

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Valley Center Mitigation Policy

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Purpose

To ensure that the feasible mitigation measures identified in the Environmental Impact Report for the Valley Center Septic Moratorium/Board of Supervisors Policy I-78 Amendment project are enforceable.

Background

On June 16, 1999, the Board of Supervisors adopted revisions to the County Code of Regulatory Ordinances that lifted the moratorium on septic systems in the Central Valley area in the vicinity of Valley Center enacted in 1980 by the adoption of Ordinance No. 5900. This action was addressed in an Environmental Impact Report (ER 98-08-023) certified by the Board of Supervisors on June 16, 1999.

The Environmental Impact Report determined that this project would have significant environmental impacts and identified mitigation measures to reduce these impacts to below a level of significance. The California Environmental Quality Act requires that mitigation measures be fully enforceable through permit conditions, agreements or other measures. The Valley Center Septic Moratorium/Board of Supervisors Policy I-78 Amendment project includes no permits or agreements in which the mitigation measures could be included as conditions. Therefore, it was necessary to have another mechanism to ensure that the mitigation measures would be implemented in the future.

Policy I

It is the policy of the Board of Supervisors that:

All future discretionary permits, including but not limited to Site Plan review, Tentative Maps, Tentative Parcel Maps, Major and Minor Use Permits, Specific Plans, Specific Plan Amendments, etc., issued for projects in the area shown on the attached map shall include as Conditions of Approval the following mitigation measures, when applicable, to the proposed project:

1. Noise
 - a. The construction hours for construction activities on sites adjacent to residences, schools and other noise-sensitive uses shall be reviewed and adjusted to avoid construction-generated noise in excess of County standards for interior (CNEL = 45 dBA) and exterior (CNEL = 60 dBA) that may impact the adjacent noise-sensitive uses.

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- b. Construction routes shall be established where necessary and practicable to avoid construction-generated noise in excess of County standards for interior (CNEL = 45dBA) and exterior (CNEL = 60 dBA) that may impact the adjacent noise-sensitive uses.
 - c. Setbacks from roadways or granting of a Noise Protection Easement shall be required over proposed development sites when existing or future traffic or stationary noise will exceed County standards for interior (CNEL = 45dBA) and exterior (CNEL = 60 dBA). Development within the Noise Protection Easement can be allowed upon approval of a grading permit or Site Plan showing, to the satisfaction of the Director of Planning & Development Services, that traffic noise and/or stationary noise impacts will not exceed the County standards for interior (CNEL = 45dBA) and exterior (CNEL = 60 dBA) that may impact the proposed noise-sensitive uses.
2. Hazards
- a. A hazardous materials assessment shall be conducted by a certified entity for any parcel proposed for development with the potential for the existence of contaminated soils or hazardous materials such as parcels historically utilized for agricultural operations. The purpose of the hazardous materials assessment would be to identify the presence/absence of hazardous materials and identify remediation measures that shall be implemented prior to development of the project site.
3. Cultural Resources
- a. Any area proposed for development that has not been previously surveyed or has not been surveyed within the last five years and in the opinion of a qualified professional has a potential for cultural resources shall be surveyed to identify the presence/absence of cultural resources. All identified prehistoric sites that will be impacted by proposed development shall be tested under the County of San Diego Resource Protection Ordinance and California Environmental Quality Act Guidelines to determine significance. Testing through subsurface excavation provides the necessary information to determine site boundaries, depth, content, integrity and potential to address important research questions.
 - b. Sites identified as significant under the California Environmental Quality Act Guidelines shall be mitigated through either of the following:

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(1) Avoidance and preservation through the dedication of open space easements or capping; or

(2) Completion of a data recovery program in compliance with the County of San Diego California Environmental Quality Act Guidelines.

All artifacts, samples, photographs, maps, field notes, reports or other records resulting from surface collection, subsurface testing, monitoring and data recovery excavations shall be curated according to current professional repository standards at a curation facility within the County of San Diego.

(3) Archaeological monitoring to be conducted for any proposed development that may impact or affect subsurface soils, including removal of existing buildings. If significant resources are encountered during monitoring, then mitigation shall be accomplished through implementation of measures as identified in Measure 3.b.(2) above.

(4) Any site identified as a historic site shall be evaluated to determine eligibility to local, state and national registers prior to development in these areas. The evaluations shall address the potential for project-specific impacts and mitigation of impacts. Potential significant impacts from development to any historic site evaluated as significant under the California Environmental Quality Act shall be mitigated by avoidance and/or application of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer, 1995).

(5) Property owners shall be advised of preservation incentives, such a financial advantages under the Mills Act and possible application of the Historic Building Code in an effort to encourage preservation of historic structures.

c. Sites identified as significant under the County of San Diego Resource Protection Ordinance shall be mitigated through compliance with the provisions of the Resource Protection Ordinance.

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Policy II

It is also the policy of the Board of Supervisors that:

As a condition of any future development of a site within the project area shown on the attached map, where there is reasonable evidence of known contamination from hazardous materials, a hazardous materials assessment shall be conducted by a certified entity. The purpose of the hazardous materials assessment would be to identify the presence/absence of hazardous materials and identify remediation measures that shall be implemented prior to development of the project site.

Policy III

It is also the policy of the Board of Supervisors that:

Because this policy implements a requirement of the California Environmental Quality Act, this policy shall not be waived or repealed, irrespective of Board Policy AA-1.

Sunset Date

This Policy will be reviewed for continuance by December 31, 2021.

Board Action

6-16-99 (8)

6-22-05 (21)

12-09-08 (33)

09-25-12 (11)

12-03-14 (4)

1. Department of Planning & Development Services
2. Department of Public Works
3. Department of Environmental Health