), Southern mule deer (*Odocoileus hemionus fuliginata*), Prostrate spineflower (*Chorizanthe procumbens*), Southwestern spiny rush (*Juncus acutus* ssp.

leopoldii) and Engelmann oak (*Quercus engelmannii*). Development of the site would not have a significant regional impact to these and other sensitive species with the preservation of offsite habitat in areas known to support these sensitive species.

Finding 1.d: The habitat loss has been minimized and mitigated to the maximum extent practicable in accordance with Section 4.3 of the NCCP Process Guidelines.

The Lilac Hills Ranch project result in impacts to 19.6 acres of the 22.5 acres of onsite Diegan coastal sage scrub habitat as well as an additional 0.1 acres of offsite Diegan coastal sage scrub habitat. The remaining onsite Diegan coastal sage scrub occurs within wetland buffer areas and is therefore considered "impact neutral". The habitat is considered of "intermediate" value, pursuant to the NCCP Logic Flow Chart. Despite this intermediate value, preservation of onsite habitat would not create a viable preserve. The onsite Diegan coastal sage scrub does not occur in large blocks of habitat and is not slated for preservation under the Draft North County Multiple Species Conservation Program (MSCP). Therefore, the project will be required to purchase or provide the preservation of 39.4 acres of offsite Diegan coastal sage scrub to mitigate for impacts at a 2:1 ratio. The project would also be required to provide onsite and offsite mitigation for all other habitat impacts in accordance with the mitigation ratios set forth in the County Guidelines for Determining Significance for Biological Resources. The purchase of offsite habitat will provide for the long-term viability of habitat that has connectivity to high value districts. As such, the loss of coastal sage scrub will be mitigated to the maximum extent practicable for intermediate-value habitat in accordance with Section 4.3 the NCCP Process Guidelines.

Finding 2 The habitat loss will not appreciably reduce the likelihood of survival and recovery of listed species in the wild.

Protocol surveys for the California gnatcatcher were performed in 2011 with negative results. Thirteen sensitive wildlife species and three sensitive plant species were detected onsite. There will be potential impacts to these sensitive species due to this project, but the site does not contain regionally viable populations. To mitigate for the loss of coastal sage scrub habitat due to the project, offsite purchase of coastal sage habitat will be required at a 2:1 ratio equivalent to no less than 39.4 acres The project would also be required to provide onsite and offsite mitigation for all other habitat impacts in accordance with the mitigation ratios set forth in the County Guidelines for Determining Significance for Biological Resources. These offsite habitat purchases or dedications would preserve habitat with long-term viability that has connectivity to high value districts and potential to support listed species. Through this mitigation measure, the proposed residential development of the project site will

not appreciably reduce the likelihood of the survival and recovery of listed species.

Finding 3: The habitat loss is incidental to otherwise lawful activities.

The project will require grading an improvement plans for preparation of the site for development. The issuance of a Habitat Loss Permit by the County of San Diego, with the concurrence of the Department of Fish and Wildlife and U.S. Fish and Wildlife Service and approval by the County of San Diego of a Grading Permit, Clearing Permit, or Improvement Plan is required prior to the clearing of any coastal sage scrub supported on the project site. No state or federal permits other than those mentioned above are identified as being required at this time. Construction and/or land use modification will not commence until all appropriate permits have been issued. The project has been found to be in conformance with Section 86.104 of the San Diego County Code. As such, the anticipated loss will be incidental to "otherwise lawful activities".

NCCP FLOWCHART

1. Is natural vegetation present? **Yes.**
2. Is Coastal sage scrub present? **Yes.**
3. Is Coastal sage scrub the most dense in the subregion? **No.**
4. Is the land close to high value district. **Yes.**
5. Is the land located in a corridor between higher value districts. **Yes.**
6. Does the land support high density of target species? **No.**

Based on the NCCP Logic Flow Chart, the quality of habitat supported on the project site is defined as being "Intermediate Value".

MITIGATION MONITORING AND REPORTING PROGRAM:

The following shall be the Mitigation Monitoring or Reporting Program for this Habitat Loss Permit:

Public Resources Code Section 21081.6 requires the County to adopt a mitigation reporting or monitoring program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report for which findings are required under Section 21081(a)(1). The program must be adopted for the changes to a project which the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The mitigation monitoring program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

- Subsequent Project Permits

  Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied:

  Conditions 1 through 15

NOTICE: The issuance of this permit by the County of San Diego does not authorize the applicant for said permit to violate any federal, state, or county laws, ordinances, regulations, or policies, including but not limited to, the federal Endangered Species Act and any amendments thereto.

NOTIFICATION TO APPLICANT: Because your project has an effect on native biological resources, State law requires the payment of a $2,995.25 fee to the California Department of Fish and Wildlife for their review of the Mitigated Negative Declaration (Fish and Wildlife Code §711.4) and a $50 administrative fee to the County ($3,045.25 total). If you made this payment at the time of public review of the environmental document pursuant to Administrative Code Section 362, Article XX, effective August 27, 1992, you have met this obligation. If the fee has not been paid, to comply with State law, the applicant should remit to the County Planning & Development Services, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable). **The payment must be by certified check or cashier's check payable to the "County of San Diego" and can be submitted to the cashier at the PDS office or directly to the County Clerk.** The fees (excluding the administrative fee) may be waived for projects that are found by the Planning & Development Services and the California Department of Fish and Wildlife to have a no effect impact on fish and wildlife resources. Failure to remit the required fee in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation Code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Wildlife Code, provide that no project shall be operative, vested, or final until the required filing fee is paid.

LIGHTING ORDINANCE COMPLIANCE: In order to comply with the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, 6324, and 6326, the onsite lighting shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. All light fixtures shall be designed

and adjusted to reflect light downward, away from any road or street, and away from adjoining premises, and shall otherwise conform to the County Lighting Ordinance 59.101 et seq. and Zoning Ordinance Sections 6322, and 6324. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to lighting. No additional lighting is permitted. If the permittee or property owner chooses to change the site design in any away, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

NOISE ORDINANCE COMPLIANCE: In order to comply with the County Noise Ordinance 36.401 et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plan(s), specific permit conditions and approved building plans associated with this permit. No loudspeakers, sound amplification systems, and project related noise sources shall produce noise levels in violation of the County Noise Ordinance. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to noise generating devices or activities. If the permittee or property owner chooses to change the site design in any away, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance No. 10096 and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new Municipal Permit regulations*. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf.

http://www.sdcounty.ca.gov/PDS/docs/LID-Handbook.pdf.

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.

NOTICE: This subject property is known to contain Coastal sage scrub plant community. Such plant community is habitat for the coastal California gnatcatcher. The Federal government recently listed the gnatcatcher as a threatened species under the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.). THE LISTING MAY RESULT IN AN APPLICANT'S INABILITY TO PROCEED WITH HIS/HER PROJECT WITHOUT A PERMIT FROM THE FEDERAL GOVERNMENT IF THE SPECIES OR ITS HABITAT ARE PRESENT ON THE PROJECT SITE. It is advisable to contact the United States Fish and Wildlife Service to determine the applicability of the prohibitions under the Act to each applicant's property.

NOTICE: The subject property contains wetlands, a lake, a stream, and/or waters of the U.S. which may be subject to regulation by State and/or federal agencies, including, but not limited to, the Regional Water Quality Control Board, U.S. Army Corps of Engineers and the California Department of Fish and Wildlife. It is the applicant's responsibility to consult with each agency to determine if a permit, agreement or other approval is required and to obtain all necessary permits, agreements or approvals before commencing any activity which could impact the wetlands, lake, stream, and/or waters of the U.S. on the subject property. The agency contact information is provided below.

U.S. Army Corps of Engineers: 6010 Hidden Valley Rd, Suite 105, Carlsbad, CA 92011-4219; (858) 674-5386; http://www.usace.army.mil/

Regional Water Quality Control Board: 9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340; (858) 467-2952; http://www.waterboards.ca.gov/sandiego/

California Department of Fish and Wildlife: 3883 Ruffin Rd., San Diego, CA 92123; (858) 467-4201; http://www.dfg.ca.gov/

Notice : The subject property contains habitat which may be used for nesting by migratory birds. Any grading, brushing or clearing conducted during the migratory bird breeding season, February 1 – August 31, has a potential to impact nesting or breeding birds in violation of the Migratory Bird Treaty Act. The applicant may submit evidence that nesting or breeding migratory birds will not be affected by the grading, brushing or clearing to these agencies: California Department of Fish and Wildlife, 3883 Ruffin Rd., San Diego, CA 92123, (858) 467-4201, http://www.dfg.ca.gov/; and United States Fish and Wildlife Service, 6010 Hidden Valley Rd, Carlsbad, CA 92011-4219, (760) 431-9440, http://www.fws.gov/.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

DEFENSE OF LAWSUITS AND INDEMNITY: The applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers and employees to attack, set aside, void or annul this approval or any of the proceedings, acts or determinations taken, done or made prior to this approval; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense.

JUDICIAL REVIEW TIME LIMITATIONS: The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which has been made applicable in the County of San Diego by San Diego County Code Section 11.120. Any petition or other paper seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision becomes final; however, if within 10 days after the decision becomes final a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30th day following the date on which the record is either personally delivered or mailed to the party, or the party’s attorney of record. A written request for the preparation of the record of the proceedings shall be filed with the Director, Planning & Development Services, 5510 Overland Avenue, Suite 110, San Diego, California 92123.

The foregoing decision was approved by the Director of Planning & Development Services on TO BE DETERMINED. A copy of this decision, and the documentation supporting the decision, is on file in the Planning & Development Services office at 5510 Overland Avenue, Suite 110, San Diego, California.

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

BY:

SAMI REAL, Chief
Project Planning Division

MW:SR:ag

Attachments

Habitat Loss Exhibits (Figures 1a, 1b and 1c)
USGS Map
Biological Resources Report (Recon Environmental, Inc., May 23, 2013) and
Sight Distance Biology Survey for Covey Lane and West Lilac Road (Recon Environmental, Inc., June 5, 2013)

cc: To be provided at issuance of Habitat Loss Permit

email cc:

Mark Slovick, Project Manager, Project Planning, Planning & Development Services

Ed Sinsay, Team Leader, Land Development, Planning & Development Services

Jarrett Ramaiya, Planning Manager, Project Planning, Planning & Development Services

Valley Center Community Planning Group
Bonsall Community Planning Group

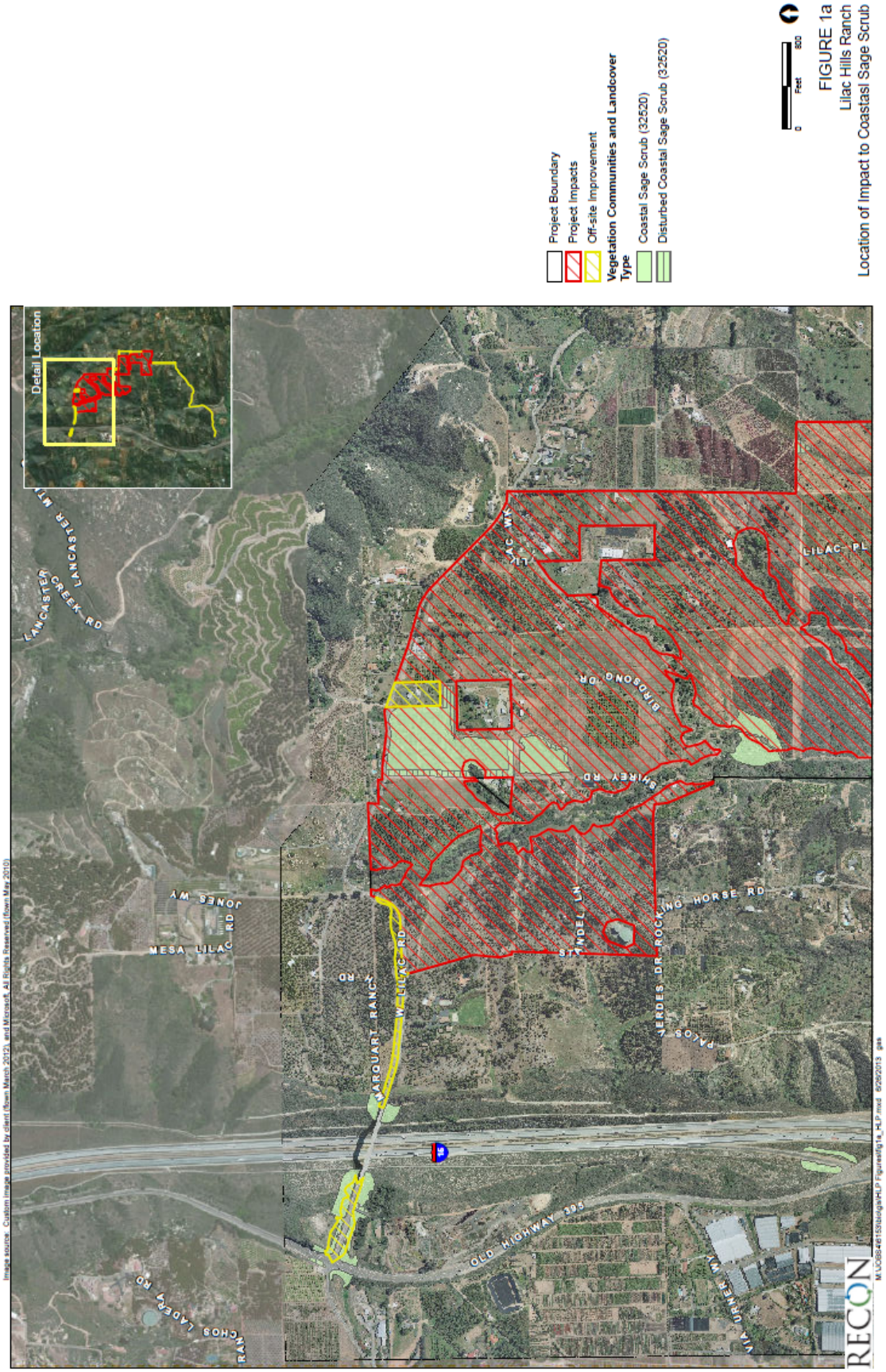


FIGURE 1a
Lilac Hills Ranch
Location of Impact to Coastasl Sage Scrub

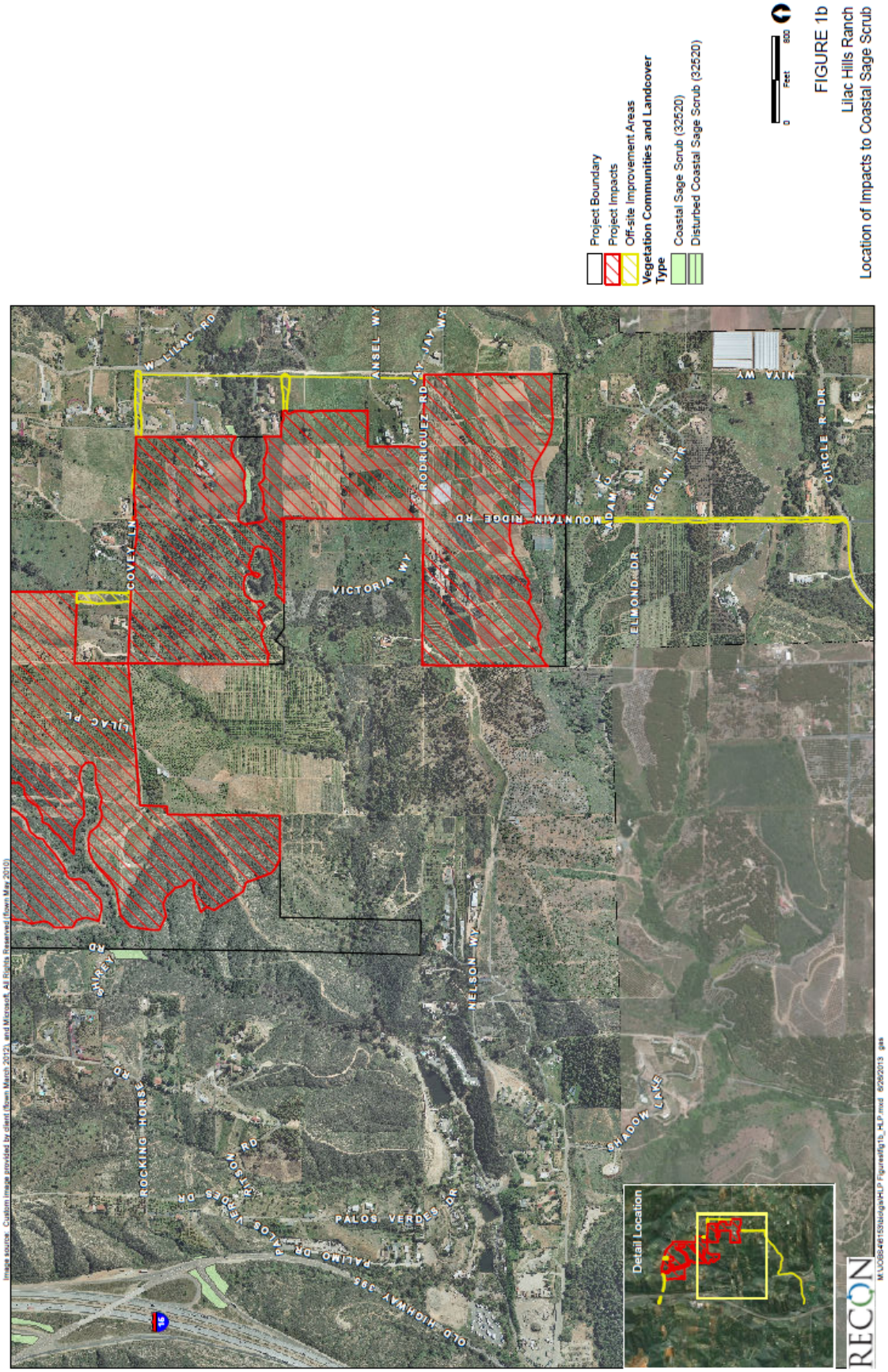


FIGURE 1b
Lilac Hills Ranch
Location of Impacts to Coastal Sage Scrub

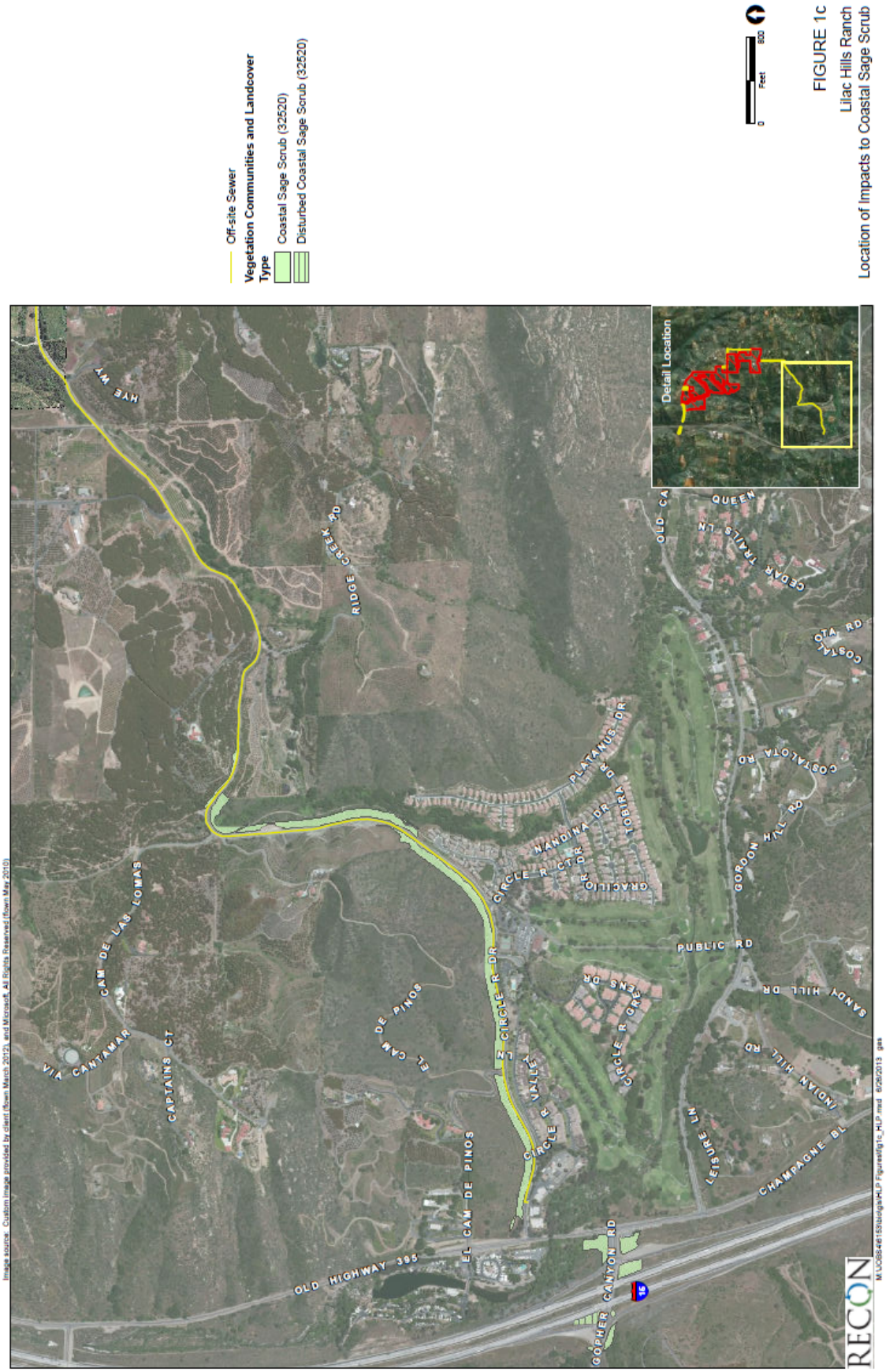
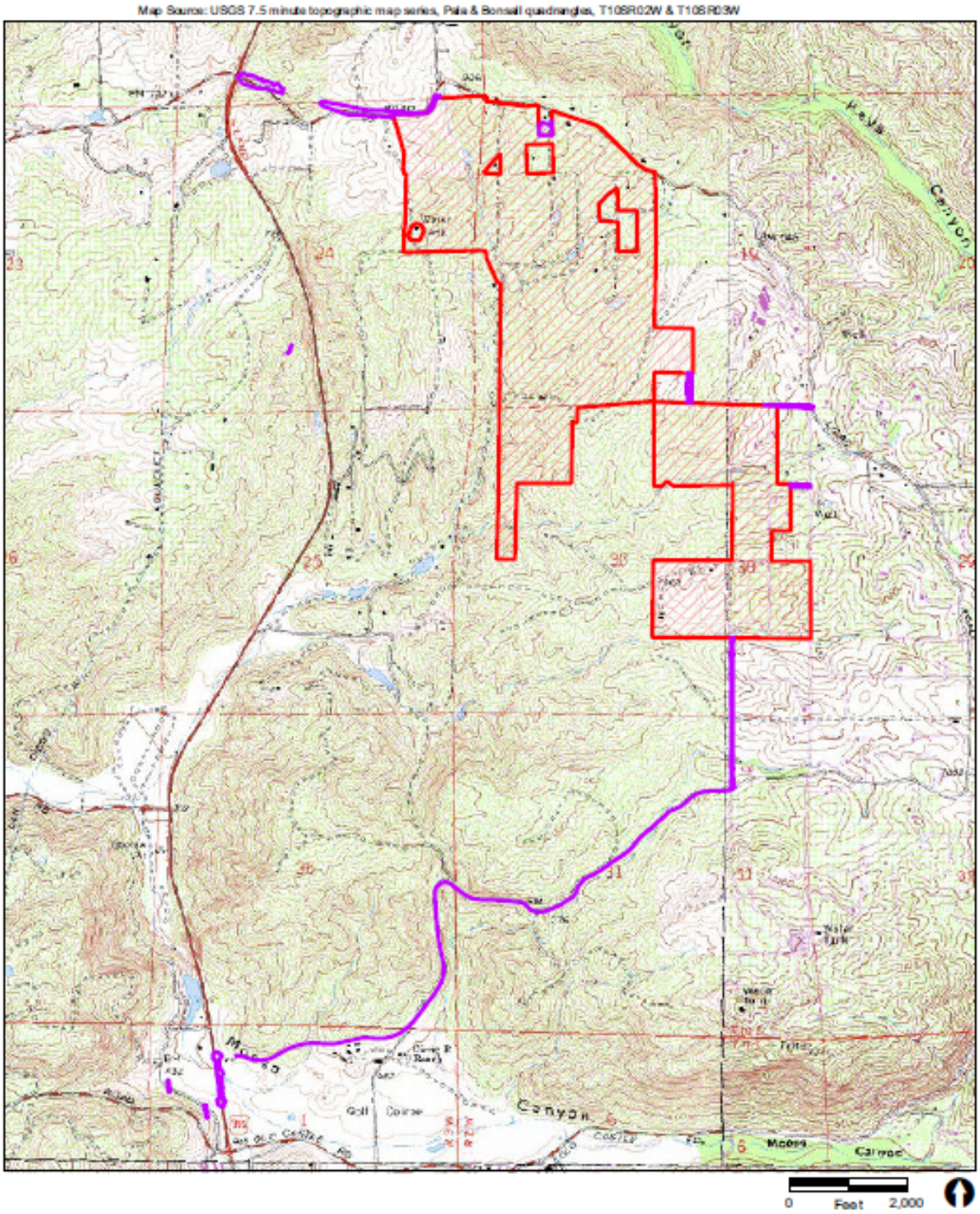


FIGURE 1c
Lilac Hills Ranch
Location of Impacts to Coastal Sage Scrub

Map Source: USGS 7.5 minute topographic map series, Pala & Bonsall quadrangles, T10SR02W & T10SR03W



Project Boundary

Off-site Improvement Areas

RECON

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FIGURE 2

Project Location on USGS Map