

## The County of San Diego

## **Planning Commission Hearing Report**

**Date:** December 15, 2017 **Case/File** Oro Verde Tentative Map;

**No.:** PDS2014-TM-5583;

**Tentative Map** 

PDS2014-ER-14-08-005

Place: County Conference Center Project: Residential Subdivision;

5520 Overland Avenue San Diego, CA 92123

Time: 9:00 a.m. Location: East of Oro Verde Road and

North of Diamond Ranch Road

Subregional Plan Area

Agenda Item: #5 General Plan: Semi-Rural Residential (SR-2)

**Appeal Status:** Appealable to the Board of **Zoning:** Limited Agricultural (A70)

Supervisors

**Applicant/Owner:** Jack Henthorn & Associates/ **Community:** North County Metropolitan

Wohlford Land Company, LLC

**Environmental:** CEQA §15183 Exemption **APN:** 241-140-02

#### A. EXECUTIVE SUMMARY

#### 1. Requested Actions

This is a request for the Planning Commission to evaluate the proposed project, which is a Tentative Map (TM) for single-family residential development, determine if the required findings can be made and, if so, take the following actions:

- a. Adopt the Environmental Findings, which include a finding that the project is exempt from further environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Attachment D).
- b. Adopt the TM Resolution PDS2014-TM-5583, which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County of San Diego (County) regulations as set forth in the Resolution of Approval (Attachment B).

#### 2. Key Requirements for Requested Actions

- a. Is the proposed project consistent with the vision, goals, and polices of the County's General Plan?
- b. Does the project comply with the policies set forth under the North County Metropolitan Subregional Plan?
- c. Is the proposed project consistent with the County's Zoning Ordinance?
- d. Is the project consistent with the County's Subdivision Ordinance?
- e. Does the project comply with the CEQA?

#### **B. REPORT SUMMARY**

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider the proposed TM, Resolution of Approval and environmental findings prepared in accordance with CEQA.

Based on staff's analysis, it is the position of Planning & Development Services (PDS) that the required findings can be made, and staff recommends approval of the TM with the conditions noted in the attached Resolution of Approval (Attachment B).

## C. <u>DEVELOPMENT PROPOSAL</u>

#### 1. Project Description

The applicant requests a TM to subdivide a 51.2-acre site into ten residential lots, one remainder lot, one road lot and one homeowner's association lot in the North County Metropolitan Subregional Plan area (see Figure 1). The proposed lots range in size from 2 acres to 7.3 acres (see Figure 2). Individual septic systems are proposed and water service is to be provided by the City of Escondido. Fire service will be provided by the Rincon Del Diablo Fire Protection District (Escondido Fire). Earthwork will consist of 26,000 cubic yards of balanced cut and fill. The project site includes an existing 0.57 acre biological open space easement and has been conditioned to dedicate an additional 2.93 acres within two biological open space easements to protect two onsite wetlands. In addition, in accordance with the Resource Protection Ordinance (RPO) the project has also been conditioned to dedicate open space easements over the RPO steep slope lands.

Primary access to the site will be provided by Diamond Ranch Road, a private road, connecting to Old Pasqual Road, a public road connecting to Highway 78. Secondary access will be provided by Oro Verde Road, a private road. One lot (Lot 8) will be accessed via an unnamed private road connecting to Vista Lucia. The project is conditioned to improve the on-site road connecting to Diamond Ranch Road (Private Road "A") to a total paved width of 24 feet and to improve the unnamed private road easement connecting to Lot 8 to a total paved width of 20 feet. The project is also conditioned to improve the private portion of Oro Verde Road from the project boundary westerly to a total paved width of 20 feet with the exception of a small segment that will be improved to total paved width of 18 ½ feet to avoid the removal of a mature oak tree. The project will generate 110

average daily trips (ADTs). Based on a review of the existing and proposed traffic, it has been determined that the addition of 110 ADTs will not have an impact on surrounding roadways; therefore, no additional off-site road improvements are required. The site's access, as conditioned, is acceptable to the County Fire Authority and Escondido Fire.

Please refer to Attachment A – Planning Documentation, to view the TM.

#### 2. Subject Property and Surrounding Land Uses

The project site is located at 2000 Oro Verde Road in the North County Metropolitan Subregional Plan Area. The site is moderately sloping and contains an existing avocado orchard and a single family home occupied by the ranch hand (see Figure 3). The site is located north of Highway 78 (San Pasqual Road) and west of the City of San Diego.

Surrounding land uses consist primarily of residential and agricultural uses. To the north are single-family residential uses; to the east are single-family residential and agricultural uses in the City of San Diego jurisdiction; to the south are single-family residential and agricultural uses; and to the west are single-family residential uses. Table C-1 provides a summary of the surrounding land uses. The surrounding residential development is similar in density and lot sizes to the proposed project.

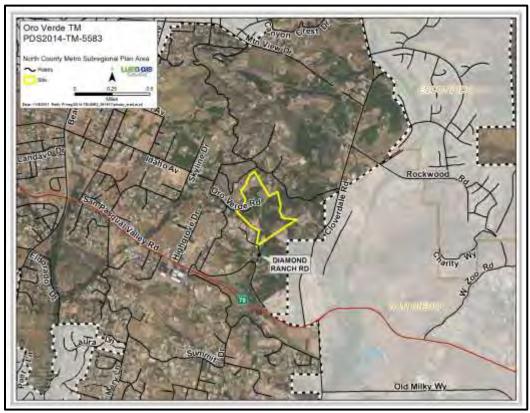


Figure 1: Vicinity Map

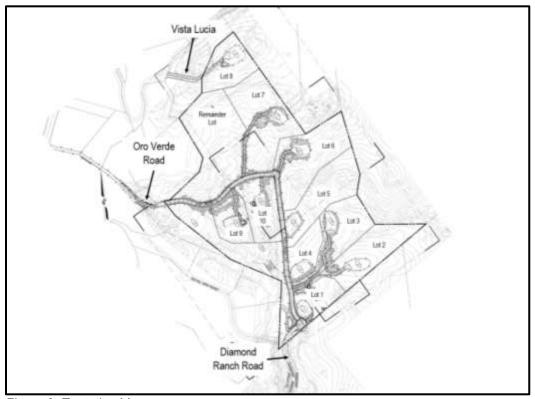


Figure 2: Tentative Map



Figure 3: Project Site

Table C-1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Semi-Rural 2	A70	Vista Lucia	Residential, Agricultural
East	Semi-Rural 2	A70	Cloveridge Road	Residential, Agricultural
South	Semi-Rural 2	A70	Diamond Ranch Road, San Pasqual Road	Residential, Agricultural
West	Semi-Rural 2, Semi- Rural 1	A70	Oro Verde Road, Royal View Road	Residential, Agricultural

#### D. ANALYSIS AND DISCUSSION

The project has been reviewed for conformance with all relevant ordinances and guidelines, including, but not limited to, the County General Plan, the North County Metropolitan Subregional Plan, the County Subdivision Ordinance, the County Zoning Ordinance, and CEQA Guidelines. A detailed discussion of the project's technical analysis and consistency with applicable codes, policies, and ordinances is described on the following pages. The following items were reviewed throughout the project's processing and are detailed below: Project Density, Cultural and Archaeological Resources, Access and Biological Resources.

#### 1. Project Analysis

#### **Project Density**

The site is subject to the Semi-Rural Residential (SR-2) General Plan Land Use Designation which authorizes a maximum density of 1 dwelling unit per 2, 4 or 8 acres (du/ac) dependent on slope, and the Zoning Ordinance Use Regulation of Limited Agricultural (A70), with a building type development regulation that authorizes single family detached residential structures. The project will create an overall density of 0.21 dwelling units per acre (du/ac) or 1 dwelling unit per 4.66 acres. Therefore, the proposed project complies with the density requirements of the General Plan and the Use Regulations of the Zoning Ordinance.

#### <u>Cultural and Archaeological Resources</u>

The project site was surveyed by a County approved archeologist. No paleontological, archeological or historic resources were identified on site. Potential impacts to archeological resources will be mitigated through compliance with the County's Grading Ordinance which includes grading monitoring under the supervision of a County-approved archaeologist and a Native American monitor.

#### Access

As shown in Figure 4, access to the project site will be taken from Diamond Ranch Road, Oro Verde Road, Vista Lucia and the proposed onsite road (Private Road "A").

Primary access to the site will be provided by Diamond Ranch Road, a private road, connecting to Old Pasqual Road, a public road off Highway 78. The project is conditioned to improve the on-site road connecting to Diamond Ranch Road (Private Road "A") to a total graded width of 28 feet and a total paved width of 24 feet. The project is also conditioned to certify that Diamond Ranch Road from the existing onsite cul-de-sac to Highway 78 (San Pasqual Road) is graded to a width of 28 feet and is improved to a total paved width of 24 feet or to improve it to meet the San Diego County Private Road Standards.

Secondary access will be provided by Oro Verde Road, a private road (Figure 5). The project is conditioned to improve the private portion of Oro Verde Road from the project boundary westerly to a total paved width of 20 feet with the exception of a small segment that will be improved to total paved width of 18 ½ feet to avoid the removal of a mature oak tree. The improvement will be located entirely within the existing 20 foot easement.

One lot, Lot 8 will be accessed via an unnamed private road connecting to Vista Lucia and is conditioned to be improved to a total paved width of 20 feet. The project will generate 110 ADTs. Based on a review of the existing and proposed traffic, it has been determined that the addition of 110 ADTs will not have an impact on surrounding roadways; therefore, no additional off-site road improvements are required.

The project is also conditioned to require a private road maintenance agreement to ensure that the private roads (Diamond Ranch Road, Oro Verde Road, Vista Lucia and Private Road "A") are maintained by the residents in accordance with the County Subdivision Ordinance. The project has been reviewed by Escondido Fire and the San Diego County Fire Authority and access to the project has been determined to be adequate. All of the road conditions for this project are included in the Resolution of Approval (Attachment B).

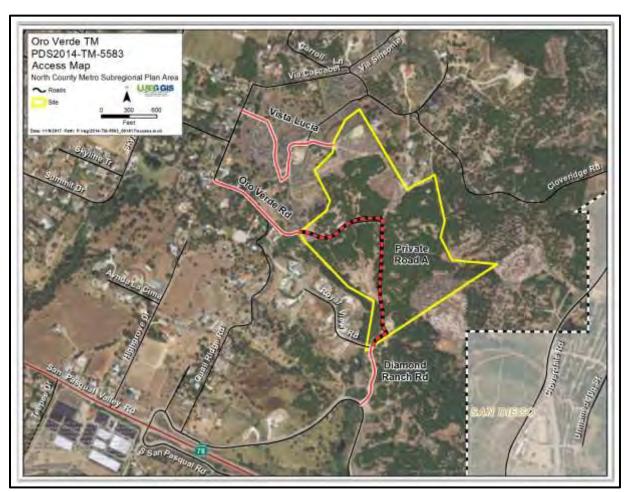


Figure 4: Access



Figure 5: Looking Southwest Along Oro Verde Road

#### **Biological Resources**

The project site was surveyed for biological resources and found to contain 0.50 acre of disturbed southern coast live oak riparian forest, 0.13 acre herbaceous wetland, 44.68 acres of orchards and 5.88 acres of developed and disturbed lands. The project site includes an existing 0.57 acre biological open space easement and has been conditioned to dedicate an additional 2.93 acres within two biological open space easements to protect two onsite wetlands including the entirety of the disturbed southern coast live oak riparian forest and herbaceous wetland on-site. The open space easements will also be buffered by a 100-foot wide limited building zone easement that will preclude the construction of structures in those areas which would eliminate any potential clearing within the open space easement. With the implementation of the conditions to dedicate biological open space and limited building zone easements, the project has been found to result in less than significant impacts to biological resources.

#### 2. General Plan Consistency

The proposed project is consistent with the following relevant General Plan goals, policies, and actions as described in Table D-1.

Table D-1: General Plan Conformance

#### **General Plan Policy Explanation of Project Conformance** LU-1.9: Achievement **Planned** The site is subject to General Plan Land Use of **Densities.** Recognizing that the General Plan Designation SR-2, which allows a maximum was created with the concept that density of 1 dwelling unit per 2, 4 or 8 acres. To subdivisions will be able to achieve densities accommodate site characteristics such as the shown on the Land Use Map, planned existing drainages, topography and the proposed septic leach fields, lot sizes range from 2 acres to densities are intended to be achieved through 7.3 acres, thereby achieving an overall density of the subdivision process except in cases where regulations site specific 0.21 du/ac. The proposed residential lots conform or to the authorized General Plan density for the site. characteristics render such densities infeasible. LU-2.8: Mitigation of **Development** The project is designed to minimize significant **Impacts.** Require measures that minimize impacts to surrounding areas. The project will not introduce new uses that will create or cause significant impacts to surrounding areas from uses or operations that cause excessive excessive noise or vibrations. The project will not noise, vibrations, dust, odor, aesthetic result in odors or ongoing dust impacts. impairment and/or are detrimental to human health and safety. LU-5.3: Rural Land Preservation. Ensure Based on the Biological Resources Letter Report, the preservation of existing open space and the site consists primarily of an existing avocado rural areas (e.g., forested areas, agricultural orchard. The project has been conditioned to avoid lands, wildlife habitat and corridors, wetlands, two onsite drainages through the dedication of watersheds, and groundwater recharge biological open space easements. The project is areas) when permitting development under consistent with adjoining properties to the north, the Rural and Semi-Rural Land Use east, south and west which are developed with Designations. residential and agricultural uses on similar lot sizes. LU-6.5: Sustainable Stormwater Stormwater Quality Management Plan Management. Ensure that development (SWQMP) has been prepared and identifies how minimizes the use of impervious surfaces and stormwater will be adequately captured and incorporates other Low Impact Development treated on-site. The project will utilize bioretention (LID) techniques as well as a combination of basins to capture runoff. site design, source control, and stormwater management practices. where applicable and consistent with the County's LID Handbook.

General Plan Policy	Explanation of Project Conformance
LU-6.9: Development Conformance with Topography. Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent practicable.	The project contains steep slopes as defined by the Resource Protection Ordinance (RPO). The applicant has designed the residential pad locations to avoid steep slopes to the extent feasible to minimize the grading required for the project. The Drainage Study prepared for this project concludes that the natural drainage pattern and conveyance of stormwater will not be substantially altered.
LU-6.10: Protection from Hazards. Require that development be located and designed to protect property and residents from the risks of natural and man-induced hazards.	The project site was analyzed for hazardous conditions through the completion of a Phase I Environmental Site Assessment which did not identify any environmental concerns on the site. The County Fire Authority and Escondido Fire reviewed the project and the associated Fire Protection Plan (FPP) for fire hazards. The subdivision design, proposed access and FPP have been found to be acceptable to the County Fire Authority and Escondido Fire.
LU-10.2: Development Environmental Resource Relationship. Require development in Semi- Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas.	The project site is primarily surrounded by residential and agricultural development consistent with the proposed residential development. The project has been conditioned to avoid two drainages onsite through the dedication of biological open space easements. The site does not contain any additional native habitat, corridors or other sensitive resources.
LU-13.2: Commitment of Water Supply.  Require new development to identify adequate water resources, in accordance with State law, to support the development prior to approval.	The City of Escondido issued a Project Facility Service Availability Form for this development. The project will be required to obtain a commitment letter prior to approval of the Final Map.
LU-14.2: Wastewater Disposal. Require that development provide for the adequate disposal of wastewater concurrent with the development and that the infrastructure is designed and sized appropriately to meet expected demands.	The project's wastewater disposal will be handled via individual septic systems. The County Department of Environmental Health (DEH) has reviewed and approved the percolation tests and septic layouts for the project. The project will be required to obtain approval from DEH for the installation of the individual systems.

General Plan Policy	Explanation of Project Conformance	
COS-4.1: Water Conservation. Require development to reduce the waste of potable water through use of efficient technologies and conservation efforts that minimize the County's dependence on imported water and conserve groundwater resources.	The project will be required to comply with the County Water Conservation in Landscaping Ordinance and the County Water Efficient Landscape Design Manual, which includes water conservation requirements and water efficient landscaping. These policies are enforced at building permit.	
COS-14.3: Sustainable Development. Require design of residential subdivisions and nonresidential development through "green" and sustainable land development practices to conserve energy, water, open space, and natural resources.	The project has been designed using sustainable land development practices, including the installation of bioretention basins to treat stormwater runoff.	
S-3.6: Fire Protection Measures. Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire.	The project has been reviewed and approved by the County Fire Authority and Escondido Fire. The project meets the County Consolidated Fire Code by appropriate means of primary and secondary access to the site, compliance with the Exterior Ignition-Resistance Standards of the County Building Code, Chapter 7A and residential sprinklers pursuant to County Code Requirements.	
S-6.4: Fire Protection Services for Development. Require that new development demonstrate that fire services can be provided that meets the minimum travel times identified in Table S-1 (Travel Time Standards from Closest Fire Station).	The maximum travel time based on the Semi-Rural Regional Category is 10 minutes. The project complies with the travel time requirement.	

## 3. North County Metropolitan Subregional Plan Consistency

The proposed project is consistent with the following relevant North County Metropolitan Subregional Plan goals, policies, and actions as described in Table D-2.

Table D-2: North County Metropolitan Subregional Plan Conformance

North County Metropolitan Subregional Plan Policy	Explanation of Project Conformance
POLICY 9. Recognize Avocational Agriculture. Recognize that avocational agriculture is a compatible secondary use of land throughout the subregion.	The proposed project includes lots ranging from 2 acres to 7.33 acres. Based on the proposed lot sizes, it is expected that the lots created by this project could support continued agricultural use of the site through avocational (activity that someone engages in as a hobby outside their main occupation) agriculture by the future individual lot owners.

## 4. Zoning Ordinance Consistency

The proposed project complies with all applicable zoning requirements of the A70 Use Regulation with the incorporation of conditions of approval. The Planning Commission should consider whether the included conditions of approval contained in the Resolution of Approval (Attachment B) ensure the project is compatible with the surrounding properties and overall community character.

Table D-3: Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?	
Use Regulation:	A70	Yes	
Animal Regulation:	L	N/A	
Density:	-	N/A	
Lot Size:	1 acre	Yes	
Building Type:	С	Yes	
Height:	G	Yes	
Lot Coverage:	-	N/A	
Setback:	С	Yes	
Open Space:		N/A	
Special Area Regulations:		N/A	

Table D-4: Zoning Ordinance Development Regulations Compliance Analysis

Development Standard	Proposed/Provided	Complies?
Section 2700 of the Zoning Ordinance describes the permitted uses in the A70 Use Regulations.	The project complies with the A70 Use Regulations.	Yes No 🗌
Section 4200 of the Zoning Ordinance describes the required minimum lot size.	The proposed project complies with the minimum lot size.	Yes No 🗌
Section 4600 of the Zoning Ordinance sets the maximum height requirements. This parcel has a designated height of "G" which requires structures to be no more than 35 feet in height.	The project is a residential subdivision. No structures are proposed. All future residential structures are required to comply with the height requirements of the Zoning Ordinance during the Building Permit phase.	Yes ⊠ No □
Section 4800 of the Zoning Ordinance requires that the project meet the "C" setback requirements of a 60-foot front yard setback, 15-foot side yard setback, and a 25-foot rear yard setback.	The proposed project complies with the setback requirements of the Zoning Ordinance.	Yes ⊠ No □

#### 5. Subdivision Ordinance Consistency

The project has been reviewed for compliance with the Subdivision Ordinance. The project is consistent with the requirements for subdivisions including, dedication and access (Section 81.402). The project includes requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Map Act and the Subdivision Ordinance.

#### 6. Applicable County Regulations

Table D-5: Applicable Regulations

Co	ounty Regulation Policy	Explanation of Project Conformance
1.	Resource Protection Ordinance (RPO)	The project complies with the RPO. The project site contains RPO Wetlands and RPO Steep Slope Lands. The project has been conditioned to avoid all RPO wetlands and dedicate a 50-foot wetland buffer through a biological open space easement. The project has also been conditioned to dedicate open space easements over the RPO steep slope lands and will comply with the encroachment provisions set forth in the RPO.
2.	Noise Ordinance	The project will not generate potentially significant noise levels which exceed the allowable limits of the County Noise Element or Noise Ordinance.
3.	County Consolidated Fire Code	The project has been reviewed by the County Fire Authority and Escondido Fire and has been found to comply with the County Consolidated Fire Code.
4.	Watershed Protection Ordinance (WPO)	A SWQMP was prepared for the project in compliance with the WPO.

## 7. CEQA Compliance

The project has been reviewed for compliance with CEQA Guidelines and the project qualifies for an exemption from additional environmental review pursuant to CEQA Guidelines Section 15183. CEQA Guidelines Section 15183 provides an exemption from additional environmental review for projects that are consistent with the development density established by the General Plan for which an Environmental Impact Report (EIR) was certified. For the proposed project, the planning level document is the General Plan Updated EIR, certified by the Board of Supervisors on August 3, 2011. Additional environmental review is only for project-specific significant effects which are peculiar to the project or its site. The project will not cause any significant effects on the environment with mitigation measures identified in the General Plan EIR as applied to this project. Details of these mitigation measures can be found in the Resolution of Approval (Attachment B).

#### E. COMMUNITY PLANNING GROUP

The project site is located in an area of the North County Metropolitan Subregional Plan area that is not represented by a community planning or sponsor group.

#### F. PUBLIC INPUT

During the public disclosure period from July 20, 2017 to August 18, 2017, seven public comments were received. Comments were received from the San Luis Rey Band of Mission Indians, Rincon Band of Luiseno Indians, Pala Band of Luiseno Indians and the San Diego Archaeological Society. The Pala Band of Luiseno Indians and the San Diego Archaeological Society noted agreement with the grading monitoring conditions and the San Luis Rey Band of Mission Indians and Rincon Band of Luiseno Indians provided comments regarding the content of the Cultural Resources Report prepared for the project and the need for a pre-excavation agreement. The Cultural Resources Report was prepared in accordance with the County's Guidelines and therefore, no changes were made to the report. In addition, it was determined that a pre-excavation agreement would be duplicative of the conditions already placed on the project. The project will be required to comply with Federal, State and local regulation and laws that apply to cultural resources.

In addition, three comments were received from neighboring property owners which raised questions and comments pertaining to road improvements and maintenance, noise, traffic and biological resources. All of the roads proposed for access to this project, including Diamond Ranch Road, Oro Verde Road, Vista Lucia and the proposed onsite road (Private Road "A") have been conditioned to be improved to ensure adequate access is provided to the site. It has also been determined that that the addition of 110 ADTs will not have an impact on surrounding roadways that are not already conditioned to be improved. In addition, technical analysis were completed to assess potential impacts to biological resources and potential impacts resulting from noise. With the implementation of the conditions to dedicate biological open space and limited building zone easements, the project has been found to result in less than significant impacts to biological resources. It has also been determined that the project will not expose people to potentially significant noise levels that exceed the allowable limits of the General Plan, Noise Ordinance, or other applicable standards. Copies of the comments received as well as responses to each comment are included in Attachment E.

#### G. RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

- Adopt the Environmental Findings, which include a finding that the project is exempt from further environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines (Attachment D).
- 2. Adopt the TM Resolution PDS2014-TM-5583, which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County regulations as set forth in the Resolution of Approval (Attachment B).

Report Prepared By:

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Report Approved By:

Mark Wardlaw, Director

858-694-2962

Mark.Wardlaw@sdcounty.ca.gov

**AUTHORIZED REPRESENTATIVE:** 

MARK WARDLAW, DIRECTOR

#### ATTACHMENTS:

Attachment A – Planning Documentation

Attachment B – Resolution Approving PDS2014-TM-5583

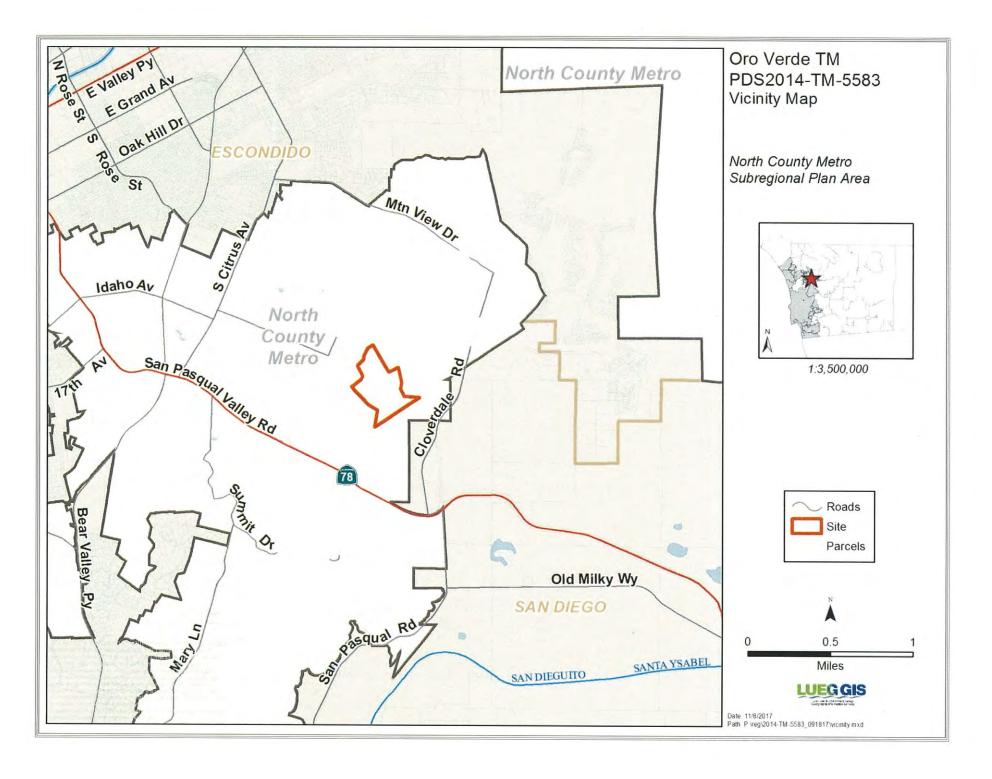
Attachment C – Environmental Documentation

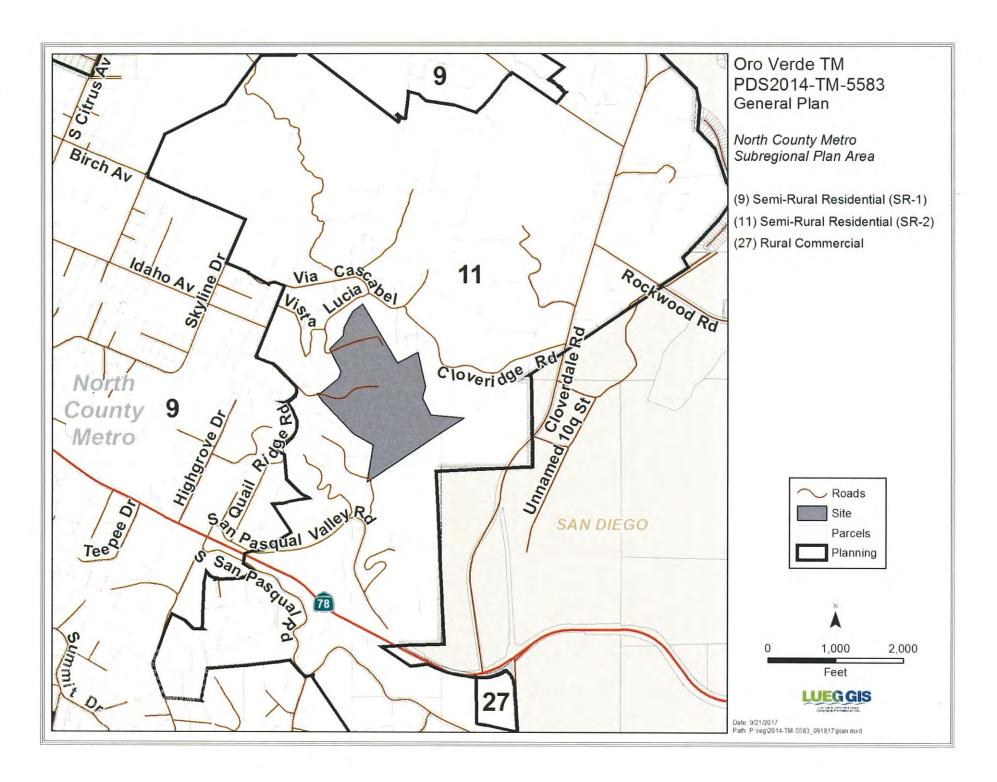
Attachment D – Environmental Findings

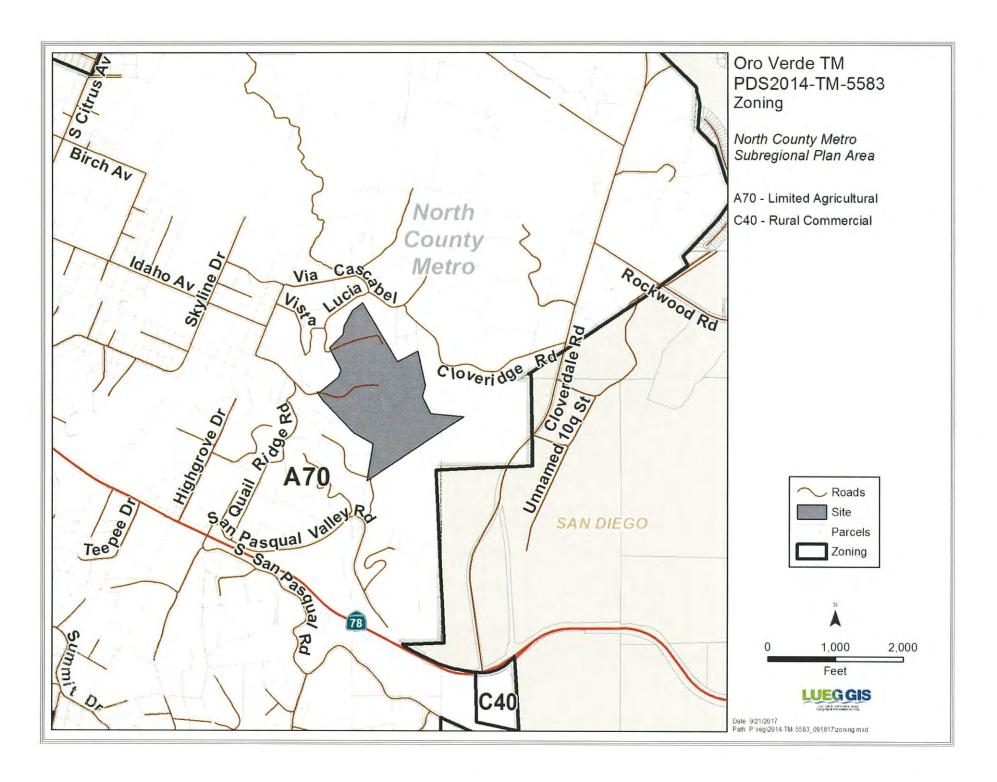
Attachment E – Public Documentation

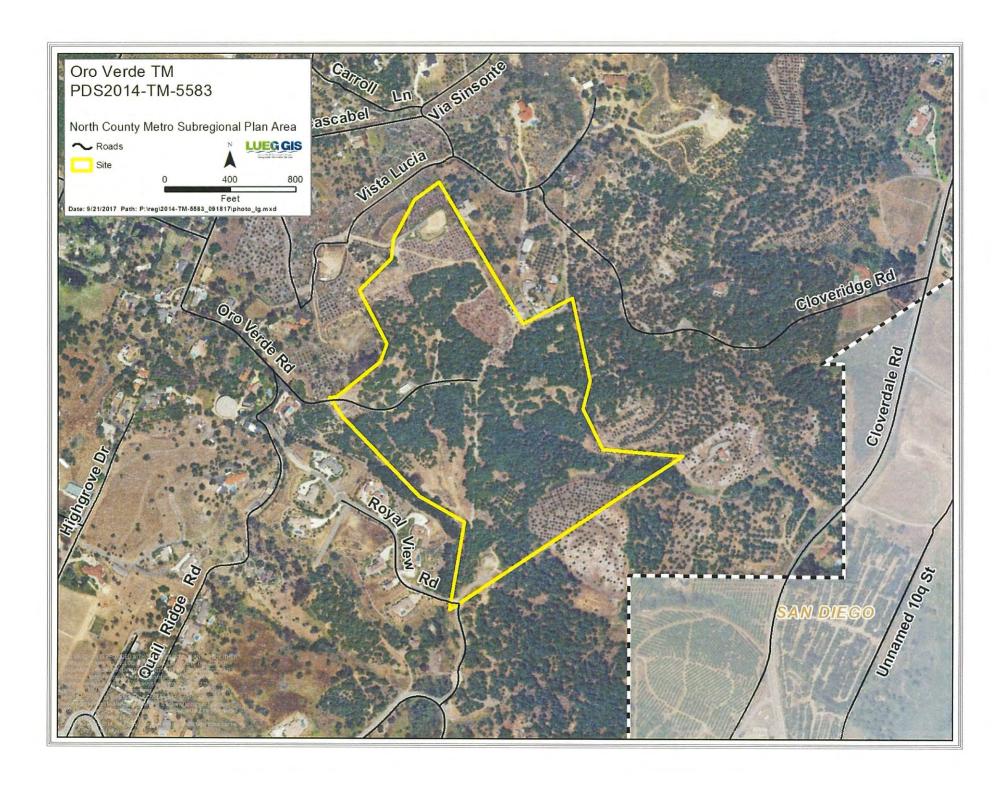
Attachment F - Ownership Disclosure

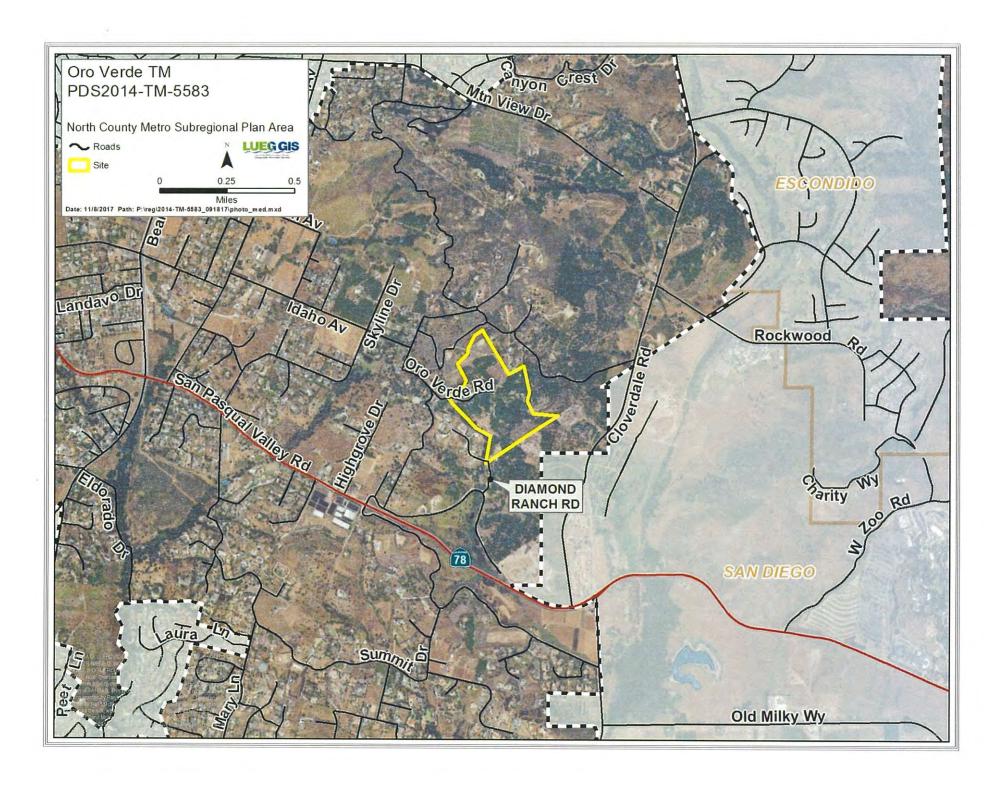
**Attachment A – Planning Documentation** 



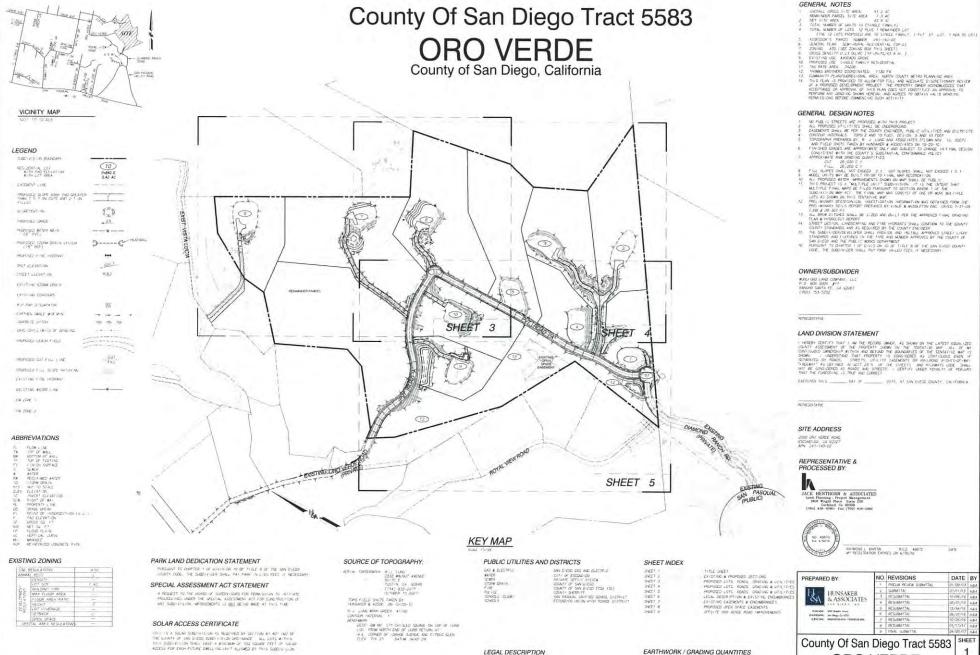












LEGAL DESCRIPTION

SEE SHEET & MY 9 FOR LEGAL DESCRIPTION

EASEMENT NOTES

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#### County Of San Diego Tract 5583 **ORO VERDE**

EARTHWORK / GRADING QUANTITIES

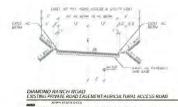
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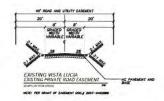
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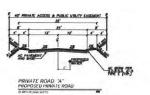




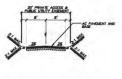


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PROPOSED PRIVATE DRIVEWAY PORTION OF LOTS 2 & 3



PROPOSED PRIVATE DRIVEWAY LOTS 1. PORTION OF 2 & 3. & 6 10



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**EXISTING & PROPOSED PRIVATE DRIVE CROSS SECTIONS** 



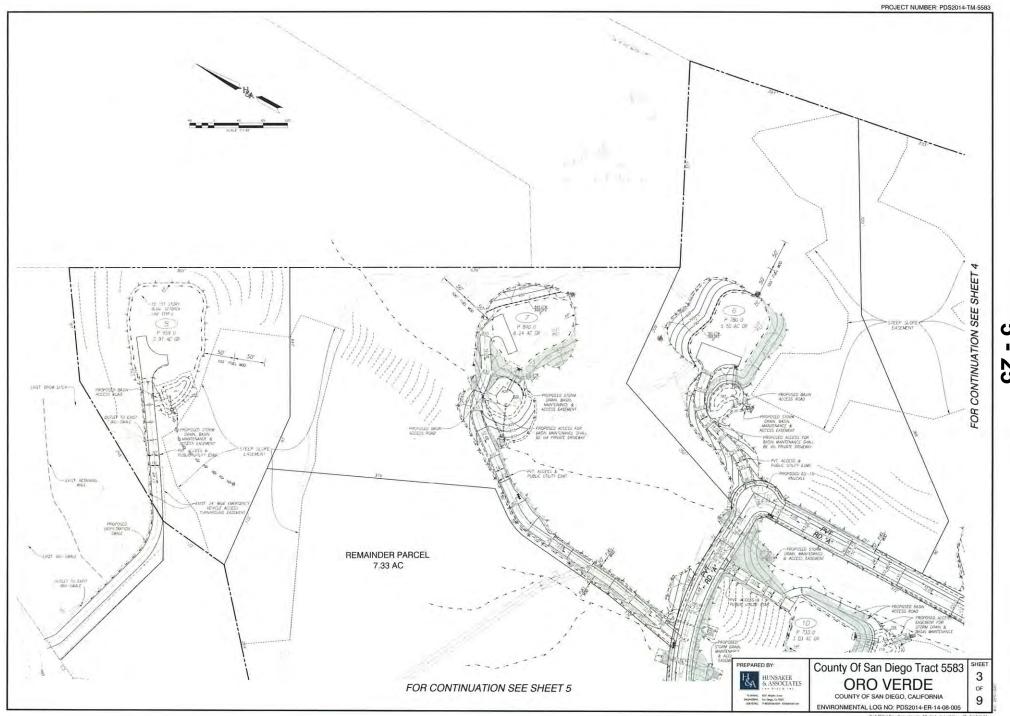
County Of San Diego Tract 5583

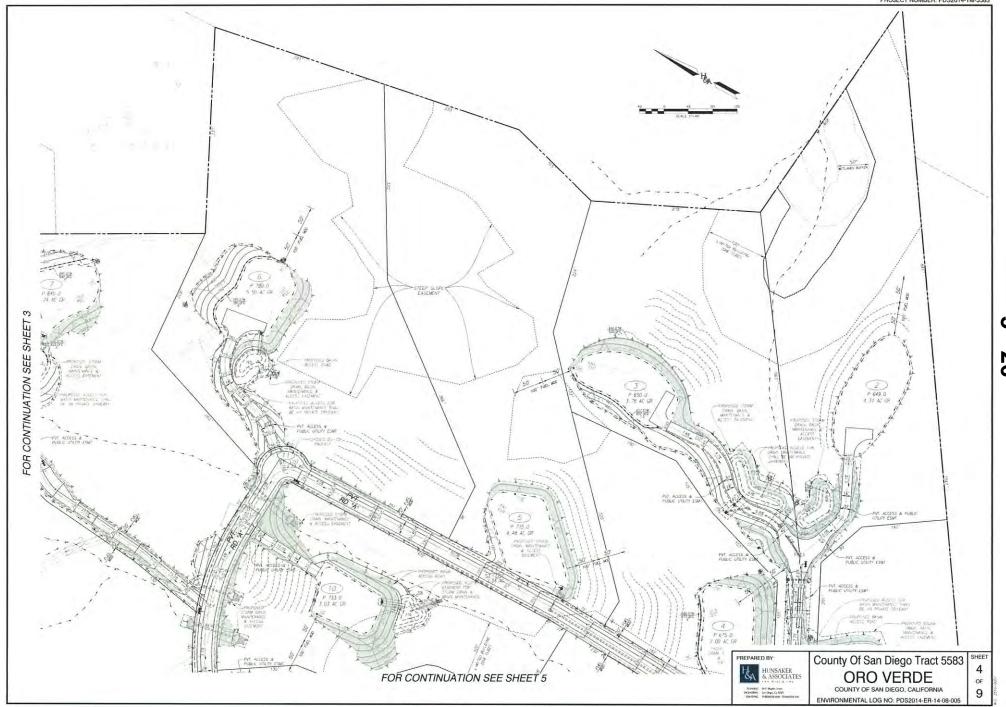
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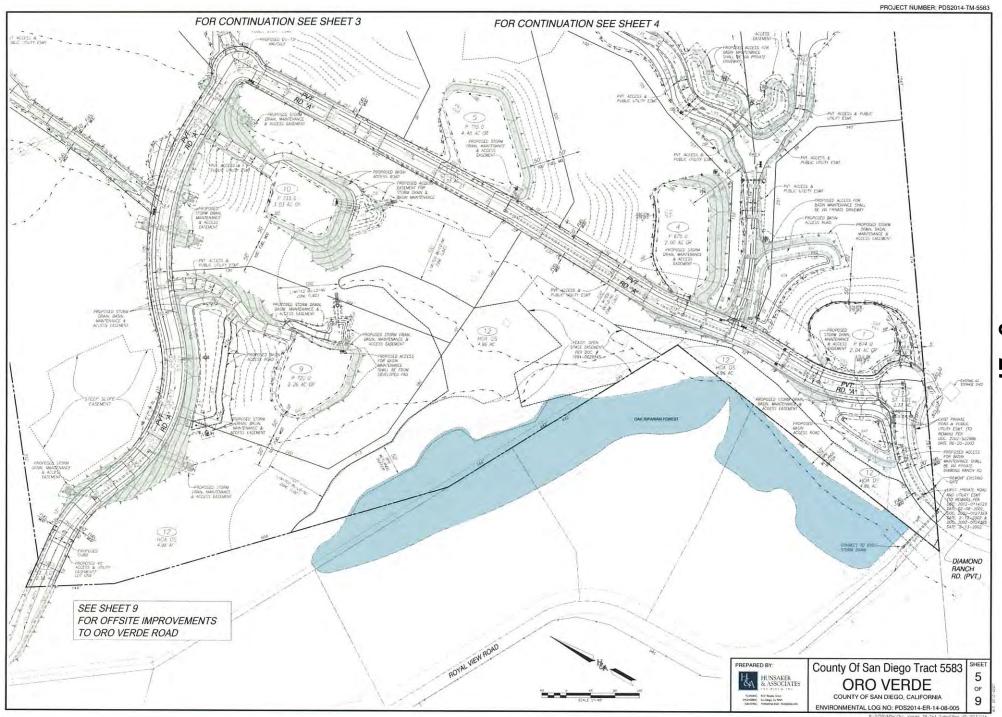
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#### ENCUMBRANCES

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  SECTION COMPANY, INCOMING JALY 15, 1968 AS FILE NO. 115853 OF OFFICIAL RECORDS.
- AN EXEMPT FOR OPEN SPACE IN FAMOR OF the COUNTY OF SAN DESIG, RECORDED DESIGNED 27, 1904 AS FILE NO. 1904-0626545 OF OTTION RECORDS.
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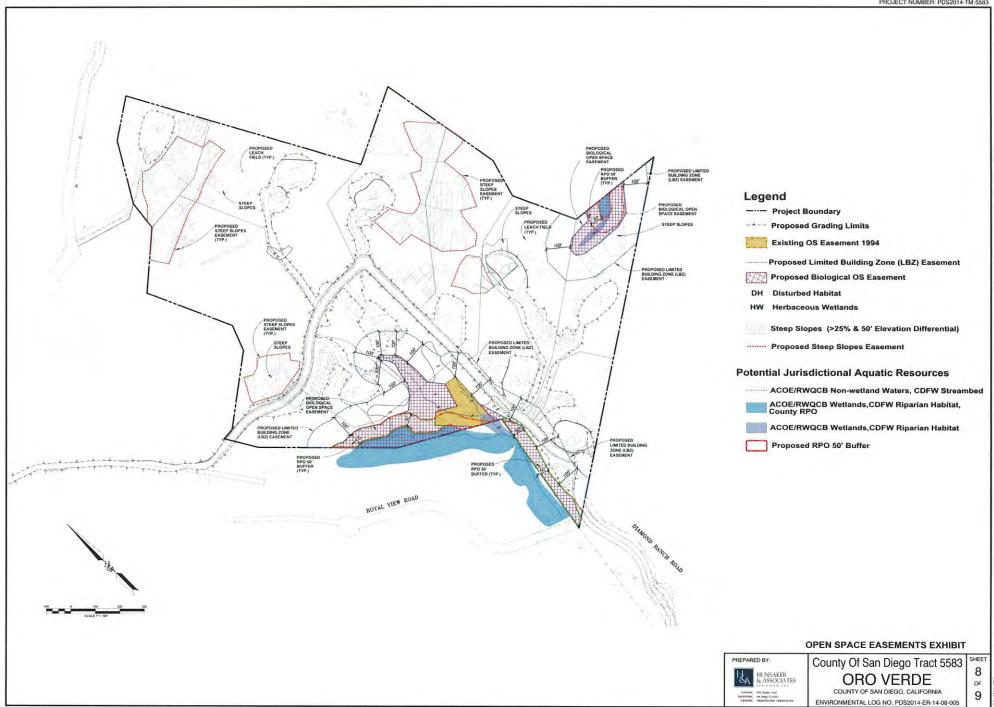
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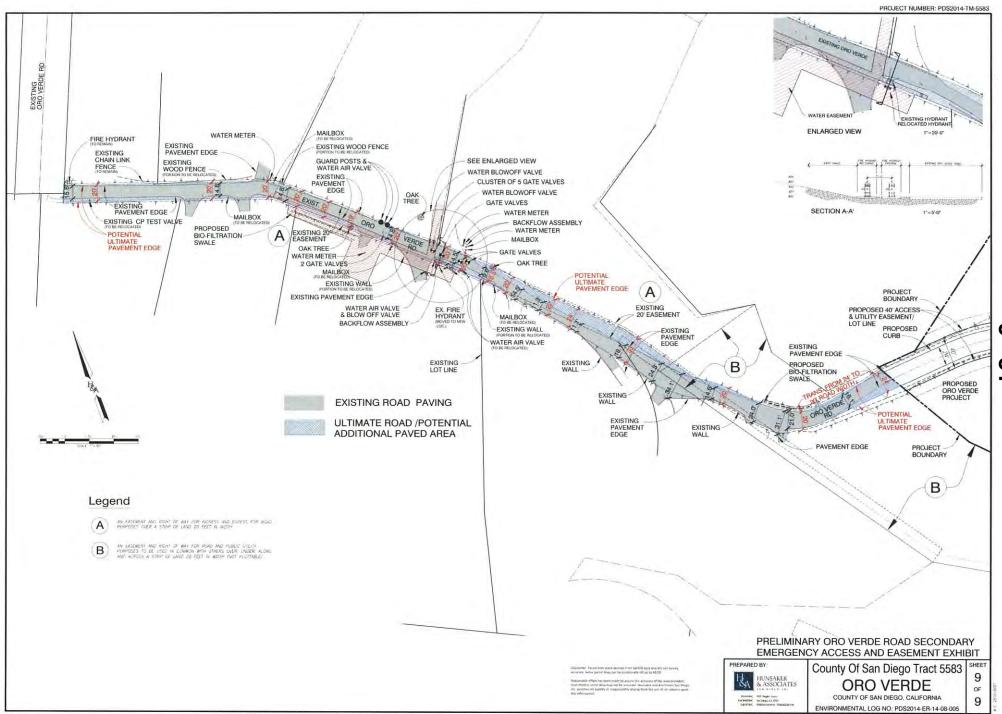
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# Attachment B – Resolution Approving PDS2014-TM-5583

December 15, 2017

RESOLUTION OF SAN DIEGO COUNTY)
CONDITIONALLY APPROVING
TENTATIVE MAP NO. 5583

WHEREAS, Tentative Map No. 5583 proposing the division of property located at 2000 Oro Verde Road and generally described as:

Parcel A of Division of Land Plat 241-050-2

was filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance on April 17, 2014; and

WHEREAS, on December 15, 2017, the Planning Commission of the County of San Diego pursuant to <u>Section 81.306 of the San Diego County Subdivision Ordinance</u> held a duly advertised public hearing on said Tentative Map and received for its consideration, documentation, written and oral testimony, recommendations from all affected public agencies, and heard from all interested parties present at said hearing; and

WHEREAS, the Planning Commission of the County of San Diego has determined that the conditions hereinafter enumerated are necessary to ensure that the subdivision and the improvement thereof will comply with the Subdivision Map Act and conform to all ordinances, plans, rules, standards, and improvement and design requirements of San Diego County.

IT IS RESOLVED, DETERMINED, AND ORDERED, that based on the findings, said Tentative Map is hereby approved subject to the following conditions:

**MAP EXPIRATION:** The approval of this Tentative Map Expires Thirty-Six (36) Months after the date of the approval of this Resolution at 4:00 P.M. Unless, prior to that date, an application for a Time Extension has been filed as provided by <u>Section 81.313 of the County Subdivision Ordinance.</u>

**WAIVERSAND EXCEPTIONS:** This subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public and Private Road Standards, and all other required ordinances of the County San Diego. The sole exceptions to the aforementioned are:

1. Reduce the private road improvements of Oro Verde Road (private) from the project site westerly to Oro Verde Road (public) to a minimum of eighteen and a half feet (18.5') in width. The existing twenty foot (20') private road easement may remain "as-is," and transitions to the twenty-four feet (24') wide improvements shall be provided on either side of the reduced sections. Additionally, the graded width of the private road within the reduced improved section will be reduced to match

the improved width. The Department of Planning & Development Services (PDS) approved the Design Exception on March 16, 2016.

2. Reduce the private road improvements and easement of an off-site unnamed private road easement serving Lot 8, from the subject property to Vista Lucia (private road easement), to a minimum of twenty-four feet (24') in easement width; and a minimum of twenty-four feet (24') graded width with twenty feet (20') improved width. PDS approved the Design Exception on June 20, 2016.

**STANDARD CONDITIONS:** The "Standard Conditions (1-29) for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, and filed with the Clerk, as Resolution No. 00-199 (Attached Herein as Exhibit A), shall be made conditions of this Tentative Map approval. Only the following exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized. **The following Standard Subdivision Conditions are hereby waived:** 

- 1. Standard Condition 10.a: Said condition states that all fixtures shall use a low pressure sodium (LPS) vapor light source. This waiver/modification allows the use of light-emitting diode (LED) light sources at the project site if required. HPS vapor light sources are only prohibited within a 15 mile radius of Palomar or Mount Laguna observatories pursuant to direction from the Board of Supervisors [statement of proceedings of 1-29-03].
- 2. Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
- 3. Standard Condition 12: Said condition pertains to trails. This condition is waived since no trails are proposed as part of the tentative map.
- 4. Standard Condition 21: Said condition pertains to public sewer system. This condition is waived since the project proposes private subsurface sewage disposal systems.
- 5. Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.

PRELIMINARY GRADING PLAN: The approval of this Tentative Map here by adopts the Preliminary Grading Plan dated April 5, 2017 (Attached Herein as Exhibit B) pursuant to Section 81.305 of the County Subdivision Ordinance. In accordance with the Section 87.207 of the County Grading Ordinance, Environmental Mitigation Measures or other conditions of approval required and identified on this plan, shall be completed or implemented on the final engineering plan before any improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any Substantial

deviation therefrom the Preliminary Grading and Improvement Plan may cause the need for further environmental review. Additionally, approval of the preliminary plan does not constitute approval of a final engineering plan. A final engineering plan shall be approved pursuant to <u>County of San Diego Grading Ordinance</u> (Sec 87.701 et. al.)

**APPROVAL OF MAP:** THE FOLLOWING <u>SPECIFIC CONDITIONS</u> SHALL BE COMPLIED WITH BEFORE A MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (and where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified):

**1-29.** The "Standard Conditions (1-29) for Tentative Subdivision Maps" approved by the Board of Supervisors on June 16, 2000, with the exception of those "Standard Conditions" waived above.

#### 30. GEN#1-COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5 existing deficit accounts associated with processing this map shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficits associated with processing this map. **DOCUMENTATION:** The applicant shall provide evidence to [PDS, Zoning Counter], which shows that all fees and trust account deficits have been paid. No map can be issued if there are deficit accounts. **TIMING:** Prior to the approval of any map and prior to the approval of any plan and issuance of any permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall review the evidence to verify compliance with this condition.

#### 31. GEN#2-GRADING PLAN CONFORMANCE

**INTENT:** In order to implement the required mitigation measures for the project, the required grading plan and improvement plans shall conform to the approved Conceptual Grading and Development Plan. **DESCRIPTION OF REQUIREMENT:** The grading and/or improvement plans shall conform to the approved Conceptual Grading Plan, which includes all of the following mitigation measures: temporary construction noise control measures and archaeological **DOCUMENTATION:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the notes and items shall be placed on the plans as required. MONITORING: The [DPW, ESU, or PDS, BD for PDS Minor Grading, DPR, TC for trails and PP for park improvements] shall verify that the grading and/or improvement plan requirements have been implemented on the final grading and/or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

#### 32. ROADS#1-PRIVATE ROAD IMPROVEMENTS

**INTENT:** In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.404, on and offsite private road easements shall be improved. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve and provide security for the following private road easements:

- a. The proposed onsite private easement road, *Private Road "A"*, from existing private road, Diamond Ranch Road, northerly and westerly to the westerly project boundary, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete pavement over approved base. Where conforming to vertical and horizontal design criteria of current County Private Road Standards, the existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty-four feet (24'). All distressed sections shall be repaired to the satisfaction of the Director of Public Works. The improvement and design standards of Section 3.1(C) of the San Diego County Standards for Private Roads (approved June 30, 1999) for one hundred and one (101) to seven hundred fifty (750) trips shall apply. Improvement shall be to the satisfaction of the San Diego County Fire Authority and the Director of Planning and Development Services (PDS).
- b. The **Private Road "A"** knuckle design shall be per San Diego Design Standard DS-15 and to the satisfaction of the San Diego County Fire Authority and the Director of PDS.
- c. The existing cul-de-sac, located at the end of *Diamond Ranch Road*, shall be graded to a minimum radius of forty feet (40') and improved with asphalt concrete pavement over approved base to a minimum radius of thirty-six feet (36'), to the satisfaction of the San Diego County Fire Authority and the Director of PDS.
- d. The existing offsite private easement road, *Oro Verde Road*, from the westerly project boundary northwesterly to the publicly maintained road, Oro Verde Road, shall be improved to a minimum of eighteen and a half feet (18.5') in width. The existing twenty foot (20') private road easement may remain "as-is," and transitions to the twenty-four feet (24') wide improvements shall be provided on either side of the reduced sections.

Additionally, the graded width of the private road within the reduced improved section will be reduced to match the improved width. Where conforming to vertical and horizontal design criteria of current County Private Road Standards, the existing pavement may remain and shall be widened to a minimum of eighteen and a half feet (18.5') in width [*Per Sheet 9 of TM 5583*]. All distressed sections shall be repaired the satisfaction of the Director of Public Works. The improvement and design standards of Section 3.1(C) of the San Diego County Standards for Private Roads (approved June 30, 1999) for one hundred and one (101) to seven

hundred fifty (750) trips shall apply. Improvement shall be to the satisfaction of the San Diego County Fire Authority and the Director of Planning and Development Services (PDS).

- e. The off-site *unnamed private road easement* serving Lot 8, from the subject property to Vista Lucia (private road easement), shall be graded to a minimum of twenty-four feet (24') width and improved twenty feet (20') wide with asphalt concrete pavement over approved base. Where conforming to vertical and horizontal design criteria of current County Private Road Standards, the existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty-four feet (24'). All distressed sections shall be repaired the satisfaction of the Director of Public Works. The improvement and design standards of Section 3.1(C) of the San Diego County Standards for Private Roads (approved June 30, 1999) for one hundred (100) or less trips shall apply. Improvement shall be to the satisfaction of the San Diego County Fire Authority and the Director of Planning and Development Services (PDS).
- f. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

All plans and improvements shall be completed pursuant to the San Diego County Standards for Private Roads, and the Land Development Improvement Plan Checking Manual. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities.

## **DOCUMENTATION:** The applicant shall complete the following:

- g. Process and obtain approval of Improvement Plans to improve on and offsite private roads.
- h. Provide secured agreement(s) that require posting security in accordance with Subdivision Ordinance Sec. 81.408.
- i. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI].
- j. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

**TIMING:** Prior to the approval of the Final Map, the plans, agreements, and securities shall be approved. **MONITORING:** The [*PDS, LDR*] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [*PDS, LDR*] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

# 33. ROADS#2-PRIVATE ROAD CERTIFICATION

**INTENT:** In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.402, the improved quality and the pavement shall stay within the private road easement and be certified. **DESCRIPTION OF REQUIREMENT:** 

- a. The private road easement **Diamond Ranch Road**, from the publicly maintained road, San Pasqual Valley Road (SR 78), northerly to the existing on-site cul-de-sac shall be certified to ensure that it is graded to a minimum width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base and is to the satisfaction of the San Diego County Fire Authority and Director of PDS, and is constructed within the easement for the benefit of the land division. The private road shall be improved to meet design standards of Section 3.1(C) of the San Diego County Standards for Private Roads.
- b. The existing cul-de-sac located at the end of *Diamond Ranch Road* shall be certified to ensure that it is graded to a minimum radius of forty feet (40') and to an improved minimum radius of thirty-six feet (36') with asphalt concrete pavement over approved base; and is to the satisfaction of the San Diego County Fire Authority and Director of PDS
- c. The existing *unnamed offsite private easement road*, from Vista Lucia easterly to lot 8, shall be certified to ensure that it is constructed within the easement for the benefit of the land division, to the satisfaction of the San Diego County Fire Authority and Director of PDS.
- d. The existing offsite private easement road, *Vista Lucia*, from publicly maintained road, Oro Verde Road, to the existing unnamed private road easement, shall be certified to ensure that it is constructed within the easement for the benefit of the land division, to the satisfaction of the San Diego County Fire Authority and Director of PDS.

**DOCUMENTATION:** The applicant shall have a Registered Civil Engineer provide a signed statement that the private easement road, meets the standards of this condition. The engineer shall further certify that the road meets all other Sections of the San Diego County Standards for Private Roads (approved June 30, 1999). **TIMING:** Prior to the approval of the Final Map, the road shall be certified.

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**MONITORING:** The [PDS, LDR] shall review the certification for consistency with the condition and County Standards.

#### 34. ROADS#3-IMPROVEMENT CERTIFICATION

**INTENT:** In order to ensure that the proposed work on the private road easement stays within the private road easement, and to comply with Private Road Standards and Subdivision Ordinance a letter of certification shall be provided. **DESCRIPTION OF REQUIREMENT:** 

- a. The proposed on-site private road easement, *Private Road "A"*, from the existing private road, Diamond Ranch Road, northerly and westerly to the westerly project boundary, including all slopes shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division. The private road shall be improved to meet design standards of Section 3.1(C) of the San Diego County Standards for Private Roads.
- b. The existing cul-de-sac located at the end of **Diamond Ranch Road** shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division.
- c. The existing off-site private road easement, *Oro Verde Road*, from the westerly project boundary northwesterly to the publicly maintained road, Oro Verde Road, including all slopes shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division. The private road shall be improved to meet design standards of Section 3.1(C) of the San Diego County Standards for Private Roads.
- d. The existing offsite *unnamed private road easement*, from westerly project boundary of lot 8 westerly to Vista Lucia, private road easement, including all slopes shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division. The private road shall be improved to meet design standards of Section 3.1(C) of the San Diego County Standards for Private Roads.
- e. The existing off-site private road easement, *Vista Lucia*, from the existing unnamed private road to the nearest publicly maintained road, Oro Verde Road, including all slopes shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division. The private road shall be improved to meet design standards of Section 3.1(C) of the San Diego County Standards for Private Roads.
- f. If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or a letter of permission shall be obtained and an engineer or surveyor shall further certify that letter(s) of permission have been obtained for work outside of the easement limits.

**DOCUMENTATION:** The applicant shall have a Registered Civil Engineer or a Licensed Land Surveyor provide a signed statement, which certifies that the improvements were constructed entirely within the easement, including drainage structures, for the benefit of the land division pursuant to this condition. **TIMING:** Prior to the release of the agreement(s) and securities, the roads shall be certified. **MONITORING:** The [*PDS, LDR*] shall review the certification for consistency with the condition and County Standards.

#### 35. ROADS#4-PRIVATE ROAD EASEMENT

**INTENT:** In order to promote orderly development and to comply with the County Subdivision Ordinance Section 81.402 the easements shall be provided. **DESCRIPTION OF REQUIREMENT:** 

- a. The Final Map shall show a minimum forty foot (40') wide on-site private road easement, **Diamond Ranch Road**, from the southerly project boundary easterly to the existing cul-de-sac.
- b. The Final Map shall contain a statement that: "Access from San Pasqual Valley Road, a publicly maintained road, to the southerly project boundary is by a minimum forty foot (40') wide existing off-site private road easement, **Diamond Ranch Road**, and is for the benefit of use of the property being divided."
- c. The Final Map shall show a minimum forty foot (40') wide on-site private road easement, *Private Road "A"*, from the private road easement, Diamond Ranch Road, northerly and westerly to the westerly project boundary.
- d. The Final Map shall contain a statement that: "Access from Oro Verde Road, a publicly maintained road, to the northwest corner of the project is by a minimum twenty foot (20') wide existing off-site private road easement, Oro Verde Road, and is for the benefit of use of the property being divided."
- e. The Final Map shall contain a statement that: "Access from Oro Verde Road, a publicly maintained road, to the northerly project boundary (lot 8) is by a minimum twenty-four foot (24') wide existing off-site private road easements, *Vista Lucia and unnamed private road*, and are for the benefit of use of the property being divided."

**DOCUMENTATION:** The applicant shall show the easements on the Final Map. **TIMING:** Prior to approval of the Final Map, the easements shall be shown. **MONITORING:** The [*PDS, LDR*] shall review the Final Map to ensure that the fire turnout easement is indicated pursuant to this condition.

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#### 36. ROADS#5-ONE FOOT ACCESS DEDICATION

**INTENT:** In order to ensure that the subdivision's accesses comply with the County Subdivision Ordinance Section 81.401 (g), all the through lots shall relinquish access rights to private roads. **DESCRIPTION OF REQUIREMENT:** 

- a. **Lot 10:** Show one foot (1') access restriction easement along the easterly project boundary fronting the private road easement, Private Road "A".
- b. **Lot 12:** Show one foot (1') access restriction easements.

**TIMING:** Prior to approval of the Final Map, the easements shall be indicated on the Final Map. **MONITORING:** The [PDS, LDR] shall review the Final Map to ensure that one foot access restriction easements are indicated pursuant to this condition.

## 37. ROADS#6-PRIVATE ROAD MAINTENANCE AGREEMENT

**INTENT:** In order to ensure that the private roads approved with this subdivision are maintained, in accordance with Subdivision Ordinance Section 81.402(c), the applicant shall assume responsibility of the private roads. **DESCRIPTION OF REQUIREMENT:** A maintenance agreement shall be executed that indicates the following:

- a. Maintenance shall be provided for *Diamond Ranch Road*, *Oro Verde Road*, *Vista Alucia* and *Private Road* "A" through a private road maintenance agreement satisfactory to the Director of PDS.
- b. The Director of PDS shall be notified as to the final disposition of title (ownership) to Private Road "A" (Lot 11), and place a note on the Final Map as to the final title status of said roads.
- c. On-site access to each lot shall be provided by private road easement not less than forty feet (40') wide.

**DOCUMENTATION:** The applicant shall a sign the private road maintenance agreement to the satisfaction of the Director of PDS and indicate the ownership on the map as indicated above. **TIMING:** Prior to the approval of the map, the agreement shall be executed and the ownership shall be indicated on the map. **MONITORING:** The [PDS, LDR] shall review the executed agreement and the map for compliance with this condition.

#### 38. DRNG#1-ONSITE & OFFSITE DRAINAGE IMPROVEMENTS

**INTENT:** In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.403 and to comply with the County Flood Damage Prevention Ordinance No. 10091 (Title 8, Division 11), County Watershed Protection Ordinance (WPO) No.10385, County Code Section 67.801 et. seq., and

the County Resource Protection Ordinance (RPO) No. 9842, drainage improvements shall be completed. **DESCRIPTION OF REQUIREMENT:** 

a. Improve or agree to improve and provide security for bioretentions.

All drainage plan improvements shall be prepared and completed pursuant to the following ordinances and current standards: San Diego County Drainage Design Manual, San Diego County Hydrology Manual, County of San Diego Grading Ordinance, Zoning Ordinance Sections 5300 through 5500, County Resource Protection Ordinance (RPO) No. 9842, Community Trails Master Plan and Parkland Dedication Ordinance and County Flood Damage Protection Ordinance (Title 8, Division 11), Low Impact Development (LID) and Hydromodification requirements and the Land Development Improvement Plan Checking Manual. **DOCUMENTATION:** The applicant shall complete the following:

- b. Process and obtain approval of Improvement Plans for bioretentions.
- C. Provide Secured agreements that requires posting security in accordance with Subdivision Ordinance Sec. 81.404 (a)(2).
- d. Pay all applicable inspection fees with [DPW. PDCI].
- If the applicant is a representative, then one of the following is required: a e. corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

TIMING: Prior to the approval of the map, the plans, agreements, and securities shall be approved. The improvements shall be completed within 24 months from the recordation of Final Map pursuant to Subdivision Ordinance Sec. 81,405. The execution of the agreements and acceptance of the securities shall be completed before the approval of any final map. MONITORING: The [PDS, LDR], [DPR, TC] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [PDS, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of PDS.

## 39. STRMWTR#1-STORMWATER FACILITIES MAINTENANCE AGREEMENT **INTENT:** In order to promote orderly development and to comply with the County Flood Damage Prevention Ordinance No. 10091 (Title 8, Division 11), and the County Watershed Protection Ordinance (WPO) No.10385, County Code Section 67.801 et. seg., the maintenance agreements shall be completed. **DESCRIPTION** OF REQUIREMENT:

The private storm drain systems shall be maintained by a maintenance a. mechanism such as a homeowners association or other private entity.

b. Establish a maintenance agreement/mechanism (to include easements) to assure maintenance of the Category 2 post-construction best management practices (BMP's). Provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines. Final Category determination shall be to the satisfaction of the Director of PDS.

**DOCUMENTATION:** The applicant shall process the agreement forms with [PDS, LDR] and pay the deposit and applicable review fees. **TIMING:** Prior to the approval of the map, execution of the agreements and securities shall be completed. **MONITORING:** The [PDS, LDR] shall review the agreements/mechanisms for consistency with the condition and County Standards.

# 40. BIO#1-BIOLOGICAL EASEMENT [PDS, FEE X 2]

INTENT: In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO), a biological open space easement shall be granted. DESCRIPTION OF REQUIREMENT: Grant to the County of San Diego by separate document or on the Final Map, an open space easement as shown on the approved Tentative Map. 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 exception(s) 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 PDS, DPR and DPW.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the County of San Diego DEH.

**DOCUMENTATION:** The applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map

Review - OR - The applicant shall 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. **TIMING:** Prior to the approval of the map or on the map, and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **MONITORING:** For recordation on the map, [PDS, LDR] shall route the Final Map to [PDS, PCC] for approval prior to map recordation – OR - for recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] and [DPR GPM] for preapproval. The [PDS, PCC] shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition or if recorded on the map, the [PDS LDR] shall satisfy the condition after map recordation.

## 41. BIO#2-LBZ EASEMENT [PDS, FEEX 2]

**INTENT:** In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO), a Limited Building Zone (LBZ) Easement shall be granted 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 LBZ Easement as shown on the Tentative Map. 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 show the easement on the Final map with the appropriate granting language on the title sheet concurrent with Final Map Review - OR - The applicant shall 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. **TIMING:** Prior to the approval of the map or on the map and prior to the approval of any plan and issuance of any permit, the easements shall be recorded. **MONITORING:** For recordation on the map, the [PDS, LDR] shall route the Final Map to [PDS, PCC] for approval prior to map recordation OR for recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] and [DPR GPM] for preapproval. The [PDS, PCC] shall preapprove the language and estimated location of the

easements prior to recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition - OR - if recorded on the map, the [PDS LDR] shall satisfy the condition after map recordation.

# 42. HAZ#1-STRUCTURE REMOVAL [PDS, FEE]

INTENT: In order to comply with the approved Tentative Map the structures on site shall be removed or demolished. **DESCRIPTION OF REQUIREMENT:** The residential trailer uses, sheds and barn located on-site as shown on the approved Tentative Map shall be removed or demolished. A Demolition Permit shall be obtained from [PDS BD]. **DOCUMENTATION:** The applicant shall submit to the [PDS, PCC] a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been removed or demolished. The letter report shall also include before and after pictures of the area and structures. **TIMING:** Prior to obtaining any building, grading, or construction permit (excluding demolition permit), or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [PDS, PCC] shall review the statement and, photos, and any additional evidence for compliance with this condition.

## 43. DEH#1-WELL DESTRUCTION

INTENT: In order to ensure that the water well(s) located on the property is/are removed, and to comply with the County Regulatory Code Section 67.431, the well(s) shall be properly destroyed. **DESCRIPTION OF REQUIREMENT:** The water well(s) located on the 51.2 acre property shall be properly destroyed by a California C-57 licensed well driller. A Well Destruction Permit shall be obtained from the [DEH, LWQ] and all applicable inspection fees shall be paid. **DOCUMENTATION:** The applicant shall provide copies of the Well Destruction Logs to [DEH, LWQ] upon completion of the well destruction. **TIMING:** Prior to the approval of the map for and prior to the approval of any plan, issuance of any permit (Excluding Well Destruction Permit), the applicant shall destroy the well(s). **MONITORING:** Upon submittal of the well destruction logs, [DEH, LWQ] shall perform a field inspection to verify that the well has been properly destroyed. The destruction logs shall be stamped and returned to the applicant.

#### 44. DEH#2-SEPTIC ABANDONMENT

**INTENT:** In order to comply with County Regulatory Code Section 68.313.1 the on-site waste water system(s) (Septic Systems) shall be properly abandoned. **DESCRIPTION OF REQUIREMENT:** The septic systems located on site for the residential trailer uses shall be pumped and properly abandoned under DEH guidelines. **DOCUMENTATION:** Upon completion of the septic removal, the applicant shall contact [*DEH*, *LWQ*] to schedule a field verification inspection. The applicant shall submit proof of the septic tank pumping and pay all applicable inspection fees. **TIMING:** Prior to the approval of the map and prior to the approval of any plan, issuance of any permit, the applicant shall have the septic system

abandoned. **MONITORING:** Upon request of the applicant, [*DEH, LWQ*] shall perform a field inspection to verify that the septic system has been properly abandoned pursuant to this condition.

# 45. CULT#1-ARCHAEOLOGICAL MONITORING [PDS, FEE X 2]

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT**: A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources, and this permit. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Native American has been contracted to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

**DOCUMENTATION:** The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, 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 the map and prior to the approval of any plan and issuance of any permit, the contract shall be provided. **MONITORING:** The *[PDS, PCC]* shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to *[PDS, LDR]*, for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

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## 46. PLN#1-RPO STEEP SLOPE EASEMENT [PDS, FEE X 2]

INTENT: In order to protect steep slope lands as defined in the Resource Protection Ordinance (RPO) Section 86.602.(p) a Steep Slope Open Space Easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a RPO Steep Slope Open Space Easement as shown on the Tentative Map. This easement is for the protection of steep slope lands 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. The sole exceptions to this prohibition are:

- a. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
- b. Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.
- c. Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of PDS.
- d. Construction, use, and maintenance of septic systems in the locations shown on the Tentative Map.
- e. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of DEH in a location and manner approved in writing by the Director of PDS.
- f. 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.
- g. Construction, use, and maintenance of a Mobility Element Road identified in the Mobility Element of the County General Plan or adopted community or subregional plan.
- h. Construction, use, and maintenance of a (public street, private road, or driveway).
- i. Uses, activities, and placement of structures expressly permitted by Major Use Permit, and shown on the plot plan.
- j. Uses, activities, and placement of structures expressly permitted by the Director of PDS, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to The Zoning Ordinance of the County of San Diego.

**DOCUMENTATION:** The applicant shall show the easement on the Final map with the appropriate granting language on the title sheet concurrent with Final Map Review - OR - The applicant shall prepare the draft plats and legal descriptions of the easement, then submit them for preparation and recordation with the *[DGS]*, RPI, and pay all applicable fees associated with preparation of the documents. **TIMING:** Prior to the approval of the map or on the Map, and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. MONITORING: For recordation on the map, the [PDS, LDR] shall route the Final Map to [PDS, PCC] for approval prior to map recordation OR for recordation by separate document, the [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for preapproval. The [PDS, PCCI shall preapprove the language and estimated location of the easements prior to recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition - OR - if recorded on the map, the [PDS LDR] shall satisfy the condition after map recordation.

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The following Grading and or Improvement Plan Notes shall be placed on the Grading Plan and made conditions of the issuance of said permits.

**PRE-CONSTRUCTION GRADING AND/OR IMPROVEMENTS:** (Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

# (CULTURAL RESOURCES)

# **GP1. CULT#GR-1-ARCHAELOGICAL MONITORING [PDS, FEE X2]**

INTENT: In order to comply with the County of San Diego Guidelines for Significance - Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist, Native American Monitor, and [PDS, PCC], shall attend the preconstruction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. DOCUMENTATION: The applicant shall have the contracted Project Archeologist and Native American monitor attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to the Preconstruction Meeting, 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 Archaeological Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archaeologist.

# (BIOLOGICAL RESOURCES)

# GP2. BIO#GR-1-TEMPORARY FENCING [PDS, FEE]

INTENT: In order to prevent inadvertent disturbance to the onsite open space easements, 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. 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

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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."

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

# (CULTURAL RESOURCES)

# GP3. CULT#GR-2-ARCHAEOLOGICAL MONITORING [PDS, FEE X2]

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Native American monitor.
- In the event that previously unidentified potentially significant cultural b. resources are discovered, the Project Archaeologist or the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Native American Monitor, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the cultural materials for isolates and nonsignificant deposits not be collected by the Project Archaeologist, then the Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program. A Research Design and Data Recovery Program to mitigate impacts to significant cultural resources shall

be prepared by the Project Archaeologist. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Research Design and Data Recovery Program shall include (1) pursuant to CEQA §21083.2(g), reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources.

- If any human remains are discovered, the Property Owner or their C. representative shall contact the County Coroner and the PDS Staff Archaeologist. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- d. The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

**DOCUMENTATION:** The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Archeologist or applicant fails to comply with this condition.

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## (NOISE)

# **GP4. TEMPORARY CONSTRUCTION NOISE: [DPW, PDCI].**

**INTENT:** In order to minimize temporary construction noise for grading operations associated with the project subdivision. **DESCRIPTION OF REQUIREMENT:** The project shall comply with the following temporary construction noise control measures:

- a. Turn off equipment when not in use.
- Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured, to prevent rattling and banging.
- c. Use equipment with effective mufflers
- d. Minimize the use of back up alarm.
- e. Equipment staging areas should be placed at locations away from noise sensitive receivers.
- f. Construction equipment operations shall comply with the County Code Noise Ordinance, Section 36.408, 36.409, and 36.410.

**DOCUMENTATION:** The applicant shall comply with the temporary construction noise measures of this condition. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor complies with the construction noise control measures of this condition. The [DPW, PDCI] shall contact the [PDS, PCC] if the applicant fails to comply with this condition.

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

#### (CULTURAL RESOURCES)

# GP5. CULT#GR-3-ARCHAEOLOGICAL MONITORING [PDS, FEE]

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth disturbing activities that require monitoring:

a. If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that

earth disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Native American monitor must be included in the Negative Monitoring Report.

b. If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.

**DOCUMENTATION:** The applicant shall submit the Archaeological Monitoring Report to the *[PDS, PCC]* for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and the culturally-affiliated Tribe. **TIMING:** Upon completion of all earth disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** The *[PDS, PCC]* shall review the report or field monitoring memo 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).

## (CULTURAL RESOURCES)

# GP6. CULT#GR-4-ARCHAEOLOGICAL MONITORING [PDS, FEE]

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth disturbing activities. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been curated that includes the following:

- (1) Evidence that all prehistoric archaeological materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.
- (2) Historic materials shall be curated at a San Diego curation facility, as identified above, and shall not be curated at a Tribal curation facility. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

**DOCUMENTATION:** The applicant's archaeologist shall prepare the final report and submit it to the *[PDS, PCC]* for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and the culturally-affiliated Tribe. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The *[PDS, PCC]* shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, *[PDS, PCC]* shall inform *[PDS, LDR]* and *[DPW, PDCI]*, that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then *[PDS, PCC]* shall inform *[PDS or DPW FISCAL]* to release the bond back to the applicant.

# (BIOLOGICAL RESOURCES)

# GP7. BIO#GR-1-OPEN SPACE SIGNAGE & FENCING [PDS, FEE]

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) for TM 5583, open space fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences and open space

signs shall be placed along the open space boundary lots 2, 3, 9, 10 and 12 shown on these plans and the approved Tentative Map and Preliminary Grading Plan.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent fences and open space signs have been installed.
- b. The fencing design shall consist of 3-strand wire fencing, split rail fencing or other fence type determined appropriate by the Director of Planning & Development Services.
- c. 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: PDS2014-TM-5583

**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 prior to Final Grading Release (Grading Ordinance Sec. 87.421.a.3) the fencing and signage shall be installed. **MONITORING:** The [*PDS*, *PCC*] shall review the photos and statement for compliance with this condition.

## GP8. AG#GR-1-OPEN SPACE FENCING [PDS, FEE]

INTENT: In order to protect the adjacent agricultural operations from entry, and disturbance, permanent fencing or walls shall be installed. DESCRIPTION OF REQUIREMENT: Fencing or walls shall be placed as indicated on the Fencing Exhibit (Figure 3) included in the Agricultural Analysis dated July 2016. The fencing/walls design shall be at a minimum 4 feet in height, and consist of either solid wood or wire fencing or same material as the fencing for the biological resources open space. No portion of the fencing or walls shall encroach into the biological open space or wetland areas. DOCUMENTATION: The applicant shall install the fencing or walls as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed. TIMING: Prior to the occupancy of any structure or prior to Final Grading Release (Grading Ordinance Sec. 87.421.a.3), the fencing or walls shall be placed. MONITORING: The [PDS, PCC] shall review the photos and statement for compliance with this condition.

IT IS FURTHER RESOLVED, THEREFORE, that the Planning Commission of the County of San Diego hereby makes the following findings as supported by the minutes, maps, exhibits, and documentation of said Tentative Map all of which are herein incorporated by reference:

- 1. The Tentative Map is consistent with all elements of the San Diego County General Plan and with the Semi-Rural (SR-2) Land Use Designation of the North County Metropolitan Subregional Plan because it proposes a residential use type at a density of 0.22 dwelling units an acre and complies with the provisions of the State Subdivision Map Act and the Subdivision Ordinance of the San Diego County Code;
- 2. The Tentative Map is consistent with The Zoning Ordinance because it proposes a residential use type with a minimum net lot size of one acre in the Limited Agricultural (A70) Use Regulation;
- 3. The design and improvements of the proposed subdivision are consistent with all elements of the San Diego County General Plan and with the North County Metropolitan Subregional Plan, and comply with the provisions of the State Subdivision Act and the Subdivision Ordinance of the San Diego County Code;
- 4. The site is physically suitable for the residential type of development because the lots are appropriately sized for the proposed use type and individual septic systems; pad locations comply with setback requirements; grading has been minimized to the extent feasible and the project does not impact sensitive resources.
- 5. The site is physically suitable for the proposed density of development because water services will be provided by the City of Escondido, fire services are within a 10 minute response time and individual septic systems are proposed.
- 6. The design of the subdivision and the type of improvements will not cause public health problems because adequate water supply and sewage disposal services have been found to be available or can be provided concurrent with need;
- 7. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat based upon the findings of the California Environmental Quality Act (CEQA) Guidelines Section 15183 checklist dated July 20, 2017;
- 8. The design of the subdivision or the type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision, as defined under Section 66474 of the Government Code, State of California; and

The division and development of the property in the manner set forth on the approved Tentative Map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement;

- 9. The discharge of sewage waste from the subdivision into the individual private subsurface sewer systems will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6;
- 10. Because adequate facilities and services have been assured and adequate environmental review and documentation have been prepared, the regional housing opportunities afforded by the subdivision outweigh the impacts upon the public service needs of County residents and fiscal and environmental resources; and
- 11. Determinations and findings pursuant to CEQA, the Resource Protection Ordinance, and the Watershed Protection, Stormwater Management, and Discharge Control Ordinance have been made by the Planning Commission.

**MAP PROCESSING REQUIREMENTS:** The final map shall comply with the following processing requirements pursuant to the <u>Sections 81.501 through 81.517 of the Subdivision Ordinance</u> and the <u>Subdivision Final Map Processing Manual</u>.

The Final map shall show an accurate and detailed vicinity map.						
The Basis of Bearings for the Final Map shall comply with <u>Section 81.507 of the Subdivision Ordinance</u> .						
Prior to the approval of the Final Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Final Map report from a qualified title insurance company.						
The following notes shall appear on the Final Map:						
	All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.					
	At the time of recordation of the Final Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.					

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The public and private easement roads serving this project shall be named. The responsible party shall contact the Street Address Section of Planning & Development Services (858-694-3797) to discuss the road naming requirements for the development. Naming of the roads is necessary for the health and safety of present and future residents.
Certification by the Department of Environmental Health with respect to water supply and sewage disposal shall be shown on the Final Map.

**ORDINANCE COMPLIANCE AND NOTICES:** The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

**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 <u>San Diego Regional Water Quality Control Board (RWQCB)</u> and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control <u>Ordinance No. 10096</u> 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.

**DRAINAGE**: The project shall be in compliance with the County of San Diego Flood Damage Prevention Ordinance No. 10091, adopted December 8, 2010.

**GRADING PERMIT REQUIRED:** A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill pursuant to Section 87.201 of the County Code.

**CONSTRUCTION PERMIT REQUIRED:** A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

**TRANSPORTATION IMPACT FEE:** The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to <u>County TIF Ordinance number 77.201 – 77.223</u>. The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [*PDS*, *LD Counter*] and provide a copy of the receipt to the [*PDS*, *BD*] at time of permit issuance.

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 plans, specific permit conditions and approved building plans associated with this permit. No noise generating equipment 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.

**NOTICE:** This project has been found to conform to the San Diego County Multiple Species Conservation Program Subarea Plan, Biological Mitigation Ordinance and Implementing Agreement. Upon fulfillment of the requirements for permanent mitigation and management of preserved areas as outlined in Section 17.1 (A) of the County's Implementing Agreement for the Multiple Species Conservation Program (MSCP) Plan, Third Party Beneficiary Status can be attained for the project. Third party beneficiary status allows the property owner to perform "incidental take" under the State and Federal Endangered Species Acts, of species covered by the MSCP Plan while undertaking land development activities in conformance with an approval granted by the County in compliance with the County's Implementing Agreement.

**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 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.

**NOTICE:** - The project was found to be "Exempt" from the California Environmental Quality Act (CEQA), therefore no fee is required.

**NOTICE:** The project will be required to pay Planning & Development Services Mitigation Monitoring and Condition Review Fee. The fee will be collected at the time of the first submittal for Condition Satisfaction to PDS, including Mitigation Monitoring requests. The amount of the fee will be determined by the current Fee Ordinance requirement at the time of the first submittal and is based on the number of PDS conditions that need to be satisfied. The fee amount will only be paid one time for those conditions that are indicated with the **[PDS, FEE]** designator. The fee will not apply to subsequent project approvals that require a separate submittal fee such as, Revegetation and Landscape Plans, Resource (Habitat) Management Plans, Habitat Loss Permits, Administrative Permits, Site Plans, and any other discretionary permit applications.

**NOTICE:** Time Extension requests cannot be processed without updated project information including new Department of Environmental Health certification of septic

systems. Since Department of Environmental Health review may take several months, applicants anticipating the need for Time Extensions for their projects are advised to submit applications for septic certification to the Department of Environmental Health several months prior to the expiration of their Tentative Maps.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS						
Planning & Development Services (PDS	)					
Project Planning Division	ject Planning Division PPD Land Development Project Review Teams					
Permit Compliance Coordinator	PCC	Project Manager	РМ			
Building Plan Process Review	BPPR	Plan Checker	PC			
Building Division	BD	Map Checker	MC			
Building Inspector	ВІ	Landscape Architect	LA			
Zoning Counter	ZO					
Department of Public Works (DPW)						
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU			
Department of Environmental Health (DI	EH)					
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA			
Vector Control	VCT	Hazmat Division	HMD			
Department of Parks and Recreation (DP	R)					
Trails Coordinator	TC	Group Program Manager	GPM			
Parks Planner	PP					
Department of General Service (DGS)						
Real Property Division RP						

APPEAL PROCEDURE: Within ten days after adoption of this Resolution, these findings and conditions may be appealed in accordance with Section 81.310 of the Subdivision Ordinance and as provided in Section 66452.5 of the Government Code. An appeal shall be filed with the appellant body and/or the Board of Supervisors within TEN CALENDAR DAYS of the date of this Resolution AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. No Final Map shall be approved, no grading permit issues, and no building permits for model homes or other temporary uses as permitted by Section 6116 of the Zoning Ordinance shall be issued pursuant to said Tentative Map until after the expiration of the 10th day following adoption of this Resolution, or if an appeal is taken, until the appeal board has sustained the determination of this advisory body. Furthermore, the 90-day period in which the applicant may file a

protest of the Resolution.	fees, dedicat	ions or e	exactions b	egins on th	e date	of adoption	of this
ON Commissioner Planning Comr meeting held o Conference Ce following vote:	nission of the	this Recounty One County To Dec	Resolution of San D ember 201	is passed lego, State 7, in Plannin	and and of Califortial of Califortia	ornia, at a velopment S	by the regular services

AYES:

NOES:

ABSENT:

DPL/WP 001-TM (06/29/09)

cc: Wohlford Land Compant, LLC, P.O. Box 5005, Rancho Santa Fe, CA 92067 Jack Henthorn & Associates, P.O. Box 237, Carlsbad, CA 92018 Hunsaker & Associates, 9707 Waples Street, San Diego, CA 92121

email cc:

Ken Brazell, Project Manager, Planning & Development Services, Land Development Mark Slovick, Group Program Manager, Planning & Development Services **Attachment C – Environmental Documentation** 



MARK WARDLAW DIRECTOR PHONE (858) 694-2962 FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES 5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123 www.sdcounty.ca.gov/pds

# Statement of Reasons for Exemption from Additional Environmental Review and 15183 Checklist Pursuant to CEQA Guidelines §15183

Date:

July 20, 2017

Project Title:

Oro Verde Tentative Map

Record ID:

PDS2014-TM-5583, PDS2014-ER-14-08-005 North County Metropolitan Subregional Plan Area

Plan Area: GP Designation:

Semi-Rural (SR-2)

Density:

1 dwelling unit/ 2, 4, 8 acres

Zoning:

A70

Min. Lot Size: Special Area Reg.: N/A

1 acre

Lot Size:

Applicant:

51.2 acres

Wohlford Land Company, LLC, P.O. Box 5005 #17, Rancho Santa Fe, CA 92067

(760) 753-5252

**Staff Contact:** 

Ashley Smith, (858) 495-5375 ashley.smith2@sdcounty.ca.gov

#### **Project Description**

The project is a Tentative Map (TM) to subdivide 51.2 acres into ten single family residential lots and one remainder parcel. The project site is located at 2000 Oro Verde Road in the North County Metropolitan Subregional Plan area. Lot sizes range from 2.06 acres to 8.57 acres in size. The site is subject to the Semi-Rural General Plan Regional Category and Semi-Rural Residential (SR-2) Land Use. Zoning for the site is A70, Limited Agricultural Use, with a 1-acre minimum lot size. The site currently supports an existing avocado grove. Primary access would be provided by Diamond Ranch Road, a private road, connecting to Old Pasqual Road, a public road off Highway 78. Secondary access would be provided by Private Drive A off Oro Verde Road, a private road. The project would be served by individual on-site wastewater systems on each lot and imported water from the City of Escondido. Earthwork will consist of a balanced cut and fill of 26,000 cubic yards of material.

#### Overview

California Public Resources Code section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 provide an exemption from additional environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the

#### 15183 Statement of Reasons

project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: (1) Are peculiar to the project or the parcel on which the project would be located, and were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent, (2) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or (3) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR. Section 15183(c) further specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

## **General Plan Update Program EIR**

The County of San Diego General Plan Update (GPU) establishes a blueprint for future land development in the unincorporated County that meets community desires and balances the environmental protection goals with the need for housing, agriculture, infrastructure, and economic vitality. The GPU applies to all of the unincorporated portions of San Diego County and directs population growth and plans for infrastructure needs, development, and resource protection. The GPU included adoption of new General Plan elements, which set the goals and policies that guide future development. It also included a corresponding land use map, a County Road Network map, updates to Community and Subregional Plans, an Implementation Plan, and other implementing policies and ordinances. The GPU focuses population growth in the western areas of the County where infrastructure and services are available in order to reduce the potential for growth in the eastern areas. The objectives of this population distribution strategy are to: 1) facilitate efficient, orderly growth by containing development within areas potentially served by the San Diego County Water Authority (SDCWA) or other existing infrastructure; 2) protect natural resources through the reduction of population capacity in sensitive areas; and 3) retain or enhance the character of communities within the unincorporated County. The SDCWA service area covers approximately the western one third of the unincorporated County. The SDWCA boundary generally represents where water and wastewater infrastructure currently exist. This area is more developed than the eastern areas of the unincorporated County, and would accommodate more growth under the GPU.

The GPU EIR was certified in conjunction with adoption of the GPU on August 3, 2011. The GPU EIR comprehensively evaluated environmental impacts that would result from Plan implementation, including information related to existing site conditions, analyses of the types and magnitude of project-level and cumulative environmental impacts, and feasible mitigation measures that could reduce or avoid environmental impacts.

## **Summary of Findings**

The Oro Verde Tentative Map is consistent with the analysis performed for the GPU EIR. Further, the GPU EIR adequately anticipated and described the impacts of the proposed project, identified applicable mitigation measures necessary to reduce project specific impacts, and the project implements these mitigation measures (see <a href="http://www.sdcounty.ca.gov/PDS/gpupdate/docs/BOS Aug2011/EIR/FEIR 7.00 - Mitigation Measures">http://www.sdcounty.ca.gov/PDS/gpupdate/docs/BOS Aug2011/EIR/FEIR 7.00 - Mitigation Measures</a> 2011.pdf for complete list of GPU Mitigation Measures.

A comprehensive environmental evaluation has been completed for the project as documented in the attached §15183 Exemption Checklist. This evaluation concludes that the project qualifies for an exemption from additional environmental review because it is consistent with the development density and use characteristics established by the County of San Diego General Plan, as analyzed by the San

15183 Statement of Reasons

Diego County General Plan Update Final Program EIR (GPU EIR, ER #02-ZA-001, SCH #2002111067), and all required findings can be made.

In accordance with CEQA Guidelines §15183, the project qualifies for an exemption because the following findings can be made:

- 1. The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.

  The project would subdivide a 51.2-acre property into 10 lots, which is consistent with the SR-2
  - The project would subdivide a 51.2-acre property into 10 lots, which is consistent with the SR-2 development density established by the General Plan and the certified GPU EIR.
- 2. There are no project specific effects which are peculiar to the project or its site, and which the GPU EIR failed to analyze as significant effects.

The subject property is no different than other properties in the surrounding area, and there are no project specific effects which are peculiar to the project or its site. The project site is located in an area developed with similarly sized, estate residential lots with associated accessory uses. The property does not support any peculiar environmental features, and the project would not result in any peculiar effects.

In addition, as explained further in the 15183 Checklist below, all project impacts were adequately analyzed by the GPU EIR. The project could result in potentially significant impacts to biological and cultural resources. However, applicable mitigation measures specified within the GPU EIR have been made conditions of approval for this project.

3. There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate.

The proposed project is consistent with the density and use characteristics of the development considered by the GPU EIR and would represent a small part of the growth that was forecast for build-out of the General Plan. The GPU EIR considered the incremental impacts of the proposed project, and as explained further in the 15183 Exemption Checklist below, no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.

4. There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.

As explained in the 15183 exemption checklist below, no new information has been identified which would result in a determination of a more severe impact than what had been anticipated by the GPU EIR.

5. The project will undertake feasible mitigation measures specified in the GPU EIR.

As explained in the 15183 exemption checklist below, the project will undertake feasible mitigation measures specified in the GPU EIR. These GPU EIR mitigation measures will be undertaken through project design, compliance with regulations and ordinances, or through the project's conditions of approval.

ashly Smith	July 20, 2017
Signature	Date
Ashley Smith	Project Manager
Printed Name	Title

# **CEQA Guidelines §15183 Exemption Checklist**

#### Overview

This checklist provides an analysis of potential environmental impacts resulting from the proposed project. Following the format of CEQA Guidelines Appendix G, environmental effects are evaluated to determine if the project would result in a potentially significant impact triggering additional review under Guidelines section 15183.

- Items checked "Significant Project Impact" indicates that the project could result in a significant effect which either requires mitigation to be reduced to a less than significant level or which has a significant, unmitigated impact.
- Items checked "Impact not identified by GPU EIR" indicates the project would result in a
  project specific significant impact (peculiar off-site or cumulative that was not identified in
  the GPU EIR.
- Items checked "Substantial New Information" indicates that there is new information
  which leads to a determination that a project impact is more severe than what had been
  anticipated by the GPU EIR.

A project does not qualify for a §15183 exemption if it is determined that it would result in: 1) a peculiar impact that was not identified as a significant impact under the GPU EIR; 2) a more severe impact due to new information; or 3) a potentially significant off-site impact or cumulative impact not discussed in the GPU EIR.

A summary of staff's analysis of each potential environmental effect is provided below the checklist for each subject area. A list of references, significance guidelines, and technical studies used to support the analysis is attached in Appendix A. Appendix B contains a list of GPU EIR mitigation measures.

		Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information			
	ESTHETICS – Would the Project: ave a substantial adverse effect on a scenic vista?						
not li	ubstantially damage scenic resources, including, but mited to, trees, rock outcroppings, and historic ings within a state scenic highway?						
	abstantially degrade the existing visual character or ty of the site and its surroundings?						
	eate a new source of substantial light or glare, n would adversely affect day or nighttime views in rea?						
<b>Discu</b> 1(a)	ssion The project would be visible from public roads and tra within a viewshed of a scenic vista.	ails; howeve	er, the site is not	located			
1(b)	(b) The property is not within the viewshed of a County or state scenic highway. The project site also does not support any significant scenic resources that would be lost or modified through development of the property.						
1(c)	The project would be consistent with existing community character. The project is located north and east of the Diamond Ranch Road and Royal View Road intersection, and approximately 0.5 miles north of State Route 78 (SR-78) in an area characterized by residential and agricultural uses. The addition of ten single family residential lots and one remainder parcel would not substantially degrade the visual quality of the site or its surroundings.						
1(d)	Residential lighting would be required to conform wit to prevent spillover onto adjacent properties and mini			n Code			
	cussed above, the project would not result in any signi ore, the project would not result in an impact which was			y the			
		Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information			
	riculture/Forestry Resources uld the Project:	-					
a) Cor Farmla the ma Monite	overt Prime Farmland, Unique Farmland, or and of Statewide or Local Importance as shown on aps prepared pursuant to the Farmland Mapping and oring Program of the California Resources Agency, er agricultural resources, to a non-agricultural use?						
	nflict with existing zoning for agricultural use, or a nson Act contract?						

<ul> <li>c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?</li> </ul>		
d) Result in the loss of forest land, conversion of forest land to non-forest use, or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of forest land to non-forest use?		
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use?		

#### Discussion

The project site contains farmland that is designated as Unique Farmland pursuant to 2(a) the Farmland and Mapping and Monitoring Program, and an active avocado orchard. Due to the presence of onsite agricultural resources, an Agricultural Resources Letter Report (dated July 2016) was prepared by Shawn Shamlou with DUDEK, to determine the importance of the resource based on the County's Local Agricultural Resources Assessment (LARA) model which takes into account local factors that define the importance of San Diego County agricultural resources. The LARA model considers the availability of water resources, climate, soil quality, surrounding land use, topography, and land use or parcel size consistency between the project site and surrounding land uses. A more detailed discussion of the LARA model can be found in the Guidelines for Significance Agricultural Determining for Resources http://www.sdcPDS.org/PDS/Resource/docs/3~pdf/AG-Guidelines.pdf.

In order for a site to be considered an important agricultural resource based on the LARA model, all three required LARA model factors (water, soil, and climate) must receive either a high or moderate score. A low score in any of these three categories would render a LARA model result that the site is not an important agricultural resource. The project site does not have any soils that meet the soil quality criteria for Farmland of Statewide Importance; therefore the site receives a low soil quality score and is not considered an important agricultural resource.

Therefore, no potentially significant project or cumulative level conversion of agricultural resources to a non-agricultural use will occur as a result of this project.

- 2(b) The project site is zoned A70 (Limited Agriculture), which is considered to be an agricultural zone. However, the proposed project will not to result in a conflict in zoning for agricultural use, because residential use is a permitted use in A70 zone and will not create a conflict with existing zoning for agricultural use. Additionally, the project site is not under a Williamson Act Contract. Therefore, there will be no conflict with existing zoning for agricultural use, or a Williamson Act contract.
- 2(c) There are no timberland production zones on or near the property.
- 2(d) The project site is not located near any forest lands.

2(e) The project site and surrounding area within of quarter mile have land designated as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance. However, as discussed in the Agricultural Analysis, dated July 2016. prepared by Shawn Shamlou with DUDEK, on file with Planning & Development Services, the project will not result in the potentially significant conversion of Prime Farmland, Unique Farmland, Farmland of Statewide Importance or Farmland of Local Importance for the following reasons: The proposed subdivision would be consistent with the lot sizes and density of surrounding residential lots. The neighborhood is characterized by residential use intermixed with agricultural uses. Since the nearly agricultural operations are mostly avocado groves and/or citrus orchards, which do not utilize loud machinery or create off-putting odor, and therefore compatible with residential use. Further, the project would install fencing along the property line where it is abutting existing agricultural operation to avoid trespassing. As a result, no potentially significant project or cumulative level conversion of Prime Farmland, Unique Farmland, Farmland of Statewide Importance or Farmland of Local Importance to a non-agricultural use will occur as a result of this project.

#### Conclusion

As discussed above, the project would not result in any significant impacts to agricultural resources; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
3. Air Quality – Would the Project:  a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?			
<ul> <li>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</li> </ul>			
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			
d) Expose sensitive receptors to substantial pollutant concentrations?			
e) Create objectionable odors affecting a substantial number of people?			

#### Discussion

The project proposes development that was anticipated and considered by SANDAG growth projections used in development of the RAQS and SIP. As such, the project would not conflict with either the RAQS or the SIP. In addition, the operational emissions

-7-

from the project are below screening levels, and will not violate any ambient air quality standards.

- 3(b) Grading operations associated with the construction of the project would be subject to the Grading Ordinance, which requires the implementation of dust control measures. Emissions from the construction phase would be minimal, temporary and localized, resulting in pollutant emissions below the screening level criteria established by County air quality guidelines for determining significance. In addition, the vehicle trips generated from the project will result in 110 Average Daily Trips (ADTs). According to the Bay Area Air Quality Management District CEQA Guidelines for Assessing the Air Quality Impacts of Projects and Plans, projects that generate less than 2,000 ADT are below the screening-level criteria established by the guidelines for criteria pollutants.
- 3(c) The project would contribute PM10, NOx, and VOCs emissions from construction/grading activities; however, the incremental increase would not exceed established screening thresholds (see question 3(b above)).
- 3(d) The project will introduce additional residential homes which are considered new sensitive receptors; however, the project site is not located within a quarter-mile of any identified point source of significant emissions. Similarly, the project does not propose uses or activities that would result in exposure of these sensitive receptors to significant pollutant concentrations and will not place sensitive receptors near any carbon monoxide hotspots.
- 3(e) The project could produce objectionable odors during construction and operation; however, these substances, if present at all, would only be in trace amounts (less that 1 µg/m3).

#### Conclusion

As discussed above, the project would not result in any significant impacts to air quality; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

4. Biological Resources – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
a) Have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	$\boxtimes$		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	$\boxtimes$		
c) Have a substantial adverse effect on federally	$\boxtimes$		

protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		
e) Conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources?		

#### **Discussion**

4(a) Biological resources on the project site were evaluated in a Biological Resources Letter Report prepared by Dudek, dated October 2015. The site contains disturbed southern coast live oak riparian forest, herbaceous wetland but primary consists of existing orchards and disturbed/developed lands. No sensitive plant or wildlife species were identified on site. The site is located within the MSCP, but is not designated as a Preapproved Mitigation Area (PAMA) or a Biological Resource Core Area (BRCA).

As considered by the GPU EIR, project impacts to sensitive habitat and/or species will be mitigated through ordinance compliance and through implementation of the following mitigation measures: avoidance of native habitat onsite (disturbed southern coast live oak riparian forest, herbaceous wetland) through the dedication of a biological open space easement and breeding season avoidance to prevent brushing, clearing, and/or grading between January 15 and August 31. The GPU EIR identified these mitigation measures as Bio 1.5 and Bio 1.6.

4(b) Based on the Biological Resources Letter Report, the site contains disturbed southern coast live oak riparian forest and herbaceous wetland. As detailed in response a) above, direct and indirect impacts to sensitive natural communities identified in the RPO, NCCP, Fish and Wildlife Code, and Endangered Species Act are mitigated through avoidance with the dedication of a biological open space easement.

As considered by the GPU EIR, project impacts to sensitive habitat and/or species will be mitigated through ordinance compliance and through implementation of the following mitigation measures: avoidance of native habitat onsite (disturbed southern coast live oak riparian forest, herbaceous wetland) through the dedication of a biological open space easement and breeding season avoidance to prevent brushing, clearing, and/or grading between January 15 and August 31. The GPU EIR identified these mitigation measures as Bio 1.5 and Bio 1.6.

4(c) Based on the Biological Resources Letter Report, the site contains disturbed southern coast live oak riparian forest and herbaceous wetland. As detailed in response a) above, direct and indirect impacts to sensitive natural communities identified in the RPO, NCCP, Fish and Wildlife Code, and Endangered Species Act are mitigated through avoidance with the dedication of a biological open space easement.

As considered by the GPU EIR, project impacts to sensitive habitat and/or species will be mitigated through ordinance compliance and through implementation of the following mitigation measures: avoidance of native habitat onsite (disturbed southern coast live oak riparian forest, herbaceous wetland) through the dedication of a biological open space easement and breeding season avoidance to prevent brushing, clearing, and/or grading between January 15 and August 31. The GPU EIR identified these mitigation measures as Bio 1.5 and Bio 1.6.

- 4(d) Based on a GIS analysis, the County's Comprehensive Matrix of Sensitive Species, site photos, a site visit by County staff, and a Biological Resources Letter Report, it was determined that the site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal. The site would not assist in local wildlife movement as it lacks connecting vegetation and visual continuity with other potential habitat areas in the general project vicinity. Therefore, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- 4(e) The project is consistent with the MSCP, Biological Mitigation Ordinance, and Resource Protection Ordinance (RPO) and therefore, the project will not conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources.

### Conclusion

The project could result in potentially significant impacts to biological resources; however, further environmental analysis is not required because:

- 1. No peculiar impacts to the project or its site have been identified.
- 2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
- 3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
- 4. Feasible mitigation measures contained within the GPU EIR will be applied to the project.

5. Cultural Resources – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?			
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	$\boxtimes$		
c) Directly or indirectly destroy a unique geologic feature?			

d) Directly or indirectly destroy a unique paleontological resource or site?		
e) Disturb any human remains, including those interred outside of formal cemeteries?		

### Discussion

- 5(a) Based on an analysis of records and a survey of the property by County approved archaeologist, Micah Hale, it has been determined that there are no impacts to historical resources because they do not occur within the project site. The results of the survey are provided in an historical resources report titled, Negative Cultural Resources Phase I Survey Report for the Oro Verde Project; PDS2014-TM-5583.
- 5(b) No archaeological resources were found on the property during the archaeological survey. The Native American Heritage Commission (NAHC) was contacted for a listing of Native American Tribes whose ancestral lands may be impacted by the project. The NAHC response was received indicating no sacred sites, on record with the commission, were present on the project property or in the immediate area. However the NAHC did identify that resources are present in the general vicinity of the project site. Four individuals listed by the NAHC as a contact for local Native American Tribes, responded to the Tribal outreach and three of the Tribes requested that monitoring be made a condition of approval.

As considered by the GPU EIR, potential impacts to cultural resources will be mitigated through ordinance compliance and through implementation of the following mitigation measures: grading monitoring under the supervision of a County-approved archaeologist and a Native American monitor. The GPU EIR identified these mitigation measures as Cul-2.5.

- 5(c) The site does not contain any unique geologic features that have been listed in the County's Guidelines for Determining Significance for Unique Geology Resources nor does the site support any known geologic characteristics that have the potential to support unique geologic features.
- 5(d) A review of the County's Paleontological Resources Maps and data on San Diego County's geologic formations indicates that the project is located on Cretaceous Plutonic formations that have a no potential to contain unique paleontological resources. Implementation of the project would have no impacts to paleontological resources.
- 5(e) Based on an analysis of records and archaeological surveys of the property, it has been determined that the project site does not include a formal cemetery or any archaeological resources that might contain interred human remains.

### Conclusion

The project could result in potentially significant impacts to cultural resources; however, further environmental analysis is not required because:

- 1. No peculiar impacts to the project or its site have been identified.
- 2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.

- 3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
- 4. Feasible mitigation measures contained within the GPU EIR will be applied to the project.

6. Geology and Soils – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, liquefaction, and/or landslides?			
b) Result in substantial soil erosion or the loss of topsoil?			
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	. 🗆		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			. 🗆
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			

### Discussion

- 6(a)(i) The project is not located in a fault rupture hazard zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997, Fault-Rupture Hazards Zones in California, or located within any other area with substantial evidence of a known fault.
- 6(a)(ii) To ensure the structural integrity of all buildings and structures, the project must conform to the Seismic Requirements as outlined within the California Building Code. Compliance with the California Building Code and the County Building Code will ensure that the project will not result in a significant impact.
- 6(a)(iii) The project site is not within a "Potential Liquefaction Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. In addition, the site is not underlain by poor artificial fill or located within a floodplain.
- 6(a)(iv)The site is not located within a "Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards.

- 6(b) According to the Soil Survey of San Diego County, the soils on-site are identified as VsE2 (Vista coarse sandy loam, 15 to 30 percent slopes, eroded), CmrG (Cieneba very rocky coarse sandy loam, 30 to 75 percent slopes), CmE2 (Cieneba rocky coarse sandy loam, 9 to 30 percent slopes, eroded) and VsE (Vista coarse sandy loam, 15 to 30 percent slopes) that have soil erodibility ratings of moderate and severe. However, the project will not result in substantial soil erosion or the loss of topsoil because the project will be required to comply with the Watershed Protection Ordinance (WPO) and Grading Ordinance which will ensure that the project would not result in any unprotected erodible soils, will not alter existing drainage patters, and will not develop steep slopes. Additionally, the project will be required to implement Best Management Practices (BMPs) to prevent fugitive sediment.
- 6(c) The project is not located on or near geological formations that are unstable or would potentially become unstable as a result of the project.
- 6(d) The project is not underlain by an expansive soil as defined within Table 18-I-B of the Uniform Building Code (1994). The project will not result in a significant impact because compliance with the Building Code and implementation of standard engineering techniques will ensure structural safety.
- 6(e) The project will rely on public water and individual septic systems for the disposal of wastewater. Percolation testing data is on file with recommendations by Vinje and Middleton Engineering. A minimum of one percolation test hole was completed on each lot. The project is in compliance with the subsurface disposal guidelines of the California Regional Water Quality Control Board (Region 9) and the County of San Diego Department of Environmental Health.

### Conclusion

As discussed above, the project would not result in any significant impacts to/from geology/soils; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

7. Greenhouse Gas Emissions – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			

### Discussion

7(a) The project would produce GHG emissions through construction activities, vehicle trips, and residential fuel combustion. However, the project falls below the screening criteria that were developed to identify project types and sizes that would have less than cumulatively considerable GHG emissions (i.e., the project would result in less than 50 single-family residential units).

Screening thresholds are recommended based on various land use densities and project types. Projects that meet or fall below the screening thresholds are expected to result in 900 MT/year of GHG emissions or less and would not require additional analysis.

The project proposes the development of 11 single family residential homes and therefore would fall below the screening criteria of 50 units. For projects of this size, it is presumed that the construction and operational GHG emissions would not exceed 900 MT CO2e per year, and there would be a less-than cumulatively considerable impact. This assumes that the project does not involve unusually extensive construction and does not involve operational characteristics that would generate unusually high GHG emissions.

7(b) As described above, the project would not result in a cumulatively considerable contribution to global climate change. As such, the project would be consistent with County goals and policies included in the County General Plan that address greenhouse gas reductions. Therefore, the project would be consistent with emissions reduction targets of Assembly Bill 32, the Global Warming Solutions Act. Thus, the project would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gas emissions.

### Conclusion

As discussed above, the project would not result in any significant impacts to greenhouse gas emissions; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

8. Hazards and Hazardous Materials – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			
b) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			
c) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment?			
d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project			

result in a safety hazard for people residing or working in the project area?

e) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?		
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		
g)Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?		
h) Propose a use, or place residents adjacent to an existing or reasonably foreseeable use that would substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies, which are capable of transmitting significant public health diseases or nuisances?		

### **Discussion**

- 8(a) The project will not create a significant hazard to the public or the environment because it does not propose the storage, use, transport, emission, or disposal of Hazardous Substances, nor are Hazardous Substances proposed or currently in use in the immediate vicinity. The project propose to demolish existing structures onsite but will take appropriate measures (ie: demolition permit) to avoid impacts from release of hazardous materials into the environment.
- 8(b) The project is not located within one-quarter mile of an existing or proposed school.
- 8(c) Based on a site visit and a comprehensive review of regulatory databases (see attached Hazards/Hazardous Materials references), the project site has not been subject to a release of hazardous substances. Additionally, the project does not propose structures for human occupancy or significant linear excavation within 1,000 feet of an open, abandoned, or closed landfill, is not located on or within 250 feet of the boundary of a parcel identified as containing burn ash (from the historic burning of trash), and is not on or within 1,000 feet of a Formerly Used Defense Site.
- 8(d) The proposed project is not located within an Airport Land Use Compatibility Plan (ALUCP), an Airport Influence Area, or a Federal Aviation Administration Height Notification Surface. Also, the project does not propose construction of any structure equal to or greater than 150 feet in height, constituting a safety hazard to aircraft and/or operations from an airport or heliport.
- 8(e) The proposed project is not within one mile of a private airstrip.
- 8(f)(i) OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN: The project will not interfere with this plan because it will not

- prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.
- 8(f)(ii) SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN: The property is not within the San Onofre emergency planning zone.
- 8(f)(iii) OIL SPILL CONTINGENCY ELEMENT: The project is not located along the coastal zone.
- 8(f)(iv) EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN: The project would not alter major water or energy supply infrastructure which could interfere with the plan.
- 8(f)(v) DAM EVACUATION PLAN: The project is not located within a dam inundation zone.
- 8(g) The proposed project is adjacent to wildlands that have the potential to support wildland fires. However, the project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires because the project will comply with the regulations relating to emergency access, water supply, and defensible space specified in the Consolidated Fire Code, as described in the approved Fire Protection Plan prepared for the project by Dudek and dated April 2017. The expected emergency travel time to the project site is approximately 7 minutes which is within the 10 maximum travel time allowed by the County Public Facilities Element.
- 8(h) The project does not involve or support uses that would allow water to stand for a period of 72 hours or more (e.g. artificial lakes, agricultural ponds). Also, the project does not involve or support uses that will produce or collect animal waste, such as equestrian facilities, agricultural operations (chicken coops, dairies etc.), solid waste facility or other similar uses. Moreover, based on a site visit conducted by County staff, there are none of these uses on adjacent properties.

#### Conclusion

As discussed above, the project would not result in any significant impacts to/from hazards/hazardous materials; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
9. Hydrology and Water Quality – Would the Project:			
a) Violate any waste discharge requirements?			
b) Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, could the project result in an increase in any pollutant for which the water body is already impaired?			
c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?			

d) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?		
e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		
f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		
g) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?		
h) Provide substantial additional sources of polluted runoff?		
i) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps?		
j) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?		
k) Expose people or structures to a significant risk of loss, injury or death involving flooding?		
I) Expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?		
m) Inundation by seiche, tsunami, or mudflow?		

### **Discussion**

9(a) The project will require a NPDES General Permit for Discharges of Storm Water Associated with Construction Activities. The project applicant has provided a Stormwater Management Plan (SWMP) which demonstrates that the project will comply with all requirements of the WPO. The project will be required to implement site design measures, source control BMPs, and/or treatment control BMPs to reduce potential pollutants to the maximum extent practicable. These measures will enable the project to meet waste discharge requirements as required by the San Diego Municipal Permit, as

- implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP).
- 9(b) The project lies in the Las Lomas Muertas (905.32) hydrologic subarea, within the San Dieguito hydrologic unit. According to the Clean Water Act Section 303(d) list, a portion of this watershed is impaired. Constituents of concern in the watershed include coliform bacteria, nutrients, sediment, lowered dissolve oxygen, and trace metals. The project could contribute to release of these pollutants; however, the project will comply with the WPO and implement site design measures, source control BMPs, and treatment control BMPs to prevent a significant increase of pollutants to receiving waters.
- 9(c) As stated in responses 9(a) and 9(b) above, implementation of BMPs and compliance with required ordinances will ensure that project impacts are less than significant.
- 9(d) The project will obtain its water supply from the City of Escondido that obtains water from surface reservoirs or other imported sources. The project will not use any groundwater. In addition, the project does not involve operations that would interfere substantially with groundwater recharge.
- 9(e) As outlined in the project's SWMP, the project will implement source control and/or treatment control BMP's to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff.
- 9(f) The project will not significantly alter established drainage patterns or significantly increase the amount of runoff for the following reasons: based on a Drainage Study prepared by Hunsaker & Associates and dated May 11, 2016, drainage will be conveyed to either natural drainage channels or approved drainage facilities.
- 9(g) The project does not propose to create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems.
- 9(h) The project has the potential to generate pollutants; however, site design measures, source control BMPs, and treatment control BMPs will be employed such that potential pollutants will be reduced to the maximum extent practicable.
- 9(i) No FEMA mapped floodplains, County-mapped floodplains or drainages with a watershed greater than 25 acres were identified on the project site or off-site improvement locations.
- 9(j) No 100-year flood hazard areas were identified on the project site or offsite improvement locations.
- 9(k) The project site lies outside any identified special flood hazard area.
- 9(I) The project site lies outside a mapped dam inundation area for a major dam/reservoir within San Diego County. In addition, the project is not located immediately downstream of a minor dam that could potentially flood the property.

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- 9(m)(i) SEICHE: The project site is not located along the shoreline of a lake or reservoir.
- 9(m)(ii) TSUNAMI: The project site is not located in a tsunami hazard zone.

9(m)(iii) MUDFLOW: Mudflow is type of landslide. See response to question 6(a)(iv).

### Conclusion

As discussed above, the project would not result in any significant impacts to/from hydrology/water quality; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

10. Land Use and Planning – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
a) Physically divide an established community?			
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			
Discussion  10(a) The project does not propose the introduction of roadways, water supply systems, or utilities to the area		ucture such a	s major

#### Conclusion

General Plan and Community Plan.

As discussed above, the project would not result in any significant impacts to land use/planning; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

10(b) The project would not conflict with any land use plan, policy, or regulation adopted for

the purpose of avoiding or mitigating an environmental effect, including policies of the

11. Mineral Resources – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			

11(a) The project site has been classified by the California Department of Conservation – Division of Mines and Geology as an area of "Potential Mineral Resource Significance" (MRZ-3). However, the project site is surrounded by residential uses which are incompatible to future extraction of mineral resources on the project site. A future mining operation at the project site would likely create a significant impact to neighboring properties for issues such as noise, air quality, traffic, and possibly other impacts.

Therefore, the project will not result in the loss of a known mineral resource because the resource has already been lost due to incompatible land uses.

11(b) The project site is not located in an Extractive Use Zone (S-82), nor does it have an Impact Sensitive Land Use Designation (24) with an Extractive Land Use Overlay (25).

### Conclusion

As discussed above, the project would not result in any significant impacts to mineral resources; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

12. Noise – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			

### **Discussion**

12(a) The project will not expose people to potentially significant noise levels that exceed the allowable limits of the General Plan, Noise Ordinance, or other applicable standards for the following reasons:

General Plan – The Noise Element addresses noise sensitive areas and requires projects to comply with a Community Noise Equivalent Level (CNEL) of 60 decibels (dBA). Projects which could produce noise in excess of 60 dB(A) are required to incorporate design measures or mitigation as necessary to comply with the Noise Element. Based on a review of the County's noise contour maps, and the Acoustical

Site Assessment report, the project is not expected to expose existing or planned noise sensitive areas to noise in excess of 60 dB(A).

Noise Ordinance – Section 36-404: Non-transportation noise generated by the project is not expected to exceed the standards of the Noise Ordinance at or beyond the project's property line. The project is a residential subdivision and would not involve any noise producing equipment that would exceed applicable noise levels at the adjoining property line.

Noise Ordinance – Section 36-408, 409, & 410: The project will not generate construction noise in excess of Noise Ordinance standards. Construction operations will occur only during permitted hours of operation. Also, it is not anticipated that the project will operate construction equipment in excess of an average sound level of 75dB between the hours of 7 AM and 7 PM.

12(b) The project proposes residences where low ambient vibration is essential for interior operation and/or sleeping conditions. However, the facilities are typically setback more than 50 feet from any County Circulation Element (CE) roadway using rubber-tired vehicles with projected groundborne noise or vibration contours of 38 VdB or less; any property line for parcels zoned industrial or extractive use; or any permitted extractive uses. A setback of 50 feet from the roadway centerline for heavy-duty truck activities would insure that these proposed uses or operations do not have any chance of being impacted significantly by groundborne vibration or groundborne noise levels (Harris, Miller Miller and Hanson Inc., Transit Noise and Vibration Impact Assessment 1995, Rudy Hendriks, Transportation Related Earthborne Vibrations 2002). This setback insures that this project site will not be affected by any future projects that may support sources of groundborne vibration or groundborne noise related to the adjacent roadways.

Also, the project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels and impact vibration sensitive uses in the surrounding area.

Therefore, the project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels on a project or cumulative level.

- 12(c) As indicated in the response listed under Section 12(a), the project would not expose existing or planned noise sensitive areas in the vicinity to a substantial permanent increase in noise levels that exceed the allowable limits of any applicable noise standards. Also, the project is not expected to expose existing off-site or planned noise sensitive areas to direct and cumulative noise impacts over existing ambient noise levels. This is due to the minimal traffic contributions associated with the project subdivision.
- 12(d) The project does not involve any operational uses that may create substantial temporary or periodic increases in ambient noise levels in the project vicinity. Also, general construction noise is not expected to exceed the construction noise limits of the Noise Ordinance. Construction operations will occur only during permitted hours of operation. Also, the project will not operate construction equipment in excess of 75 dB for more than an 8 hours during a 24 hour period.

- 12(e) The project is not located within an Airport Land Use Compatibility Plan (ALUCP) for airports or within 2 miles of a public airport or public use airport.
- 12(f) The project is not located within a one-mile vicinity of a private airstrip.

### Conclusion

As discussed above, the project would not result in any significant impacts to/from noise; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

13. P	opulation and Housing – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
directly busine	uce substantial population growth in an area, either y (for example, by proposing new homes and esses) or indirectly (for example, through extension of or other infrastructure)?			
	place substantial numbers of existing housing, sitating the construction of replacement housing nere?			
	place substantial numbers of people, necessitating the uction of replacement housing elsewhere?			
13(a) 13(b) 13(c)  Concl	The project will not induce substantial population grown does not propose any physical or regulatory change the encourage population growth in an area.  The project will not displace existing housing.  The property currently has farm employee housing residential development would not displace a substant result in a total of 11 dwellings units.	at would remo	ove a restriction be removed. of people as	n to or This
popula	ations/housing; therefore, the project would not result in a ately evaluated by the GPU EIR.			
14. P	ublic Services – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
with the facilities constr	sult in substantial adverse physical impacts associated be provision of new or physically altered governmental es, need for new or physically altered facilities, the auction of which could cause significant environmental ts, in order to maintain acceptable service ratios,			

response times or other performance service ratios for fire protection, police protection, schools, parks, or other public facilities?

### **Discussion**

14(a) Based on the project's service availability forms, the project would not result in the need for significantly altered services or facilities.

### Conclusion

As discussed above, the project would not result in any significant impacts to public services; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

15. Re	ecreation – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
neighb facilitie	uld the project increase the use of existing porhood and regional parks or other recreational es such that substantial physical deterioration of the would occur or be accelerated?			
the cou	es the project include recreational facilities or require nstruction or expansion of recreational facilities, might have an adverse physical effect on the nment?			
Discus 15(a)	ssion  The project would incrementally increase the use of exfacilities; however, the project will be required to pay for pursuant to the Park Land Dedication Ordinance.			
15(b)	The project does not include recreational facilities expansion of recreational facilities. Therefore, the recreational facilities would have an adverse physical expansion.	e construction	on or expans	
	cussed above, the project would not result in any signific ore, the project would not result in an impact which was			y the
16 T	reportation and Traffic Would the Drainet:	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
10. II	ransportation and Traffic – Would the Project:			
establi performall mod motori	ishing measures of the effectiveness for the mance of the circulation system, taking into account des of transportation including mass transit and non-zed travel and relevant components of the circulation in, including but not limited to intersections, streets,			

highways and freeways, pedestrian and bicycle paths and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?		
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?		
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		
e) Result in inadequate emergency access?		
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?		

### Discussion

- 16(a) The project will result in an additional 110 ADT. However, the project will not conflict with any established performance measures because the project trips do not exceed the thresholds established by County guidelines. In addition, the project would not conflict with policies related to non-motorized travel such as mass transit, pedestrian or bicycle facilities.
- 16(b) The additional 110 ADTs from the project do not exceed the 2400 trips (or 200 peak hour trips) required for study under the region's Congestion Management Program as developed by SANDAG.
- 16(c) The proposed project is located outside of an Airport Influence Area and is not located within two miles of a public or public use airport.
- 16(d) The proposed project will not alter traffic patterns, roadway design, place incompatible uses (e.g., farm equipment) on existing roadways, or create curves, slopes or walls which would impede adequate sight distance on a road.
- 16(e) The Escondido Fire Department and the San Diego County Fire Authority have reviewed the project and its Fire Protection Plan and have determined that there is adequate emergency fire access.
- 16(f) The project will not result in the construction of any road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities. In addition, the project does not generate sufficient travel demand to increase demand for transit, pedestrian or bicycle facilities.

### Conclusion

As discussed above, the project would not result in any significant impacts to transportation/traffic; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

17. Utilities and Service Systems – Would the Project:	Significant Project Impact	Impact not identified by GPU EIR	Substantia New Information
Tr. Canada and Corvide Cyclemo - Would the Project.			
Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			
g) Comply with federal, state, and local statutes and regulations related to solid waste?			

### Discussion

17(a) The project proposes to discharge domestic waste to on-site wastewater systems (OSWS), also known as septic systems. Discharged wastewater must conform to the Regional Water Quality Control Board's (RWQCB) applicable standards, including the Regional Basin Plan and the California Water Code. California Water Code Section 13282 allows RWQCBs to authorize a local public agency to issue permits for OSWS "to ensure that systems are adequately designed, located, sized, spaced, constructed and maintained." The RWQCBs with jurisdiction over San Diego County have authorized the County of San Diego, Department of Environmental Health (DEH) to issue certain OSWS permits throughout the County and within the incorporated cities. DEH has reviewed the OSWS lay-out for the project and approved the project's OSWS on November 6, 2014. Therefore, the project is consistent with the wastewater treatment requirements of the RWQCB as determined by the authorized, local public agency.

- 17(b) The project involves new water and wastewater pipeline extensions. However, these extensions will not result in additional adverse physical effects beyond those already identified in other sections of this environmental analysis.
- 17(c) The project involves new storm water drainage facilities. However, these extensions will not result in additional adverse physical effects beyond those already identified in other sections of this environmental analysis.
- 17(d) A Service Availability Letter from the City of Escondido has been provided which indicates that there is adequate water to serve the project upon fulfillment of conditions.
- 17(e) The proposed project will rely completely on a private septic system for each parcel; therefore, the project will not interfere with any wastewater treatment provider's service capacity and a Service Availability Letter from a sewer district is not required.
- 17(f) All solid waste facilities, including landfills require solid waste facility permits to operate. There are five, permitted active landfills in San Diego County with remaining capacity to adequately serve the project.
- 17(g) The project will deposit all solid waste at a permitted solid waste facility.

### Conclusion

As discussed above, the project would not result in any significant impacts to utilities and service systems; therefore, the project would not result in an impact which was not adequately evaluated by the GPU EIR.

### Attachments:

Appendix A - References

Appendix B – Summary of Determinations and Mitigation within the Final Environmental Impact Report, County of San Diego General Plan Update, SCH # 2002111067

### Appendix A

The following is a list of project specific technical studies used to support the analysis of each potential environmental effect:

- Acoustical Site Assessment, Investigative Science and Engineering, Inc., July 28, 2015
- Agricultural Resources Letter Report, Dudek, July 2016
- Biological Resources Letter Report, Dudek, October 2015
- CEQA Drainage Study, Hunsaker & Associates, May 11, 2016
- Fire Protection Plan, Dudek, April 2017
- Negative Cultural Resources Phase I Survey Report, Dudek, October 2014
- Phase I Environmental Site Assessment, Vinje & Middleton Engineering, Inc., February 22, 2014
- Priority Development Project (PDP) SWQMP, Hunsaker & Associates, January 17, 2017

For a complete list of technical studies, references, and significance guidelines used to support the analysis of the General Plan Update Final Certified Program EIR, dated August 3, 2011, please visit the County's website at:

http://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/BOS Aug2011/EIR/FEIR 5.00 - References 2011.pdf

### **Appendix B**

A Summary of Determinations and Mitigation within the Final Environmental Impact Report, County of San Diego General Plan Update, SCH # 2002111067 is available on the Planning and Development Services website at: <a href="http://www.sdcounty.ca.gov/pds/gpupdate/GPU\_FEIR\_Summary\_15183">http://www.sdcounty.ca.gov/pds/gpupdate/GPU\_FEIR\_Summary\_15183</a> Reference.pdf

# REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

# FOR PURPOSES OF CONSIDERATION OF ORO VERDE TENTATIVE MAP; PDS2014-TM-5583, LOG NO. PDS2104-ER-14-08-005

July 20, 2017

			<u>EE</u> – Does the proposed project conform to the Ordinance findings?
	YES	NO	NOT APPLICABLE/EXEMPT   □
Discussion:			
of the Multiple	Species Cons	ervation Pr	nprovements are located within the boundaries ogram. Therefore, conformance to the Habita nce findings is not required.
			d project conform to the Multiple Species igation Ordinance?
	YES	NO 🗌	NOT APPLICABLE/EXEMPT
Discussion:			
within the bour conforms with t	ndaries of the he Multiple Sp	e Multiple opecies Cons	provements related to the proposed project are Species Conservation Program. The project servation Program and the Biological Mitigation adings dated July 3, 2017.
III. GROUNDW. the San Diego (			pes the project comply with the requirements of nance?
	YES	NO	NOT APPLICABLE/EXEMPT ⊠
Discussion:			
• •			rom the City of Escondido which obtains water

groundwater for any purpose, including irrigation or domestic supply.

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### **IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES ⊠	NO	NOT APPLICABLE/EXEMPT
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES	NO	NOT APPLICABLE/EXEMPT
The Steep Slope section (Section 86.604(e))?	YES ⊠	NO	NOT APPLICABLE/EXEMPT
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES ⊠	NO	NOT APPLICABLE/EXEMPT
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES ⊠	NO	NOT APPLICABLE/EXEMPT

### Discussion:

### Wetland and Wetland Buffers:

The site contains southern coast live oak riparian forest, which if disturbed would result in a significant impact. The entire area of southern coast live oak riparian forest will be placed in an open space easement prior to issuance of improvement or grading plans or prior to recordation of the Final Map, whichever comes first. There will be no net loss of wetlands and therefore no significant impact will occur. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

### Floodways and Floodplain Fringe:

The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

### Steep Slopes:

Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be place in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are steep slopes on the property however, an open space easement is proposed over the entire steep slope lands. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

### Sensitive Habitats:

No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

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July 20, 2017

### Significant Prehistoric and Historic Sites:

The property has been surveyed by a County of San Diego approved archaeologist, Micah Hale, and it has been determined that the property does not contain any archaeological and/or historic sites. As such, the project complies with the Resource Protection Ordinance

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES	NO	NOT APPLICABLE
$\boxtimes$		

Discussion:

The project Storm Water Quality Management Plan and Hydromodification Management Study have been reviewed and are found to be complete and in compliance with the WPO.

<u>VI. NOISE ORDINANCE</u> – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES	NO	NOT APPLICABLE
$\boxtimes$		

### Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project is a 12 lot subdivision consisting of 10 single family lots, a remainder lot, and an HOA lot. The project subdivision is subject to the County Noise Element which allows an exterior noise level of 60 dBA CNEL for proposed single family residences. The nearest noise source to potentially impact the project site would be from future traffic traveling on Cloverdale Road, Oro Verde Road and San Pasqual Valley Road. Based on the noise report, future traffic noise levels to impact the site would be below the 60 dBA CNEL requirement. The project demonstrates conformance with the County Noise Element requirements.

The project is also subject to the County Noise Ordinance which governs the noise levels associated with temporary construction noise operations. Based on the construction noise calculations within the report, temporary construction noise is not anticipated to exceed the 75 dBA eight hour average requirement. The project grading plans would be conditioned to include additional noise reducing measures to further reduce temporary construction noise.

### MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT For ORO VERDE TENTATIVE MAP PDS2014-TM-5583, PDS2014-ER-14-08-005 APN 241-140-02

July 3, 2017

### I. Introduction

The project is a Tentative Map to subdivide 51.2 acres into ten single family residential lots and one remainder parcel. The project site is located at 2000 Oro Verde Road in the North County Metropolitan Subregional Plan area. Lot sizes range from 2.06 acres to 8.57 acres in size.

The site is subject to the Semi-Rural General Plan Regional Category and Semi-Rural Residential (SR-2) Land Use. Zoning for the site is A70, Limited Agricultural Use, with a 1-acre minimum lot size. The site currently supports an existing avocado grove. Primary access would be provided by Diamond Ranch Road, a private road, connecting to Old Pasqual Road, a public road off Highway 78. Secondary access would be provided by Private Drive A off Oro Verde Road, a private road. The project would be served by individual on-site wastewater systems on each lot and imported water from the City of Escondido. Earthwork will consist of a balanced cut and fill of 26,000 cubic yards of material.

The project site contains six habitat types as detailed in Table 1 below. The project site contains an existing biological open space easement over a portion of the onsite herbaceous wetland. The remainder of the onsite herbaceous wetland and the entirety of the onsite disturbed southern coast live oak riparian forest will be conserved within a proposed biological open space easement. No sensitive plant or wildlife species were identified onsite as the site contains primarily agricultural lands.

Table 1. Impacts to Habitat and Required Mitigation

		Existing	Proposed	<b>Existing Open</b>	Proposed
Habitat Type	Tier Level	On-site (ac.)	Impacts (ac.)	Space	Open Space
Disturbed Southern Coast					
Live Oak Riparian Forest	1	0.50	0	0	0.50
Herbaceous Wetland	I	0.13	0	0.04	0.09
Developed	IV	1.96	1.66	0	0.11
Disturbed	IV	3.84	1.75	0	1.00
Orchard	IV	44.68	20.33	0	1.23
Ornamental	IV	0.08	0	0.03	0
Total:		51.19	23.64	0.57	2.93

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Letter Report prepared by Dudek and dated October 2015. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent

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environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Wildlife and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

### II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The land is not shown as a Pre-Approved Mitigation Area.

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The project site does not contain habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is not adjacent to preserved habitat that is within the Pre-Approved Mitigation Area.

- iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:
  - a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and

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- contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or
- b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)

The site is not part of a regional linkage or corridor and lands surrounding the site contain existing residential development.

iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.

The entire site is shown as "agriculture" on the Habitat Evaluation Model.

v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

The site is not within a block of habitat greater than 500 acres of diverse and undisturbed habitat.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:
  - a. Gabbroic rock;
  - b. Metavolcanic rock;
  - c. Clay;
  - d. Coastal sandstone

No sensitive plant or wildlife species were identified onsite as the site contains primarily agricultural lands.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

The open space proposed on-site for this project is solely for purposes of avoiding a sensitive resource. This open space is not considered a Biological Resource Core Area and therefore, is not considered part of the regional MSCP preserve system. The requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan will not apply to this open space.

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### III. Biological Mitigation Ordinance Findings

### A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project will not impact any of these types of resources. Project Design Criteria, including Attachments G and H, are not required.

### IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

The property contains natural drainages that are wetlands in accordance with the Resource Protection Ordinance (RPO), State jurisdictional watercourses, and/or waters of the U.S. All drainages and wetland buffer, where appropriate, will be preserved in a biological open space easement. Therefore, there will be no net loss of wetlands due to this project.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The site consists primarily of avocado orchards and the only native habitat onsite are small patches of herbaceous wetland and disturbed southern coast live oak riparian forest. The entire areas of herbaceous wetland and disturbed southern coast live oak riparian forest are conserved within either and existing or proposed open space easement and additional measures to maximize the habitat structural diversity of conserved habitat areas is not necessary.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

The site does not contain coastal sage scrub habitat nor are any portions of the site mapped as having high or very high biological value by the Habitat Evaluation Model.

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4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

Since the project site contains primarily avocado orchards and is surrounded by residential development, it is not possible or desirable to create a significant block of habitat through onsite preservation. The open space proposed onsite for this project is solely for purpose of avoiding a sensitive resource.

5. The project provides for the development of the least sensitive habitat areas.

The site consists primarily of avocado orchards and the only native habitat onsite are small patches of herbaceous wetland and disturbed southern coast live oak riparian forest. Since the entire areas of herbaceous wetland and disturbed southern coast live oak riparian forest are conserved within either an existing or proposed open space easement, the project provides for the development of the least sensitive habitat areas.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

No sensitive plant or wildlife species were identified onsite as the site contains primarily agricultural lands.

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

The site is not located adjacent to any known golden eagle nest sites or within known eagle foraging areas. Lands surrounding the property are developed with residential uses and the project site contains primarily agricultural lands. Although wide-ranging species may occasionally use the property, the site does not connect to other habitat blocks. While the

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

The project site has no critical populations, narrow endemic species, or rare and/or endangered plants.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

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The project site is not within a Pre-Approved Mitigation Area, nor is it considered a Biological Resources Core Area for the reasons stated in section II.A. The site has low biological diversity and relatively small size, limiting its potential to support significant habitat blocks or populations of any species. In addition, existing development adjacent to the site precludes the land from being a biologically-viable preserve. Therefore, development of the site will not hinder possible preserve systems within the Subarea Plan.

# 10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

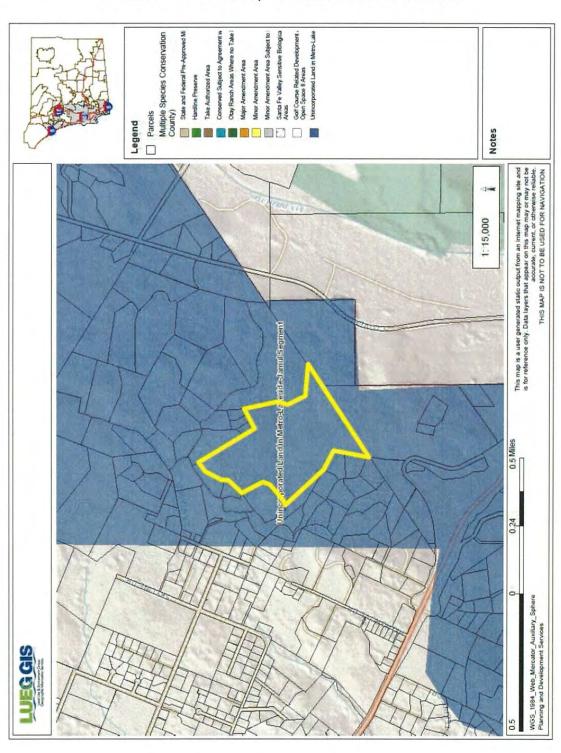
The onsite preservation is required to comply with the Resource Protection Ordinance, and will not be counted toward mitigation. The onsite drainages and wetland buffer, where appropriate, will be preserved within dedicated biological open space easements. The wetland buffer width will be at least 50 feet wide, and will protect the preserved wetlands from future edge effects from residential development. The open space easements will be surrounded by a 100-foot limited building zone easement, which will prevent construction that would require fire-clearing or fire fuel modification within the open space.

# 11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The project site is not within a Biological Resource Core Area. The project site contains small patches of herbaceous wetland and disturbed southern coast live oak riparian forest, which are considered sensitive under the BMO. The remainder of the site contains an avocado orchard and developed and disturbed habitats. All of the onsite herbaceous wetland and disturbed southern coast live oak riparian forest are conserved within either an existing or proposed open space easement. There were no threatened, endangered or narrow endemic species detected on the site. Due to the site containing primarily avocado orchards and being adjacent to existing residential development, no regionally significant populations of sensitive species are anticipated. Avoidance is not necessary and project related impacts are not considered significant once mitigation pursuant to BMO requirements is incorporated.

Ashley Smith, Planning & Development Services July 3, 2017

### MSCP Designation For ORO VERDE TENTATIVE MAP PDS2014-TM-5583, PDS2014-ER-14-08-005



**Attachment D – Environmental Findings** 

### ORO VERDE TENTATIVE MAP PDS2014-TM-5583 PDS2015-ER-14-08-005 ENVIRONMENTAL FINDINGS

### December 15, 2017

- 1. In accordance with State California Environmental Quality Act (CEQA) Guidelines section 15183, find the project is exempt from further environmental review because the project is consistent with the General Plan for which an environmental impact report dated August 2011 on file with Planning & Development Services (PDS) as Environmental Review Number 02-ZA-001 GPU Environmental Impact Report (EIR) was certified, there are no project specific effects which are peculiar to the project or its site, there are no project impacts which the GPU EIR failed to analyze as significant effects, there are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate, there is no substantial new information which results in more severe impacts than anticipated by the GPU EIR, and that the application of uniformly applied development standards and policies, in addition to feasible mitigation measures included as project conditions would substantially mitigate the effects of the project, as explained in the 15183 Statement of Reasons dated July 20, 2017.
- 2. Find that the proposed project is consistent with the Resource Protection Ordinance (County Code, section 86.601 et seq.).
- 3. Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, section 67.801 et seq.).
- 4. Find that the project is consistent with the Multiple Species Conservation Plan (MSCP), the County Subarea Plan and the Biological Mitigation Ordinance (County Code, section 86.501 et seq.) as explained in the MSCP Conformance Statement dated July 20, 2017 on file with Planning & Development Services as Environmental Review Number PDS2014-ER-14-08-005.

**Attachment E – Public Documentation** 

## Response to Comments for the Oro Verde Tentative Map PDS2014-TM-5583, PDS2014-ER-14-08-005.

A Public Disclosure Notice was distributed on July 20, 2017 for a 30-day public disclosure period, ending on August 18, 2017, of the California Environmental Quality Act (CEQA) 15183 (Projects Consistent with a Community Plan or Zoning) Exemption Checklist associated with the proposed Tentative Map (project). Seven comments were received during the public disclosure period. Responses to comments received are provided below.

### San Luis Rey Band of Mission Indians:

- The comment is introductory in nature and is not at variance with the environmental document. No changes were made to the environmental document as a result of this comment.
- 2. The commenter requests that a modification be made to the Archaeological Monitoring conditions. The current conditions require that a "Luiseno or Kumeyaay" Native American monitor" be present. The commenter requests that the language be changed to "Luiseno and Kumeyaay Native American monitor," which would require the presence of two Native American monitors rather than one. A cultural survey has been conducted for the project site and was negative for resources. The cultural consultant did not recommend monitoring based on site conditions and the negative results of the survey. Monitoring conditions were required by County Staff based on the results of Native American outreach completed by the consultant and the presence of known resources in the surrounding area. The project lies within both the Luiseno and Kumeyaay traditional use and cultural affiliation areas. Therefore, contracting either a Kumeyaay or Luiseno Native American monitor for the project would be appropriate. The Project Archaeologist will determine the organization that will provide Native American monitoring at the time that the condition to provide evidence that a Native American monitor has been contracted is completed. No changes were made to the environmental document as a result of this comment.
- 3. The commenter requests that a pre-excavation agreement be made a mitigation measure of the project. A cultural survey has been conducted for the project site and was negative for resources. As such, mitigation is not required; however, archaeological monitoring will be made a condition of approval due to the sensitive nature of the area. The Archaeological Monitoring conditions identify all steps that are to be implemented should cultural resources or human remains be identified. In addition, Federal, State and local regulation and laws that apply to cultural resources would be complied with. As such, a pre-excavation agreement would be duplicative and is not required. No changes were made to CEQA documentation as a result of this comment.

4. The commenter requests that should human remains be identified that they remain on-site and *in situ* (in place) or in a secure location in close proximity to the discovery and that the forensic anthropologist perform their analysis on-site in the presence of a Luiseno monitor.

Should human remains be discovered, the project is conditioned to stop all work in the area and no further disturbance shall occur until the County Coroner makes the necessary findings as to origin. The decision to leave the human remains in place or transport to the Coroner's lab is up under the jurisdiction of the Coroner. As such, the project cannot be conditioned to require the Coroner to travel to the site of discovery to make their analysis. The analysis of human remains is under the auspices of the office of the County Coroner and it is up to them to decide whether a forensic anthropologist is required and whether coordination with the Most Likely Descendent (MLD) will be necessary. Human remains must be evaluated by the Coroner in order to determine whether the NAHC needs to be contacted to identify a MLD. The project is conditioned to follow Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 that requires consultation between the property owner or their representative and the MLD to determine the appropriate treatment of human remains should they be discovered onsite and determined to be of Native American origin. No changes were made to the environmental documentation as a result of this comment.

5. The comment is conclusionary in nature and is not at variance with the environmental document. No changes were made to CEQA documentation as a result of this comment.

### **Rincon Band of Luiseno Indians:**

- The comment is introductory in nature and is not at variance with the environmental document. No changes were made to the environmental document as a result of this comment.
- 2. The commenter identifies that a cultural background was not provided within the report. The report was negative and followed the County's Guidelines. Negative reports are not required to provide a cultural background because the cultural background in the County's Guidelines is used. No changes were made to the environmental document as a result of this comment.
- 3. The commenter identifies that photos of the terrain, ground visibility, boulder outcrops, etc. were not provided in the report. The commenter is correct that photos were not provided as part of the study. The study is negative for resources and the format of the study meets County Guidelines. County Guidelines do not require photos for negative surveys. The majority of the project site is currently in agricultural orchards and steep slopes are present over a large portion of the site. Bedrock outcrops present within the project site are highly exfoliated and do not

contain any bedrock milling features. No changes were made to the environmental document as a result of this comment.

- 4. The commenter identifies that a project map was not included in the study. The commenter is correct that a project map was not provided as part of the study. Both a USGS and regional map were provided. The study is negative for resources and the format of the study meets County Guidelines. Because no resources were identified, there would be no impacts from implementation of the proposed project. No changes were made to the environmental document as a result of this comment.
- 5. The commenter identifies that the cultural consultant should have waited until a Native American monitor was available to conduct the survey. The County Guidelines state that "if a monitor is not available, work may continue without the monitor" (Section 2.2.2). A Native American monitor was not present during the survey due to lack of availability and a misunderstanding relating to schedule. Tribes may visit the project site during the discretionary processing of the project. No changes were made to the environmental document as a result of this comment.
- 6. The commenter disagrees with the findings of the report and believes that additional research is required. The commenter did not provide justification for why they believe additional work is required. During outreach by the consultant for Sacred Lands, four tribes responded (Pauma, Rincon, San Luis Rey, and Santa The tribes requested Native American monitoring during project construction and to remain informed of the project's progress. No tribal cultural resources were identified by the tribes during tribal outreach. The Native American Heritage Commission conducted a Sacred Lands check (SLC) that was negative for the project site and immediate area. The SLC did identify that the project site is near resources that would have been used by the San Pasqual Band. No response was received from the San Pasqual Band. Background research was conducted at the South Coastal Information Center that was negative for resources within the project site. The nearest prehistoric resource was identified as being located approximately 0.16 miles from the project site. In addition, the study was negative for resources. No changes were made to the environmental document as a result of this comment.
- 7. The comment is conclusionary in nature and is not at variance with the environmental document. No changes were made to CEQA documentation as a result of this comment.

### Pauma Band of Luiseno Indians:

 The commenter notes their support of the inclusion of monitoring by an archaeologist and Native American monitor. Since monitoring has already been included for the project, no changes were made to CEQA documentation as a result of this comment.

### San Diego County Archaeological Society, Inc:

1. The commenter notes that they are in agreement with the cultural report and that no further cultural resources work is required. No changes were made to CEQA documentation as a result of this comment.

### Mark Morin:

- The commenter questions what one-time improvements will be required on Diamond Ranch Road. This comment is not directly related to the adequacy of the environmental documentation out for public disclosure. However, the project is conditioned to certify that Diamond Ranch Road from the existing onsite cul-desac to Highway 78 (San Pasqual Road) is graded to a width of 28 feet and is improved to a total paved width of 24 feet or to improve it to meet the San Diego County Private Road Standards. No changes were made to CEQA documentation as a result of this comment.
- 2. The commenter also questions what the plan is for ongoing shared maintenance costs of shared entrance. This comment is not directly related to the adequacy of the environmental documentation out for public disclosure. However, the project is also conditioned to require the owner to execute a private road maintenance agreement to ensure that the private roads (including Diamond Ranch Road) are maintained by the residents in accordance with the County Subdivision Ordinance. No changes were made to CEQA documentation as a result of this comment.
- 3. The commenter also questions the plan for providing utilities to the site, particularly high speed internet and water. This comment is not directly related to the adequacy of the environmental documentation out for public disclosure. However, water will be provided by the City of Escondido as demonstrated by their completed facility availability form for the project. The existing water main will be extended into the project site from the southern portion of the property near Diamond Ranch Road. During the discretionary processing of projects, such as this Tentative Map, it is not a requirement to certify the availability of service for high speed internet. No changes were made to CEQA documentation as a result of this comment.
- 4. The commenter also questions whether there are any plans to improve San Pasqual Road. Based on a review of the existing and proposed traffic, it has been determined that the addition of 110 ADTs will not have an impact on surrounding roadways, including San Pasqual Road; therefore, no additional off-site road

improvements are required. No changes were made to CEQA documentation as a result of this comment.

#### **Andrea Lipson:**

- 1. The commenter states that the proposed project will generate an enormous amount of noise and traffic and is concerned that the proposed lots could be further subdivided in the future. Based on the Noise Study completed for the proposed project, it has been determined that the project will not generate significant noise levels which exceed the allowable limits of the County Noise Element or Noise Ordinance. In addition, the proposed project will generate 110 average daily trips. On-site and off-site improvements will be provided on Diamond Ranch Road, Oro Verde Road, Vista Lucia and Private Road "A". Based on a review of the existing and proposed traffic, it has been determined that the addition of 110 ADTs will not have an impact on surrounding roadways; therefore, no additional off-site road improvements are required. The proposed project does not include a proposal to modify the existing General Plan Designation or Zoning and therefore, if complaint with the General Plan and Zoning, the proposed lots could be further subdivided. It should be noted that several of the lots will be constrained by biological, limited building zone and steep slope easements as well as septic leach lines that may limit future subdivision of the proposed lots. No changes were made to CEQA documentation as a result of this comment.
- 2. The commenter questions why some of the lots will not use Oro Verde Road as their primary access. While primary access to the project would be provided via Diamond Ranch Road and secondary access would be provided via Oro Verde Road, there would be no restrictions placed on future resident's use of either of those roads. No changes were made to CEQA documentation as a result of this comment.
- 3. The commenter disagrees that the project would be consistent with existing community character and notes that the removal of agriculture on this site may not be consistent with the Climate Action Plan (CAP) being developed by the County. The project has been reviewed and the County has determined that the proposed lots are compliant with the density permitted by the General Plan and minimum lot sizes set forth by the Zoning requirements and are similar in size to surrounding residential lots. Similar to other lots in the area, the proposed lots are of sufficient size to allow for continued agriculture if desired. In the County of San Diego, economically productive agriculture is conducted on small farms, with 68 percent of farms ranging from 1 to 9 acres in size. In addition, the County does not have an adopted CAP at this time, but the proposed project falls below the screening criteria that were developed to identify project types and sizes that would have less than cumulatively considerable GHG emissions as further detailed in the CEQA 15183 Checklist. The County does not have any exiting provisions that require

planting of trees for any trees that are removed. No changes were made to CEQA documentation as a result of this comment.

- 4. The commenter disagrees that a 50-foot wide biological buffer is sufficient. The site contains small areas of disturbed southern coast live oak riparian forest and herbaceous wetland but primary consists of existing orchards and disturbed/developed lands. Due to the low quality and small size of the wetlands as well as the lack of surrounding upland habitat, the County's staff biologist determined that a 50-foot buffer was sufficient for this project. It should be noted that the open space easements are also buffered by a 100-foot wide limited building zone easement that would preclude the construction of structures in those areas which would eliminate any potential clearing within the open space easement. No changes were made to CEQA documentation as a result of this comment.
- 5. The commenter concludes their letter with a statement that no boutique wineries, breweries, airbnb's or other activities that would generate more cars should be permitted. The lots created by this subdivision would be required to comply with the Zoning Ordinance. Any proposed uses would be reviewed to determine whether a permit is required. No changes were made to CEQA documentation as a result of this comment.

#### Kathy Baker:

1. The commenter states that they did not receive a notice for this project and that they believe this notice is to notify residents that the County will be installing a waste water system. The commenter also believes that the County intends to impact 40 feet of their property. The County is not installing a waste water system and will not be impacting 40-feet of the commenter's property.

County staff has verified that a copy of the notice entitled "PUBLIC DISCLOSURE NOTICE INTENT TO ADOPT FINDINGS PURSUANT TO SECTION 15183 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT" and dated July 20, 2017 was sent to 2020 Oro Verde Road, Escondido, CA. This notice was provided to disclose the County's intent to adopt findings for the Oro Verde Tentative Map in accordance with Section 15183 of CEQA, not for a waste water system. The proposed project includes improvements to Oro Verde Road entirely within the existing 20-foot wide easement and no additional easements are necessary or are being requested.

### SAN LUIS REY BAND OF MISSION INDIANS

1889 Sunset Drive • Vista, California 92081 760-724-8505 • FAX 760-724-2172 www.slrmissionindians.org

August 3, 2017

Ashley Smith
Project Manager
Planning & Development Services
County of San Diego
5510 Overland Ave., Ste. 110
San Diego, CA 92123

VIA ELECTRONIC MAIL Ashley. Smith2@sdcounty.ca.gov

RE: COMMENTS ON THE NOTICE OF INTENT TO ADOPT FINDINGS
PURSUANT TO SECTION 15183 OF THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT REGARDING THE ORO VERDE TENTATIVE MAP (PDS 2014TM-5583 & PDS 2014-ER-14-08-005)

Dear Ms. Smith:

We, the San Luis Rey Band of Mission Indians ("Tribe" or "SLR"), have received and reviewed the County of San Diego's ("County's") Notice of Intent to Adopt Findings Pursuant to Section 15183 of the California Environmental Quality Act ("Section 15183 Notice") and all of its supporting documentation as it pertains specifically to the protection and preservation of tribal cultural resources that are located within the parameters of the Oro Verde Tentative Map's ("Project's") property boundaries. After our review, the Tribe is satisfied with a majority of the proposed Cultural Resource Mitigation Measures as contained within the Section 15183 environmental document; however, we respectfully request that one (1) modification be made to the mitigation measures and two (2) additional mitigation measures be adopted in order to best protect and preserve our Native American tribal cultural resources as stated herein.

First, the Tribe respectfully requests that a modification be made to the mitigation measures within the document involving the amount of Native American monitors to be present during the Project's ground disturbing activities. Currently the mitigation language requires that a Luiseño *or* a Kumeyaay Native American monitor be present. Both the Luiseño and Kumeyaay people recognize this portion of Escondido to be within their respective traditionally and culturally affiliated territory. Therefore, the

Tribe strongly recommends that the monitoring requirement require **both** a Luiseño *and* a Kumeyaay Native American monitor.

Second, the Tribe strongly recommends that the County include an additional mitigation measure requiring the Project Applicant to enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Monitoring Agreement. This agreement will contain provisions to address the proper treatment of any cultural resources or Native American human remains inadvertently uncovered during the course of the Project. Such an agreement is necessary to guarantee the proper treatment of cultural resources and Native American human remains displaced during a project development before such resources are impacted. Currently, the County Resource Guidelines do not state with any specificity how these sacred Luiseño resources should be treated. The Tribal Cultural Resource Treatment and Monitoring Agreement will provide the Project Applicant much needed guidance and a reasonable expectation of what is to occur if Native American human remains and/or associated burial goods are found during ground disturbing activities for their project. Therefore, SLR respectfully requests that in addition to the mitigation measures proposed within the Section 15183 notice, the Project Applicant should be required to enter into a Tribal Cultural Resource Treatment and Monitoring Agreement prior to being issued a grading permit.

Lastly, SLR respectfully requests that in regards to the potential discovery of Native American remains, that those ancestral remains be kept in situ (in place), or in a secure location in close proximity to their discovery and that a forensic anthropologist perform their analysis of the remains on-site in the presence of a Luiseño Native American monitor. Any transportation of the ancestral remains would be considered by the Tribe as disrespectful and undignified treatment. Therefore, SLR respectfully recommends that this measure be modified as follows: If suspected Native American human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field by a forensic anthropologist and/or forensic osteologist and kept in a secure location at the site. A Luiseño Native American monitor shall be present during the examination of the remains. If the San Diego County Coroner determines the remains to be

Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must them immediately notify the "Most Likely Descendant" of receiving notification of the discovery. The Most Likely Descendant shall then make recommendations within 48 hours upon being granted access to the site, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.

The San Luis Rey Band of Mission Indians appreciates this opportunity to provide the County of San Diego with our comments regarding the Beebe Tentative Parcel Map. As stated above, the Tribe is satisfied with the mitigation measures for Cultural Resources as proposed in the Section 15183 and respectfully requests that one (1) modification be made to the existing mitigation measures to require both a Luiseño and Kumeyaay Native American monitor be present during Project ground disturbing activities and that two (2) additional mitigation measures be adopted by the County for this Project. As always, we look forward to working with the County to guarantee that the requirements of the CEQA are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseño tribal cultural resources.

Sincerely,

Merri Lopez-Keifer

Chief Legal Counsel

San Luis Rey Band of Mission Indians

mi Long Kuf

cc: Melvin Vernon, SLR Tribal Captain

Carmen Mojado, SLR Secretary of Government Relations

Donna Beddow, Planning & Development Services, County of San Diego

# RINCON BAND OF LUISEÑO INDIANS

Cultural Resources Department

1 W. Tribal Road · Valley Center, California 92082 (760) 297-2635 Fax:(760) 692-1498



August 11, 2017

Ashley Smith County of San Diego Planning & Development Services 5510 Overland Avenue, Suite 310 San Diego, CA 92123

Re: Oro Verde Tentative Map PDS2014-TM-5583

Dear Ms. Smith:

This letter is written on behalf of the Rincon Band of Luiseño Indians. We have received your notification regarding the Oro Verde Tentative Map PDS2014-TM-5583 and we thank you for the opportunity to consult on this project. The location you have identified is within the Territory of the Luiseño people, and is also within Rincon's specific area of Historic interest.

Embedded in the Luiseño Territory are Rincon's history, culture and identity. The project is within the Luiseño Aboriginal Territory of the Luiseño people. Rincon appreciates the opportunity to provide comments to the proposed findings and associated analysis for the above mentioned project. Our comments are as follows:

- 1. There was no Cultural background to the report. Rincon would like to have seen consideration on how the land was used in prehistoric and historic times in the analysis. There are many published references available on this topic.
- 2. There were no photos to show the terrain, ground visibility, boulder outcrop, etc. in the report.
- 3. There was no project map provided, only a regional map and USGS quad map which does not show a close view.
- 4. The report mentions that no tribal monitor was present during the survey due to "lack of availability and a misunderstanding related to scheduling." The archaeologist should have waited or made other arrangements with one of the other tribes, especially since 3 out of 4 consulting tribes recommended it.
- 5. Rincon is not in agreement with the findings and recommendations, or lack thereof, as we believe that not enough research was conducted.

We look forward to hearing from the County of San Diego regarding these comments and concerns. Please feel free to contact our office at (760) 297-2635 at your convenience.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Destiny Colocho Manager

Rincon Cultural Resources Department

# 5 - 115

## Smith, Ashley

From:

Cultural Pauma <cultural@pauma-nsn.gov>

Sent:

Thursday, July 27, 2017 10:53 AM

To:

Smith, Ashley

Subject:

Oro Verde Project, Escondido

Ms. Smith,

The Cultural Office of the Pauma Band of Luiseno Indians has received the County's July 20 Notice for the Oro Verde Project in Escondido. We continue to support our previous recommendation to have the an archaeologist and Native (Luiseno or Kumeyaay) monitor on the project. If we can be of any further assistance please contact us.

Thank you,

Mr. Chris Devers Cultural Liaison Pauma Band of Luiseno Indians



# San Diego County Archaeological Society, Inc.

**Environmental Review Committee** 

17 August 2017

To:

Ms. Ashley Smith

Department of Planning and Development Services

County of San Diego

5510 Overland Avenue, Suite 310 San Diego, California 92123

Subject:

Intent to Adopt CEQA Section 15183 Findings

Oro Verde Tentative Map

PDS2014-TM-5583, Log No. PDS2014-ER-14-08-005

Dear Ms. Smith:

I have reviewed the subject project document on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the document and the cultural resources report for the project, we agree with the report that no further cultural resources work is required for the project.

SDCAS appreciates participating in the environmental review process for this project.

Sincerely,

James W. Royle, Jr., Charperson

**Environmental Review Committee** 

cc:

Dudek

**SDCAS President** 

File

#### Smith, Ashley

From:

Mark Morin < marksd100@me.com>

Sent:

Saturday, August 19, 2017 10:00 AM

To:

Smith, Ashley

Subject:

Re: TM 5583- Oro Verde Public Disclosure

Hi Ashley,

I don't see any references to the following. Where will these be documented?

- 1. One-Time improvements required to shared entrance on Diamond Ranch Road such as gate equipment to accommodate additional users
- 2. Similar to above, plan for ongoing shared maintenance costs of shared entrance (electricity, break/fix, landscaping). Currently paid for by Royal View residents.
- 3. Plan to provide utilities and particular high speed internet and water. What is the planned routing into the development
- 4. Any plans to improve San Pasqual road such as firming/reinforceing eroded road shoulders

#### — Mark

On Aug 17, 2017, at 8:16 AM, Smith, Ashley < Ashley. Smith 2@sdcounty.ca.gov > wrote:

Hi Mark,

Yes, there will be a public hearing on the project. It is a Tentative Map and the decision making authority is the Planning Commission.

Thank you,

Ashley

**Ashley Smith** | Planning Manager | Project Planning COUNTY OF SAN DIEGO | Planning & Development Services T. 858.495.5375

From: Mark Morin [mailto:marksd100@me.com]
Sent: Thursday, August 17, 2017 8:13 AM

To: Smith, Ashley

Subject: Re: TM 5583- Oro Verde Public Disclosure

Will there be a public hearing?

-- Mark

On Jul 18, 2017, at 2:48 PM, Smith, Ashley < Ashley.Smith2@sdcounty.ca.gov > wrote:

Good afternoon,

I am reaching out to each of you based on the previous interest you had shown on the Oro Verde project (TM 5583) being processed by the County of San Diego. For those of you that I have addresses on record for, you will be receiving a copy of the attached notice in the mail in the next day or two. This notice is to inform you that the project will be advertised for a 30-day public disclosure period beginning on July 20<sup>th</sup> during which you can review the environmental documents and provide written comments on the documents.

Please let me know if you have any questions.

Thank you,

**Ashley** 

Ashley Smith, Land Use/ Environmental Planner
COUNTY OF SAN DIEGO | Planning & Development Services
5510 Overland Avenue | Suite 310 | San Diego | CA | 92123
T. 858.495.5375 | F. 858.694.3373 | MAIN 858.694.2960
PDS Website <a href="http://www.sdcounty.ca.gov/pds/index.html">http://www.sdcounty.ca.gov/pds/index.html</a>
PDS Mapping Service <a href="http://gis.co.san-diego.ca.us/">http://gis.co.san-diego.ca.us/</a>

<Public-Disclosure-Notice.pdf>

County of San Diego Planning and DevelopmentServices 5510 Overland ave., Suite 310, San Diego, Ca. 92123

August 15, 2017

Re: Oro Verde Tentative Map PDS2014(TM 5583)

Dear Planning Department and all concerned,

Hello, I am Andrea Lipson, one of the residents that live on Royal View Dr. directly adjacent to the proposed subdivision. After carefully reviewing the proposed plans, I would like to leave comments of my concerns and observations.

- 1) The proposed subdivision will generate an enormous amount of noise and traffic for for this previously quiet, semi-rural, one lane, seven house private street backed into an avocado orchard. The proposed 10 lots, the majority being over 2 acres means that those bigger lots may one day be subdivided into several smaller 2 acre lots, and the one remaining 7+ acre parcel could potentially become an additional 3 lots. That's allot of traffic and noise for this one small private street that the study did not take into consideration. I would like to know that the 11 single family homes would be the maximum allowed, and not be further subdivided.
- 2) It is proposed that Diamond Ranch Road be the main entrance road, however the upper half of the lots are much closer to Oro Verde Rd which leads down to Bear Valley and the 15 Freeway. Why don't the upper lots use Oro Verde Rd, and the lower lots use Diamond Ranch Rd, thus minimizing noise and traffic from vehicles.
- 3) Under the CEQA15183 Exemption Checklist 1. AESTHETICS 1(c) The project would be consistent with existing community character. This conclusion is Not True! The existing character IS the AVOCADO ORCHARD with a few houses. If you take away the orchard and add houses, now we just have another tract, with all houses directly looking at each other. This, along with peace and quiet, is why we all moved out of the city to begin with. The visual quality of the site is the TREES that are surrounding us. The new San Diego County Climate Action Plan which is now coming out, calls for less backcountry sprawl, stricter greenhouse-gas emissions and more stringent air quality control. Trees offset carbon and help reduce global warming. Even though this may be a small scale project in the eyes of the county, cutting down 51 acres of trees without replacement is in direct opposition of the general plan. For every avocado tree that is taken out that is in an proposed buffer zone or a biological open space easement, should be replaced with a new tree.
- 4) 4. Biological Resources A, B, and C, concludes that there will be a significant adverse impact on habitat modifications, riparian habitat, and wetlands. The dedication of a biological open space easement to mitigate the problem that is only 50 ft. wide is NOT wide enough. We will be encroaching on the wildlife that is there. The dismissive attitude that it is such an insignificant wildlife area, so it doesn't matter, is exactly why so many species are failing to thrive or becoming extinct. There have been numerous sitings of bobcats, and of course hawks, owls, herons, bats, coyotes, rattlesnakes, etc. that use the oaks as refuge and the watershed for drinking.

In conclusion, and to reiterate, the lots should in no way now, or in the future, be able to be altered or subdivided into more than what is proposed for this project. Furthermore, both Diamond Ranch and Oro verde Roads are private and there should be no boutique wineries, breweries, airbnb's, or other such activities what would bring more cars than regular single family home use.

The proposed biological open space easement needs to be expanded to protect both plants, wildlife and the watershed.

Every Avocado tree that is taken down in an HOA open space,100ft buffer zone, or biological zone should be replaced with a new tree both for the wildlife and environment, and also to preserve the character of the community.

The flow of traffic should go in both directions, Oro Verde and Diamond Ranch Rds. to mitigate noise and traffic.

Thank-you for your consideration,

Andrea Lipson

#### Smith, Ashley

From:

Kathy Baker < kathy.baker68@yahoo.com>

Sent:

Friday, August 18, 2017 2:24 PM

To:

Smith, Ashley

Subject:

California environmental quality act 15183 response Oro Verde road Escondido

I am responding to the public disclosure notice that was delivered to my neighbor. I live at 2040 Oro Verde Rd Escondido Ca. I believe this notice is intended to notify residents that the county plans on tearing up all of our property to put in some type of waste water system. I never received this public notice. My neighbor did. Luckily he came over and hand carry a copy of it so we are aware that the county plans on destroying our private road and 40 feet of our property line. We have a retaining wall that wrapped completely around our property and very old large trees along the border one is a protected oak tree. If the county plans on doing this they will be destroying much of our property. How much is the county of San Diego going to pay us for this property and are they going to restore everything back the way it was? According to the notice we will not have access to the road that leads to our home for a period of time. Where are we supposed to park our vehicles? How my supposed to get to my home with groceries and items? I am unable to make your 4 o'clock meeting today in downtown San Diego as I do not have the time to drive 70 to 80 miles round-trip to have have this argument with your department. If I would've received this notice earlier than yesterday that was delivered by my neighbor perhaps I could've made your Townhall meeting. I will assume that this is the county's way of keeping text Painter residence in the dark about possible destruction of personal property. My phone number is 760484 8598. I expect a phone call very soon from you Ashley Smith

Sent from Yahoo Mail for iPhone

**Attachment F – Ownership Disclosure** 



## County of San Diego, Planning & Development Services **APPLICANT'S DISCLOSURE OF** OWNERSHIP INTERESTS ON APPLICATION FOR ZONING PERMITS/ **APPROVALS**

**ZONING DIVISION** 

n -	cord ID(s) PDS2014 - TM - 5583
	sessor's Parcel Number(s) 241-140-02
Ord dis	dinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this cretionary permit. The application shall be signed by all owners of the property subject to the application or the chorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance. <b>NOTE:</b> Attach additional ges if necessary.
A.	List the names of all persons having any ownership interest in the property involved.
	See Attached
В.	If any person identified pursuant to (A) above is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.
C.	If any person identified pursuant to (A) above is a non-profit organization or a trust, list the names of any persons serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.
je e	NOTE: Section 1127 of The Zoning Ordinance defines <u>Person</u> as: "Any individual, firm, copartnership, pint venture, association, social club, fraternal organization, corporation, estate, trust, receiver syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other proup or combination acting as a unit."
	Elizabeth B. Wolford  Elizabeth B. Wolford  Print Name  Elizabeth B. Wolford  TM5583
	3.78.14 Date

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770

PAGE 1 of 1

# CONSENT OF MANAGING MEMBERS OF WOHLFORD LAND COMPANY, LLC

The undersigned, being all of the Managing Members of Wohlford Land Company, LLC, a California limited liability company ("Company"), do hereby adopt the following preambles resolutions:

WHEREAS, the undersigned constitute all of the Managing Members of the Company

WHEREAS, pursuant to 72(b) of the Operating Agreement for the Company, the Managing Members may elect a Senior Managing Member

NOW, THEREFORE, BE IT RESOLVED, that Elizabeth Wohlford be, and she hereby is, elected as the Senior Managing Member of the Company and may exercise all of the powers which could be exercised by majority consent of the Managing Members.

	"MANAGING MEMBERS"
Dated:	Burnet F Wohlford as Trustge of the Wohlford Trust, dated March 28, 1991
Dated: 1-14-08	Elizabeth B. Wohlford, TE Elizabeth B. Wohlford, as Trustee of the Elizabeth B. Wohlford Trust, dated January 25, 1996
Dated: 1-16-08	Burnet B Wohlford, as Trustee of the Burnet B Wohlford Trust, dated September 24, 1996
Dated: 1-19.08	Dava H. Would Trust Dana M. Wohlford, as Trustee of the Dana M. Wohlford Trust, dated October 5, 1994

ENWPDOCS/EP/29459/CONSENT/CONSENT PTR



# State of California Secretary of State

# LIMITED LIABILITY COMPANY

200729210015

ENDORSED - FILED In the office of the Secretary of State of the State of California

DCT 0 9 2007

ARTICLES OF ORGANIZATION A \$70 00 filing fee must accompany this form. IMPORTANT - Read instructions before completing this form. This Space For Filing Use Only ENTITY NAME (End the name with the words "Limited Lisbility Company," "Lid. Liability Co.," or the abbreviations "LLC" or "LLC.") 1. NAME OF LIMITED LIABILITY COMPANY WOHLFORD LAND COMPANY, LLC PURPOSE (The following elatement is required by statute and may not be altered.) 2. THE PURPOSE OF THE LIMITED LIABILITY COMPANY IS TO ENGAGE IN ANY LAWFUL ACT OR ACTIVITY FOR WHICH A LIMITED LIABILITY COMPANY MAY DE ORGANIZED UNDER THE BEVERLY-KILL'A LIMITED LIABILITY COMPANY ACT. INITIAL ACENT FOR SERVICE OF PROCESS (If the agent is an Individual, the agent must reside in California and both Items 3 and 4 must be completed. If the agent is a corporation, the agent must have on the with the California Secretary of State a certificate pursuant to Corporations Code Socilor 1505 and Item 3 must be completed (leave Item 4 blank). 3 NAME OF INITIAL AGENT FOR SERVICE OF PROCESS ELIZABETH B. WOHLFORD 4 IF AN INDIVIDUAL ADDIRESS OF INTIAL AGENT FOR SERVICE OF PROCESS IN CALIFORNIA CITY ZIP CODE RANCHO SANTA FE. 92067 P.O. BOX 5005, NO. 17 CA MANAGEMENT (Chack only one) THE LIMITED LIABILITY COMPANY WILL BE MANAGED BY: ONE MANAGER MORE TIMM ONE MANAGER ALL LIMITED LIABILITY COMPANY MEMBER(S) ADDITIONAL INFORMATION 8 ADDITIONAL INFORMATION SET FORTH ON THE ATTACHED PAGES, IF ANY, 19 INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS CERTIFICATE 7 I DECLARE IAM THE PERSON WHO EXECUTED THIS INSTRUMENT, WHICH EXECUTION IS MY ACT AND DEED RICHARD J. ALBRECHT TYPE OR PRINT NAME OF ORGANIZER RETURN TO (Errier the name and the address of the person or firm to whom a copy of the filed document should be re B NAME Richard J Albrecht, Esq. Albrecht & Barney Law Corporation FileM ADDRESS 1 Park Plaza, Suile 300 CITYISTAI EIZIP | Irvino, CA 92614