

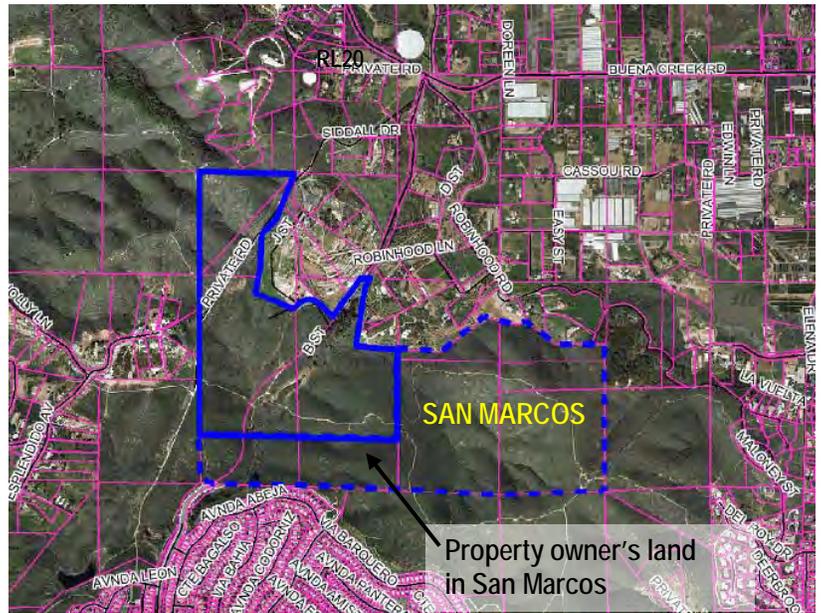
NC22

General Plan (Adopted Aug 2011)	SR10
Property Specific Request: SR2 ² Requested by: Jim Simmons, Farouk Kubba	
Property Specific Request: SR1 Requested by: City of San Marcos	
Community Recommendation	Unknown
Opposition Expected ³	Yes
Spot Designation/Zone	No
Impact to FCI Timeline	None
Change to GPU Principles Needed	Yes
Level of Change (March 2011)	Major

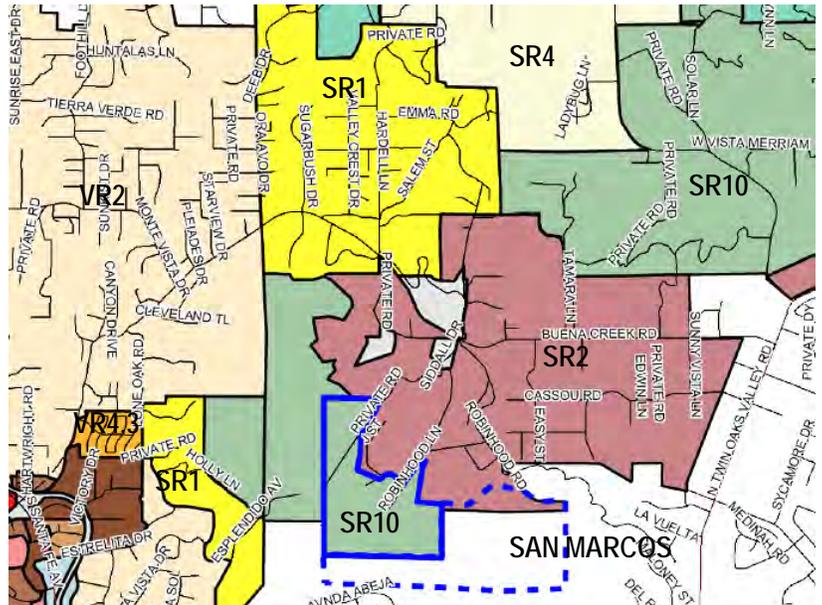
Note:
 1- See Vista San Marcos letter dated October 18, 2010 (attached)
 2- See City of San Marcos letter dated February 17, 2011
 3- See DPLU letter dated April 2, 2002 (attached)

Property Description	
Property Owner: Vista San Marcos LTD.	
Size: 130.9 acres; 6 parcels	
Location/Description: Twin Oaks Subregional Group Area; South of Buena Creek Road off of Blue Bird Canyon Road; Within City of San Marcos Sphere of Influence	
Prevalence of Constraints (See following page): <ul style="list-style-type: none"> ● - high; ◐ - partially; ○ - none ● Steep Slope (greater than 25%) ○ Floodplain ◐ Wetlands ● Habitat Value ○ Agricultural Lands ● Fire Hazard Severity Zones 	

Land Use	
General Plan	
Scenario	Designation
Former GP	1 du / 2,4 ac
GP (Adopted Aug 2011)	SR10
Referral	SR10
Hybrid	
Draft Land Use	
Environmentally Superior	RL20
Zoning	
Former— A70, 2-acre minimum lot size	
Adopted Aug 2011 — Same as existing	



Aerial



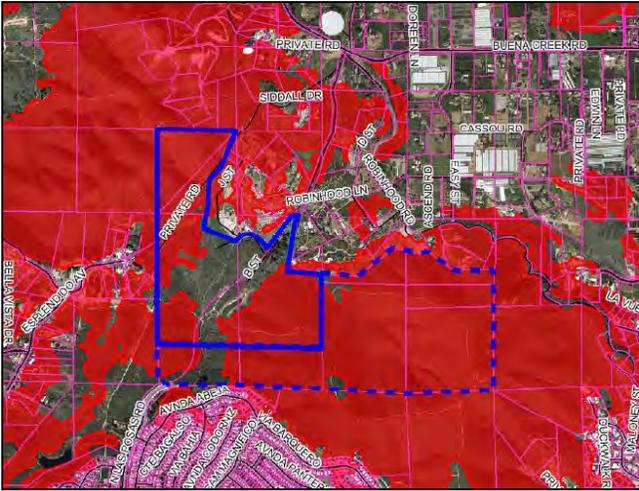
Adopted Aug 2011

Discussion

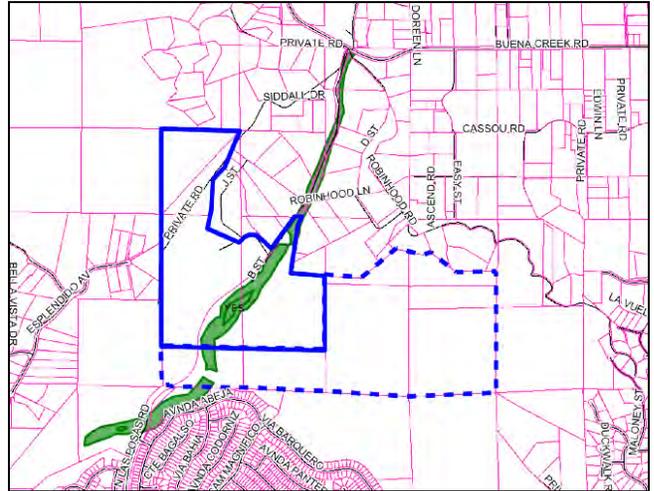
This analysis is based only on the portion of the subject property assigned a SR10 designation on the map adopted on August 3, 2011. Other portions are either within the City of San Marcos or are designated as SR2.

The site contains steep slopes, high and very high habitat value, and is located within the Very High Fire Hazard Severity Zone. However, the site is also located within the San Marcos Sphere of Influence (SOI). The property owner is requesting to retain the former General Plan density and for the City of San Marcos to annex the property; however, the County previously notified San Marcos of its objections to the annexation (See additional information on next page and attachments).

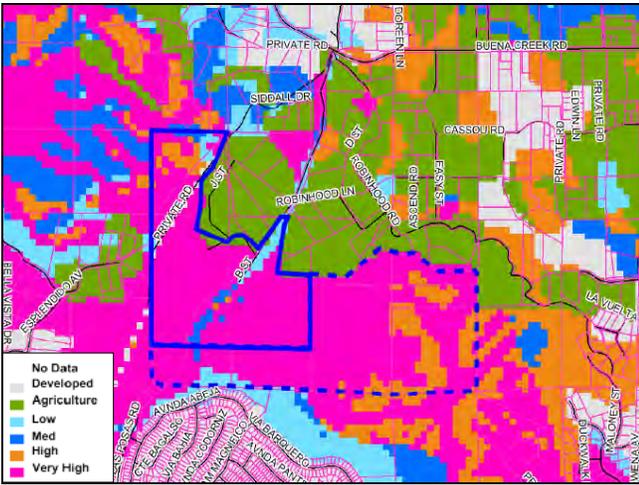
NC22 (cont.)



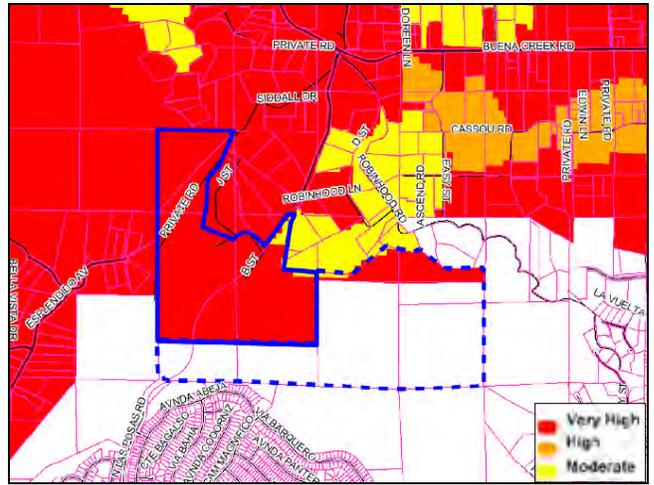
Steep Slope (Greater than 25%)



Wetlands



Habitat Evaluation Model



Fire Hazard Severity Zones

Additional Information

The City of San Marcos approved a Specific Plan for this property in July 1992 and the number of units for that Plan was subsequently reduced to 191 units after negotiations with wildlife agencies. The property owner intends to process a Tentative Map with the City of San Marcos later this year and is requesting to remove the portion of the project within the SOI from the General Plan Update (see attached letter from Vista San Marcos Ltd., dated October 18, 2010). Since, this property is still within the unincorporated county, the area must be included in the General Plan Update; however, if the Board of Supervisors were to support the property owner’s request, this could be achieved by assigning a density consistent with the existing General Plan (SR2).

However, in 2002, the County notified the City of San Marcos of the General Plan Update’s proposed reduction in density to SR10 for this area, and that since the proposed project “far exceeds this density”, the proposed annexation would create a negative impact to the County’s North County MSCP Subarea Plan (see attached DPLU letter dated April 2, 2002). In February 2011, the City of San Marcos revised their recommended designation from SR1 to SR2.

NC22 SUPPLEMENT – IMPLICATIONS OF AMENDING GENERAL PLAN

Property Specific Request	August 3 Adopted Designation	Level of Change Category
SR2 (Simmons) SR1 (City of San Marcos)	Semi-Rural 10	Major

Rationale for Major Category Classification

- As early as 2002, the County has been on record that the property owner's request is in conflict with the General Plan Guiding Principles.
- While this property is near incorporated areas and existing development, it includes very steep and biologically sensitive terrain.
- Additionally, while suburban development is nearby no existing villages or community centers are in the vicinity.
- The General Plan Community Development Model does not support increased development away from existing villages.
- The General Plan principles and policies do not support increased development in areas with limited access, sensitive resources, and significant constraints.

Guiding Principles/General Plan Changes Necessary to Support the Request

- The General Plan Guiding Principles and policies would require revisions to deemphasize compact communities.
- Revisions would also be necessary to Guiding Principles and policies that relate to reducing densities in areas with sensitive natural resources and certain constraints.
- The other nearby areas designated as SR10 could be reconsidered.
- Depending on the revisions to the principles, policies, and concepts, other lands with Semi-Rural Lands designations may require reconsideration.

Impact to Forest Conservation Initiative Remapping Timeline

None

Relevant General Plan Principles, Goals, and Policies

A sampling is included below:

Principle 2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.

Goal LU-1 Primacy of the Land Use Element. A land use plan and development doctrine that sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.

Policy LU-1.1 Assigning Land Use Designations. Assign land use designations on the Land Use Map in accordance with the Community Development Model and boundaries established by the Regional Categories Map.

Policy LU-1.3 Development Patterns. Designate land use designations in patterns to create or enhance communities and preserve surrounding rural lands.

Policy LU-1.9 Achievement of Planned Densities. Recognizing that the General Plan was created with the concept that subdivisions will be able to achieve densities shown on the Land Use Map, planned densities are intended to be achieved through the subdivision process except in cases where regulations or site specific characteristics render such densities infeasible.

Goal LU-2 Maintenance of the County's Rural Character. Conservation and enhancement of the unincorporated County's varied communities, rural setting, and character.

Policy LU-2.4 Relationship of Land Uses to Community Character. Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles.

Principle 4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance.

Principle 5. Ensure that development accounts for physical constraints and the natural hazards of the land.

Goal LU-6 Development-Environmental Balance. A built environment in balance with the natural environment, scarce resources, natural hazards, and the unique local character of individual communities.

Policy LU-6.1 Environmental Sustainability. Require the protection of intact or sensitive natural resources in support of the long-term sustainability of the natural environment.

Policy LU-6.2 Reducing Development Pressures. Assign lowest-density or lowest-intensity land use designations to areas with sensitive natural resources.

Policy LU-6.11 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.

NC22 ADDITIONAL INFORMATION — CORRESPONDENCE

DIVERSIFIED PROJECTS, INC.
7021 Leeward Street, Carlsbad, CA 92011
Tel. (949) 922-3070 / Fax. (949) 831-8901

October 18, 2010

HAND DELIVERED

San Diego County Board of Supervisors
1600 Pacific Coast Highway
San Diego, CA 92101

RE: SAN MARCOS HIGHLANDS/ 2020 PLAN

Supervisors:

The purpose of this letter is to provide you with a brief history of the San Marcos Highlands Project and chronology of events leading to a Tentative Map and securing all of the required environmental permits. Unfortunately I was not notified by the County of the pending hearing and therefore cannot attend due to previously arranged travel plans.

The Project site, encompassing approximately 297 acres located in the north central portion of the City of San Marcos and adjacent unincorporated County, was purchased by San Marcos Highlands in 1981. Soon thereafter, the City of San Marcos adopted the College Area Community Plan. That plan included approximately 4,500 residential lots and retail/shopping uses. The City Council then appointed an ad hoc committee comprised of landowners, area residents and City staff to recommend modifications to the Community Plan. After 18 months of weekly meetings, intensive discussions and studies of various alternatives, the ad hoc committee unanimously agreed on a reduced density development plan for the College Area. The plan was adopted by the City Council in 1984. The revised Community Plan reduced residential density from 4,500 to 2,700 single family lots. The subject site was allocated 300 single family residential units.

In November 1990, the City Council approved a General Plan Amendment, Rezone, Specific Plan and Tentative Map for a 275 lot subdivision, park and open space, and certified an Environmental Impact Report for the Project site consistent with the Community Plan. The development was required to participate in the College Area Public Facilities Financing Plan which ensures the financing for the provision of backbone infrastructure to serve the property. The portion of the Project site within the unincorporated County was pre-zoned by the City in November 1990 with the "Specific Plan Area" zone to reflect the land uses and densities permissible in the College Area

NC22 ADDITIONAL INFORMATION — CORRESPONDENCE

Community Plan. **Approximately 113 acres of the Project is within the LAFCO adopted sphere of influence for the City of San Marcos.** As with many projects approved during this time period, the economic recession of the early 1990's prevented its implementation. Consequently, that tentative map expired in November 1988. The balance of the approvals remained in effect.

Soon thereafter, San Marcos Highlands began processing a revised project with the City of San Marcos. The proposal included a supplemental environmental impact report, revisions to the San Marcos Specific Plan, a tentative subdivision map and the initiation of annexation proceedings. The City's process included public workshops, Planning Commission and City Council hearings. Approved by the San Marcos City in July 1992, the new Project contained 230 clustered units. Following negotiations and agreements with the US Fish and Wildlife Agency, California Department Fish and Game, California Regional Water Quality Control Board and US Army Corp of Engineers, the new Project was further reduced to 191 units (down from 275) in 2004, an easement for a minimum 400 foot wide corridor was negotiated with the adjacent property owner to facilitate wildlife movement from the northwest to the southeast of the Project and an additional 61 acres that are not a part of the College Area Community Plan but owned by Vista San Marcos were dedicated as open space. Approximately 65 acres of the site are devoted to residential development (22%) and 232 acres to open space (78%). The overall density is approximately 0.64 dwelling units per acre. The new Project is consistent with San Marcos General Plan, The Community Plan and the San Marcos Sphere of Influence. In addition the new Project includes reorganization affecting special districts, such as San Marcos Fire Protection District, Vista Fire Protection District, Vallecitos Water District, and Vista Irrigation District. Access to the property is through Las Posas Road to the South which has been finally extended to the property line and secondary access which was dedicated through the Paloma Project to the southeast. A final map was being processed for Project but was halted in late 2005 due to the severe economic recession. The San Marcos City Council denied a second extension of the Tentative Map on January 24, 2006. The environmental permit processing however was continued even after expiration of the Tentative Map since the Specific Plan was still valid. The 1602 permit from the California Fish and Game was issued in August, 2006 and the US Army Corp of Engineers issued the Section 7 Consultation Opinion and Permit in September, 2008. Both permits were based on the same foot print as the expired Tentative Map and are still valid. Our plan is to start processing a new tentative map with the City of San Marcos early next year using the same foot print as the previously expired tentative map.

In summary, San Marcos Highlands has owned the property since 1981 and has maintained ownership ever since. The delay in implementing our plans was previously hindered mainly by not extending Las Posas Road to the property line although it is in the City of San Marcos and San Diego County General Plans. This was reaffirmed by the County Board of Supervisors unanimous vote approximately 2 years ago. Las Posas Road will have to go north through the San Marcos Highlands property to connect to Buena Creek Road. At present all access roads

NC22 ADDITIONAL INFORMATION — CORRESPONDENCE

including Las Posas Road and utility needs have been negotiated with the various agencies and are at the property line. All environmental permits have been obtained and are still valid since the property has a Specific Plan approved by the City of San Marcos. The property is under the Sphere of Influence of the City of San Marcos. We have spent an enormous amount of time, money and hard work to achieve the above. I feel that including this property in the 2020 down zoning plan is totally unfair and robs property owners from their right to develop their properties. The down zoning of San Marcos Highlands by including it in the 2020 plan will result in reducing the potential property value by over 90%. I therefore object to including San Marcos Highlands in the 2020 plan and request removal of the property from the plan.

I am attaching the following documents to this letter for your information and review:

1. A map showing the foot print of the project, wildlife corridor easement and open space.
2. Chronology of events leading to a tentative map approval from the City of San Marcos for 191 dwelling units and other permits that were obtained for the project. The project has secured all of the required environmental permits including 401 Permit from the California Regional Water Quality Control Board, Wetlands Permit (1603) from the California Dept of Fish and Game, and Section 7 Consultation Permit.
3. Inventory listing of all of the documents and studies that were conducted and obtained from the various agencies to secure the tentative map and environmental permits. All of the permits and the listed documents can be reviewed at any time.



Farouk Kubba, President
Diversified Projects Inc
Vista San Marcos Ltd

NC22 ADDITIONAL INFORMATION — CORRESPONDENCE



GARY L. PRYOR
DIRECTOR
(858) 694-2962

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

SAN MARCOS OFFICE
338 VIA VERA CRUZ - SUITE 100
SAN MARCOS, CA 92069
(760) 471-0730

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

April 2, 2002

Jerry Backoff, Director
Planning Division
Development Services Department
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069-2949

**Re: SAN MARCOS HIGHLANDS SEIR 90-13, SPECIFIC PLAN
MODIFICATION (MOD)/SP 89/16 (98MOD) AND TENTATIVE
SUBDIVISION MAP TSM408/ND 99-503**

Dear Mr. Backoff:

On January 16, 2002 (3), the County of San Diego Board of Supervisors took an action for staff to investigate the proposed pending cities' annexations and any impacts on the General Plan process to ensure that (1) the proposed cities' annexations do not interfere with the outcome of the General Plan 2020 process; and (2) the County can preserve the integrity of the unincorporated territory through the completion of the General Plan process. The proposed San Marcos Highlands project requires the annexation of County lands into the City of San Marcos and therefore, is being reviewed by the County for conformance with the County's existing and proposed General Plan 2020 densities.

The current General Plan for the County of San Diego shows the density in the proposed development area of San Marcos Highlands as one dwelling unit per 2 or 4 acres depending on slope. The General Plan 2020 Process proposes a density of one dwelling unit per ten (10) acres for this area due to the rugged terrain and biological sensitivity. The proposed project far exceeds this density with a planned range of 2.9 - 5.5 dwelling units per acre. Therefore, this project is in conflict with the existing County General Plan and would interfere with the outcome of the General Plan 2020 process threatening the integrity of the unincorporated territory.

NC22 ADDITIONAL INFORMATION — CORRESPONDENCE

In addition, the land under consideration is a relatively large block of habitat containing sensitive biological resources including riparian and coastal sage scrub habitats that support a range of wildlife species. The development of a plan to protect these sensitive resources is currently underway; the Multiple Species Conservation Program (MSCP) North County Subarea Plan. The County believes that annexation of these lands to the City of San Marcos would create a significant negative impact to the County's North County MSCP Subarea Plan associated with habitat loss and blockage of a viable wildlife corridor.

For the reasons stated above, the County of San Diego cannot support the proposed annexation of these lands to the City of San Marcos.

If you should have questions or comments, please contact me at 858-694-2962.

Sincerely,



GARY L. PRYOR
Director, Department of Planning and Land Use

cc: Local Agency Formation Commission (LAFCO) Members
Michael D. Ott, LAFCO, 1600 Pacific Highway, Room 452, San Diego, CA 92101
Nancy Gilbert, US Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, CA 92008
William E. Tippetts, CA Department of Fish & Game, 4949 Viewridge Avenue, San Diego, CA 92122
Twin Oaks Valley Sponsor Group, P.O. Box 455, San Marcos, CA 92079-0455
Mary H. Clarke, Friends of Hacienda Creek, 1529 El Paseo Drive, San Marcos CA 92069
Michael Beck, San Diego Director, Endangered Habitats League, P.O. Box 1509, Julian, CA 92036