



The County of San Diego

Planning Commission Hearing Report

Date:	May 15, 2020	Case/File No.:	Shadow Run Ranch, PDS2000-3710-00-0205 (BC), PDS2001-3100-5223 (TM), PDS2000-3300-00-030 (MUP), and PDS2000-3910-0002035 (ER)
Place:	No In-Person Attendance Allowed—Teleconference Only—County Conference Center 5520 Overland Avenue, San Diego, CA 92123	Project:	44 residential lots with a minimum lot size of 2 acres; 8-acre recreational open space lot; 91-acre biological open space lot; and 39-acre agricultural open space lot
Time:	9:00 a.m.	Location:	North side of State Route 76, 8.5 miles east of Interstate 15
Agenda Item:	Item No. 4	General Plan:	The Project is pipelined and subject to the previous General Plan in effect prior to August 3, 2011. Regional category - Estate Development Area; Land use designation - Intensive Agriculture (19)
Appeal Status:	Appealable to the Board of Supervisors	Zoning:	A70 – Limited Agricultural Uses
Applicant/Owner:	Shadow Run Ranch, LLC, Sherrill A. Schoepe	Community:	Pala/Pauma Subregional Plan
Environmental:	Environmental Impact Report (EIR)	APN:	111-070-12 and 13; 111-080-07, 08, 09, 10, 14, 18, 19, and 21.

A. OVERVIEW

The purpose of this staff report is to provide the Planning Commission with the information necessary to consider the proposed Major Use Permit (PDS2000-3300-00-030 (MUP)), Tentative Map (PDS2001-3100-5223 (TM)), and Boundary Adjustment/Certificate of Compliance (PDS2000-3710-00-0205 (BC)), conditions of approval and findings, and environmental findings prepared in accordance with the California Environmental Quality Act (CEQA).

The Shadow Run Ranch project (Project) is a planned development that proposes 44 residential lots with a minimum lot size of 2.0 acres, a 91-acre biological open space lot to provide protection for sensitive habitat along Frey Creek; a 39-acre agricultural open space lot to accommodate on-going agricultural

operations; and an 8-acre recreational open space lot to provide day use facilities such as a picnic area and multi-use court (badminton, volleyball, and tennis) for Project residents. The 44 residential lots are located within a development area of just under 110 acres. Approximately 5.6 acres of this area is within the Caltrans right-of-way for State Route 76 (SR-76). The approximately 110-acre area will require annexation into the Yuima Municipal Water District, County Water Authority, and Metropolitan Water District for potable water service.

The County of San Diego (County) received several public comments from stakeholders including the California Department of Fish and Wildlife (CDFW), Caltrans, Local Agency Formation Committee (LAFCO), Pala Pauma Community Sponsor Group (CSG), Endangered Habitats League (EHL), and Pala Tribal Historical Preservation Office. The main themes of concern were: potential impacts to biological resources including wetlands, sensitive bird species, breeding season avoidance, and wildlife corridors; proposed improvements to SR-76; annexation to YMWD, CWA, and MWD; traffic counts related to casino traffic; capacity of SR-76, water supply; pipeline status of the project; cultural resources mitigation measures; and, amount of mineral resources potentially impacted. Responses to these issues are included in the Final EIR; see Chapter 8, Responses to Comments. The County conducted a thorough review of the Project for consistency with the previous County General Plan and Pala/Pauma Subregional Plan (PP-SRP), the County Zoning Ordinance and other applicable regulations, policies and ordinances, including CEQA to assess the Project's potential impacts on the environment.

B. RECOMMENDATIONS

Planning & Development Services (PDS) recommends that the Planning Commission approve the proposed Major Use Permit (PDS2000-3300-00-030), Tentative Map (PDS2001-3100-5223), and Boundary Adjustment with a Certificate of Compliance (PDS2000-3710-00-0205) with the conditions explained in the report and incorporated in the attached Resolution and Form of Decision.

The Planning Commission should evaluate and consider the proposed Project and if it agrees with staff recommendations take the following actions:

- a. Adopt the CEQA Findings, which include the findings regarding significant effects of the Project, the mitigation monitoring and reporting program (MMRP), and the Statement of Overriding Considerations, and certify the Environmental Impact Report (EIR), REF: PDS2000-3910-0002035 (Attachments D.2 and E).
- b. Grant Major Use Permit PDS2000-3300-00-030, make the findings, and impose the requirements and conditions as set forth in the Form of Decision (Attachment B).
- c. Adopt the Resolution of Approval for Tentative Map PDS2001-3100-5223 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 regulations (Attachment C).

C. PROJECT BACKGROUND

Project applications were submitted on August 25, 2000 and a request for an Environmental Impact Report (EIR) was issued by staff on May 21, 2002. On June 13, 2002 staff circulated the Notice of

Preparation (NOP) for an EIR. At the time of the NOP, the Project included 46 residential lots, 44 of which are part of the present Project design with two-acre minimum lot sizes.

On October 1, 2003 the County determined the Project met the provisions of the General Plan Pipelining Policy approved by the Board of Supervisors on August 6, 2003. This Policy allowed for continued processing and evaluation of the Project under the General Plan that was in effect prior to August 3, 2011. The Policy did not specify a time limitation or expiration date (Attachment A.1). Therefore, the project is evaluated under the General Plan that was in effect prior to August 3, 2011 and all references to the General Plan in this report are to the previous General Plan, unless otherwise noted.

The Department of Planning & Land Use initiated the process to deny the project in February of 2004 for denial based upon inadequate progress pursuant to CEQA Section 15109. On May 6, 2004 the Planning and Environmental Review Board (PERB) held a public hearing and denied the project. The applicant appealed the decision and on July 9, 2004 the Planning Commission held a public meeting and denied the project. The applicant appealed the decision and on December 1, 2004 the Board of Supervisors granted the Project Applicant's appeal of the denial by the Planning Commission and allowed the applicant an extension to continue processing.

A Draft EIR was submitted to PDS on August 2, 2005 and evaluation of the Project continued until the Draft EIR was circulated for public review on August 21, 2014. The Applicant spent several years obtaining and designing the Project access onto SR-76 and ensuring geotechnical aspects of the onsite irrigation reservoir's earthen embankment were addressed. Since public review of the documents in 2014 and early 2015, responses to public comments have been prepared and Project documentation has been revised to address comments, updated regulations, and to further describe the annexation process for the Project to obtain potable water service. All revisions made to the EIR documentation are described in Chapter 8 of the Draft Final EIR, which is available on the PDS website.

D. REGIONAL SETTING AND PROJECT LOCATION

1. Regional Location and Surrounding Land Uses

The Project site is located within a rural and agricultural setting in the Pauma Valley. The Pala Casino and the surrounding community of Pala are approximately three miles to the west of the subject property along State Route 76 (SR-76), and the community of Pauma Valley is approximately three miles southeast of the property, also along SR-76. The Cleveland National Forest lies approximately three miles to the north and four miles to the east, and the Palomar Observatory lies approximately 8.75 miles to the northeast. Within one-half mile west of the site is the Wilderness Gardens Park and Open Space Preserve managed by the County of San Diego.

Uses surrounding the property are largely estate residential, agricultural, and undeveloped land. Adjacent to the subject property to the north are agricultural or undeveloped lands. Adjacent to the northeast of the Project site is undeveloped property belonging to the Pala Indian Reservation. Uses to the east of the subject property are primarily rural estate residential uses combined with agricultural uses. Some estate residential uses are found adjacent to the property to the southeast. SR-76 is parallel to and within the southern boundary of the Project site. A trailer park is located south of the site and the San Luis Rey River beyond that. Agricultural uses and undeveloped land

ascend on the north-facing slopes south of the San Luis Rey River; similar uses are located west of the site.

Table 1: Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Intensive Agriculture, General Agriculture, Indian Reservation	A70	N/A	Undeveloped Lands, Tribal Land
East	Intensive Agriculture, Indian Reservation	A70, Tribal Land	Adams Drive	Agriculture, Tribal Land, Single-Family Residential
South	Intensive Agriculture, Impact Sensitive	A70	SR-76	Mobile Home Park, San Luis Rey River, Undeveloped Land
West	Intensive Agriculture, General Agriculture, Indian Reservation	A70, Tribal Land	N/A	Agriculture, Undeveloped Lands, Tribal Land

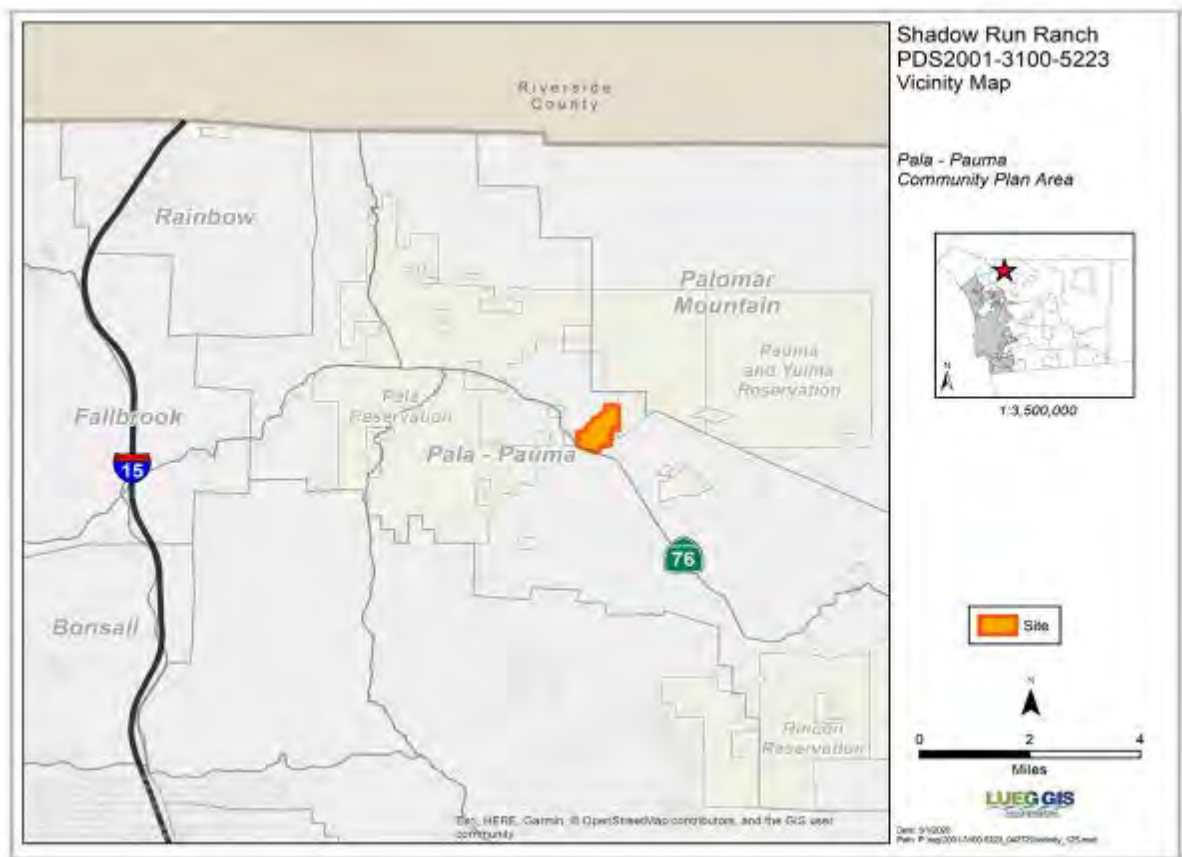


Figure 1: Regional Location Map

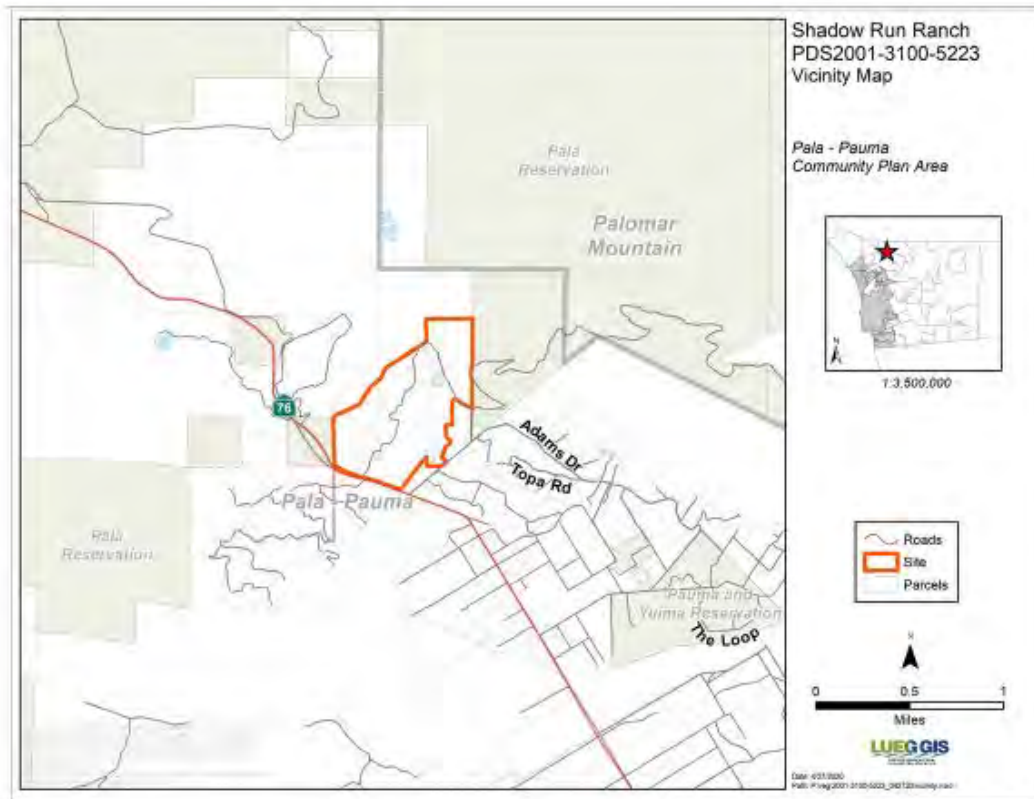


Figure 2: Project Site Vicinity Map

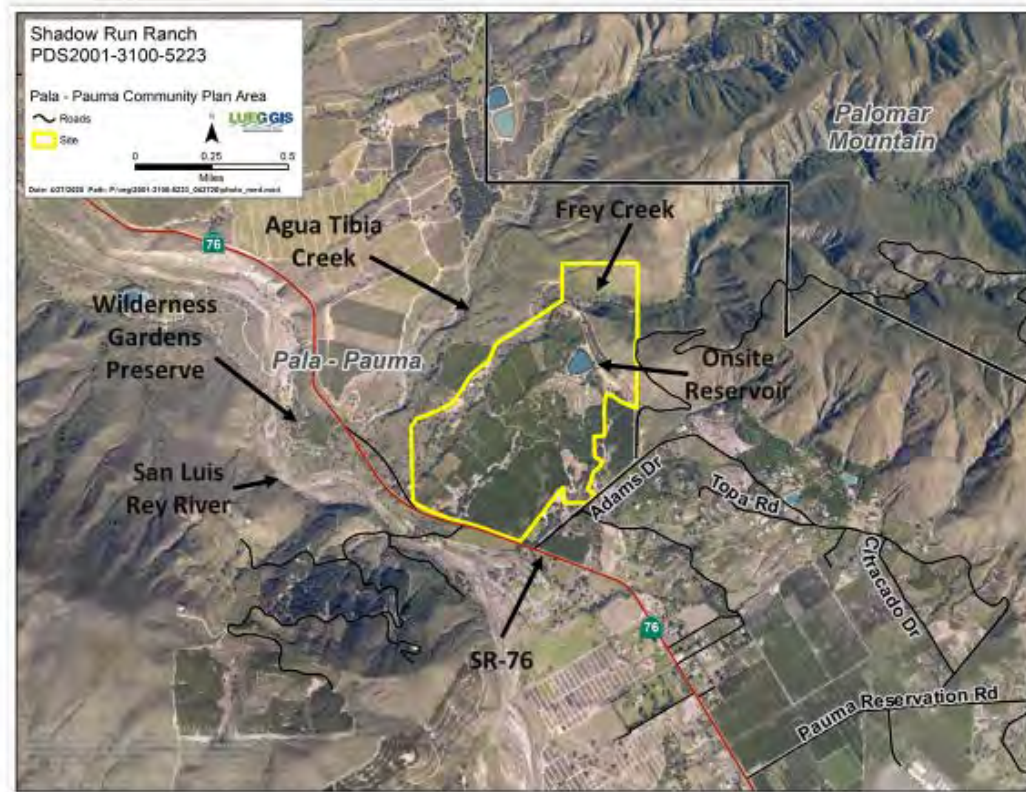


Figure 3: Project Site and Vicinity on Aerial Base

2. Project Site

The Project site consists of approximately 265 acres on south-facing slopes overlooking the San Luis Rey River in Pauma Valley and has a long history of agricultural grove uses. The property was predominantly vacant undeveloped land, with groves in the southwest portion of the site dating back to around 1939. From approximately 1946 through the 1970s, different portions of the land were brought into cultivation and planted with groves. The proposed subdivision site is cultivated with approximately 154 acres of citrus, avocados, pomegranates and persimmons and contains a 3.5-acre reservoir and irrigation system including groundwater wells, an existing residence, caretaker's house, and buildings related to the agricultural enterprise. Native upland and riparian habitats are found on the remainder of the site, primarily in the northern and western portions of the site. Frey Creek flows from the Palomar foothills to the north, across the northern portion of the site, then to the south through the western portion of the site, under SR-76 and on to the San Luis Rey River approximately 700 feet south of the property's southern boundary. Site elevation ranges from approximately 1,600 above mean sea level in the very northeast corner of the site, to approximately 740 feet above mean sea level where Frey Creek exits the southwest portion of the site. The 3.5-acre irrigation reservoir is in the north-central portion of the site at an elevation of approximately 1,080 feet above mean sea level.



Figure 4. View looking northwest along SR-76 at Project frontage



Figure 5. View looking south across onsite reservoir and Project site



Figure 6. Existing onsite residence (on proposed Lot 17)

E. PROJECT DESCRIPTION

The Project has been designed to provide residential development with recreational amenities, continued onsite agricultural production, while protecting sensitive environmental resources. The Project includes the following:

- Tentative Map (TM) and Major Use Permit (MUP) for 47 lots consisting of:
 - 44 residential lots with a minimum lot size of 2.0 acres;
 - 91-acre biological open space lot;
 - 39-acre agricultural open space lot; and
 - 8-acre recreational open space lot.
- Boundary Adjustment with a Certificate of Compliance.
- Annexation to the Yuima Municipal Water District (YMWD), County Water Authority (CWA), and Metropolitan Water District (MWD) and amendment to their spheres of influence for potable water service.
- 2,000 feet of public trail along SR-76.
- 12,500 feet of pathways and trails onsite.
- Intersection improvements at the Project entrance (Haas Grove Lane) with SR-76, and at Adams Drive and SR-76.

Tentative Map - Residential Development

The TM proposes a total of 47 lots consisting of 44 residential lots, one biological open space lot, one agricultural open space lot, and one recreational lot. The residential lots are grouped together (clustered) in the south and central portions of the site to avoid steep slopes, sensitive biological resources, and an existing agricultural grove to enable continued agricultural production on the residential lots if desired by future owners. The 44 residential lots range in size from 2.0 to 7.35 acres. Lots along SR-76 are larger, ranging in size from 2.74 to 7.35 acres. The proposed residential lots are large enough to continue agricultural use for grove operations (mainly citrus). An onsite irrigation system supplied by groundwater from onsite wells will continue to provide irrigation water to the residential lots for continued agricultural production or other plantings. The open space and recreation lots are discussed further below. The TM is shown in Figure 7.

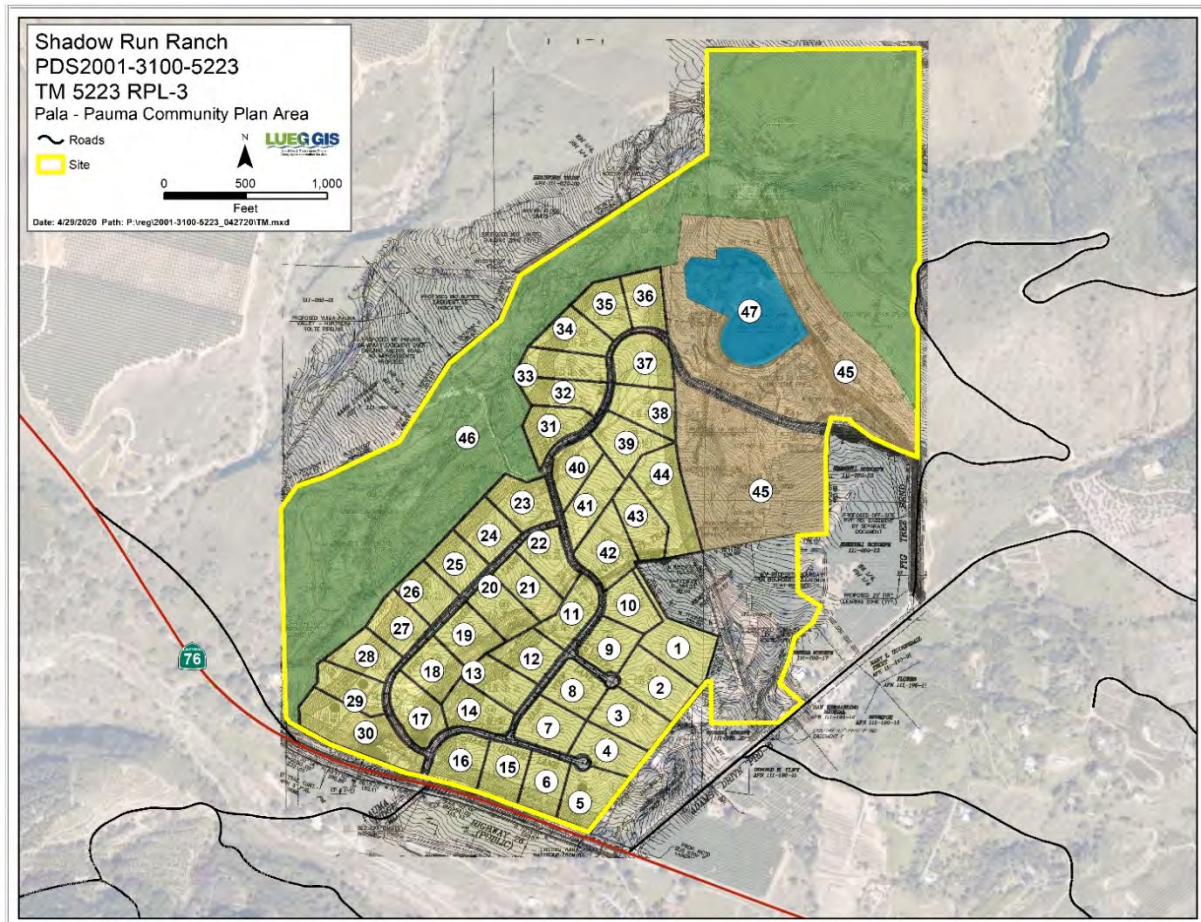


Figure 7: Proposed Tentative Map

Major Use Permit

A Major Use Permit (MUP) will implement the clustered Project design allowing for residential lots with a minimum lot size of two acres, and design of a recreational lot. The MUP includes conditions of approval that will implement ongoing fire protection measures, operation and maintenance of the on-site reservoir embankment, and vector management.

Density and Clustering

The Project is within the Estate Development Area (EDA) regional category of the previous General Plan. The EDA allows for combined agricultural and low-density residential uses, where parcel sizes of two to 20 acres apply. The site is designated (19) Intensive Agriculture on the Pala/Pauma Subregional Plan Map, and is zoned Limited Agriculture (A70), specifying a density of 0.25 acres.

Density is controlled by the previous General Plan, the Zoning Ordinance, and, in cases where steep slopes are present, the Resource Protection Ordinance (RPO). The allowable number of dwelling units (DU) on the 248-acre subdivision area under these regulations is 53 dwelling units due to the slope of the property (RPO allows the least number of potential dwelling units). The Project's proposed 44 residential lots fall below the maximum number allowed.

Clustering is permitted within any land use designation compatible with the EDA (Policy 1.3, Land Use Element of the previous General Plan). Clustering refers to the grouping of lots through the on-site transfer of density rather than the lots being distributed evenly throughout the site. The EDA allows clustering with conformance to the following standards:

1. At least 40 percent of the project must be in a permanent open space easement.

The clustered Project design includes open space areas for biological resources, agricultural land, and a recreation lot. These open space lots total 138.4 acres or 56 percent of the site, which exceeds the 40 percent open space requirement.

2. No more than one dwelling unit, with permitted accessory structures, shall be permitted on any lot.

The Project will be conditioned to adhere to this standard.

3. The minimum parcel size of all parcels not served by sewers, or a package treatment plant, is at least one acre. In areas where the predominant slope exceeds 25 percent grade, no lot shall be smaller than four acres.

The proposed minimum lot size is two acres and each residential lot will have an onsite septic system. The average slope of the Project site is 23.6 percent and thus is not subject to the minimum four-acre lot size.

4. Where groundwater is the sole source of water supply, proof of a long-term groundwater supply is provided consistent with the County Groundwater Ordinance.

Groundwater is utilized for irrigation of agricultural groves and plantings on the agricultural open space lot and residential lots only. Potable water will be provided by Yuima Municipal Water District following completion of annexation through LAFCO.

5. The project will not have a more significant environmental effect than would an equivalent non-clustered development.

The clustered Project design minimizes environmental impacts and allows for preservation of biological resources, an agricultural lot for continuation of agricultural production, and a recreation lot that would not be possible if four-acre lots were spread more evenly over the site.

6. The project conforms to any additional criteria, standards or limitations which may be required by the applicable community or subregional plan.

The Project is consistent with applicable goals and policies of the Pala/Pauma Subregional Plan. Please see section D.3 below.

The (19) Intensive Agriculture land use designation also allows for clustering when located within the EDA (Policy 2.5, Land Use Element of the previous General Plan), with minimum lot size and maximum number of units governed by the regional category. The 248-acre subdivision could accommodate a maximum number of dwelling units of 62 pursuant to the following applicable density

factor of the (19) designation: "Where the average slope of the Project area does not exceed 25%: 0.25 dwelling unit per gross acre." The Project site's average slope is 23.6 percent and proposes 44 residential units.

Planned Development

The San Diego County Zoning Ordinance (Sections 5800 to 5806 and 6600 to 6699) defines Planned Development requirements. A MUP is required to implement a Planned Development.

The purpose of these provisions is to ensure: 1) the preservation of land areas within the unincorporated territory of San Diego County which possess unique characteristics and features of a geographical, geological, topographical, environmental, agricultural, scenic or historical nature; and/or 2) to permit a more creative and imaginative design for development of any area than is generally possible under conventional zoning regulations which will result in more economical and efficient use of land while providing a higher level of amenities associated with development in Village areas and greater preservation of open space in Rural areas.

The Project has been designed in a way that defines location of structures, circulation patterns, parking, open space, and utilities. The minimum two-acre lot size is consistent with existing lot sizes in the area east of the Project site and Adams Drive, which range from less than one acre to over 20 acres. The minimum two-acre lot size is also consistent with requirements for lot sizes to be 50 percent of the lot size required of the A70 zone, which requires four-acre minimum lot sizes. The proposed minimum two-acre residential lots will meet the private usable open space requirement of 1,000 square feet per residential lot. The Project also meets the conservation open space and group open space minimum land area requirement of 40 percent of the site as the Project proposes 56 percent of the site (138.4 acres) as biological, agricultural, and recreational open space.

The proposed residential lots allow for continued agriculture, like what grows on the smaller lots to the east. The proposed 39.1-acre agricultural lot will continue to conduct commercial agriculture like the larger lots in the vicinity of the Project site. The proposed residential lots are also buffered from areas to the west and north by the biological open space lots.

In summary, the Project meets the requirements for a planned development utilizing the clustering technique in conformance with the previous General Plan, Pala/Pauma Subregional Plan, and Zoning Ordinance.

Agriculture Open Space Lot

The Project design includes a 39.1-acre agricultural open space lot (lot 45) in the north-central portion of the site to maintain existing agriculture and retain the area's community character. The agricultural open space lot will be owned and operated by the applicant and subsequently by a homeowner's association (HOA). The agricultural lot will be protected by an easement that will allow maintenance of the agriculture. The easement will prohibit activities not related to agricultural stewardship, such as trails and non-agricultural buildings.

An agricultural manager will be hired to ensure the agriculture is professionally managed and maintained. The agricultural manager responsibilities will include monitoring the agricultural open space lot for trespassing, theft, or other indirect effects, and will implement a fencing and signage program should the need for such protection be necessary.

The residential lots will also be developed to retain as much of the existing groves as desired by the future residential lot owners. Individual lot owners may choose to continue the agricultural use and have it managed by the same manager as the agricultural open space lot, they could manage their agricultural use themselves, or they could discontinue any agricultural use on their lot.

Non-potable groundwater for irrigation will continue to be supplied to the agricultural open space lot and residential lots through the existing irrigation system, modified as needed to accommodate the residential development. The irrigation system includes onsite groundwater wells, a 3.5-acre reservoir located in the recreational open space lot, and associated piping. The irrigation system will also be managed and maintained by the agricultural manager.

Biological Open Space Lot

The Project design proposes a 91.3-acre biological open space lot (lot 46) to protect sensitive species, riparian and jurisdictional wetlands. Lot 46 is located along the western and northern portions of the Project site through which Frey Creek intermittently flows from the northeast to southwest towards the San Luis Rey River. The easement contains several sensitive vegetation types, including coast live oak, Diegan coastal sage scrub, floodway, southern coast live oak riparian forest, and southern sycamore-alder riparian forest habitats.

The easement also contains disturbed habitat, some areas of agricultural grove, and operational groundwater wells for the Project site's irrigation system. The groundwater wells will continue to be accessed by narrow dirt roadways in Lot 46 for continued operation and maintenance. Lot 46 is also bisected by a 40-foot-wide easement for access to APN 111-080-06-00 on the west side of the Project site.

Recreational Open Space Lot

The Project proposes a 7.96-acre recreational open space lot (lot 47) in the north-central portion of the site that will provide day use facilities for Project residents including a volleyball court, tennis court, play equipment, picnic area, parking lot, and walking paths. The recreational open space lot also contains the 3.5-acre irrigation reservoir.

Access to the recreation lot will be provided by a trail and onsite roadway (Fig Tree Bend). The lot will be for day use only and will be closed and locked between sunset and sunrise. No night lighting will be provided. The area will be owned and maintained by the HOA.

The configuration of open space lots are shown in Figure 8 below.

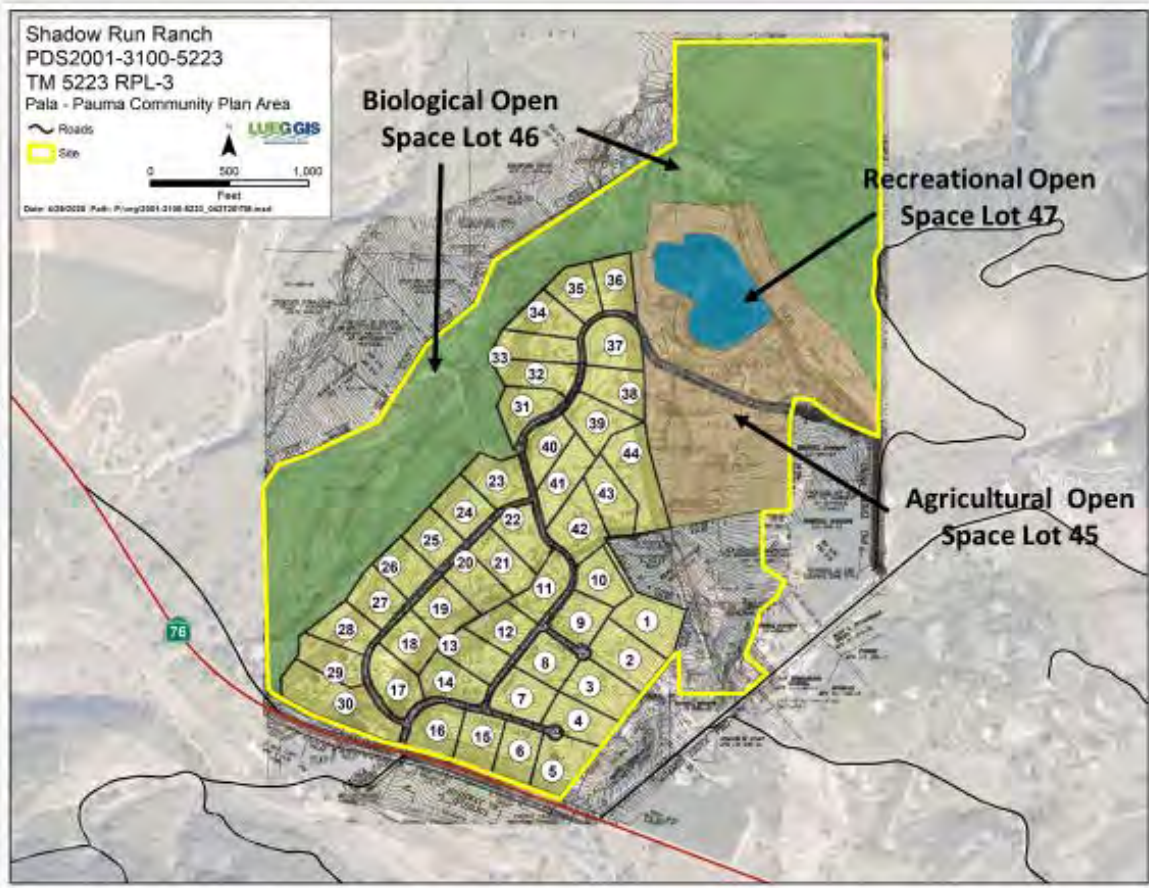


Figure 8: Proposed Open Space Lots

Boundary Adjustment with a Certificate of Compliance

The Project includes a Boundary Adjustment of four parcels owned by the Project Applicant totaling approximately 265 acres. The boundary adjustment will result in four parcels with the following areas: Parcel A (6.94 acres); Parcel B (248.2 acres); Parcel C (5.67 acres); and Parcel D (4.38 acres). Parcel B is the parcel on which the Tentative Map and Major Use Permit is proposed for a planned development. The Boundary Adjustment would be approved by the Director of Planning & Development Services if the Planning Commission approves the proposed Project. The proposed boundary adjustment is shown below in Figure 9.

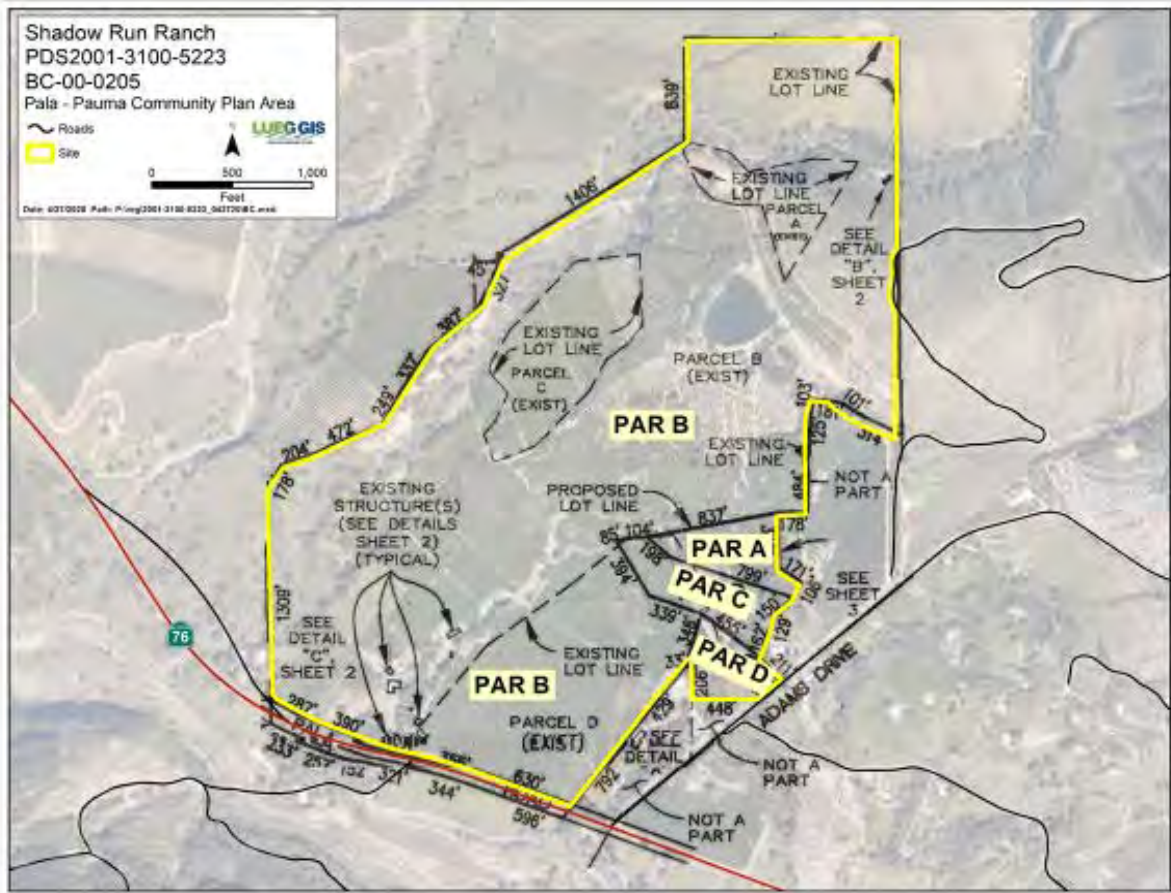


Figure 9: Proposed Boundary Adjustment

Trails

A public trail is proposed along the north side of the Project frontage with SR-76 primarily within the 100-foot wide visual buffer along SR-76. The trail will be outside the dedicated Caltrans right-of-way and will be consistent with the Community Trails Master Plan adopted by the Board of Supervisors in 2005. The length of this public trail will be approximately 2,000 feet and will be dedicated and maintained by the County.

An onsite trail system consisting of eight-foot-wide decomposed granite pathways along all internal roads and leading up to the recreation lot and around the irrigation reservoir is also proposed. The onsite trail system will connect with the public trail at the Project entrance (Haas Grove Lane and SR-76). The onsite trail system totals approximately 12,500 feet in length and will be maintained by the HOA. Proposed trails and pathways are shown in Figure 10 below.

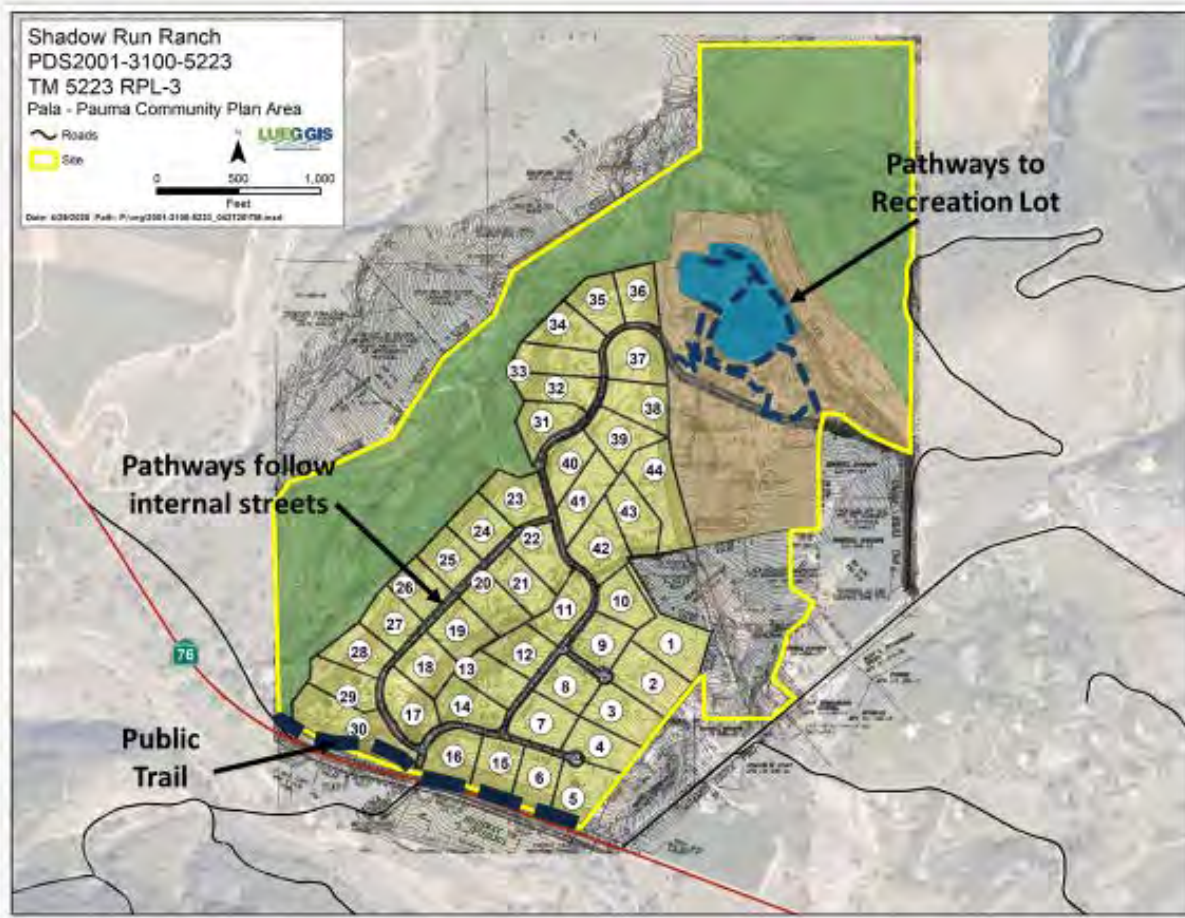


Figure 10: Proposed Trail System

Road Access & Improvements

Internal Project roads will meet private road standards and provide access to residences as well as access to the recreation lot and trails.

The main Project access to the site is from proposed internal street Haas Grove Lane to its intersection with SR-76, a public road under the jurisdiction of Caltrans. This intersection will be located approximately 1,350 feet (one-quarter mile) west of the SR-76 and Adams Drive intersection. The Project will improve the paved width of SR-76 along the Project frontage to allow for 12-foot wide east and westbound lanes, a center turn lane, and 8-foot wide shoulder. A second access point to Adams Drive is proposed in the northern part of the site via internal streets Haas View Way and Fig Tree Bend. Adams Drive is a private road within Permanent Road Division (PRD) 6. A PRD is a special district which provides property owners a mechanism to pay for private road maintenance. Private road maintenance services are paid by the property owners through special benefit assessments or special taxes that are placed on the tax roll and services are performed by the Department of Public Works (DPW). The Project will improve that portion of Adams Drive from Fig Tree Bend to SR-76 to 24 feet in paved width and realign the Adams Drive and SR-76 intersection. The Project will also increase the paved width of westbound SR-76 just east of Adams Drive to improve the North County Transit District bus stop and right turn onto Adams Drive. The Project will be required to provide a funding mechanism to share in the

costs of the maintenance of Adams Drive for the portions of Adams Drive needed to serve the Project. The Project will be required to revise PRD-6 or form a new PRD to accomplish this.

All access points will be ungated and fully improved to Caltrans and County of San Diego standards.

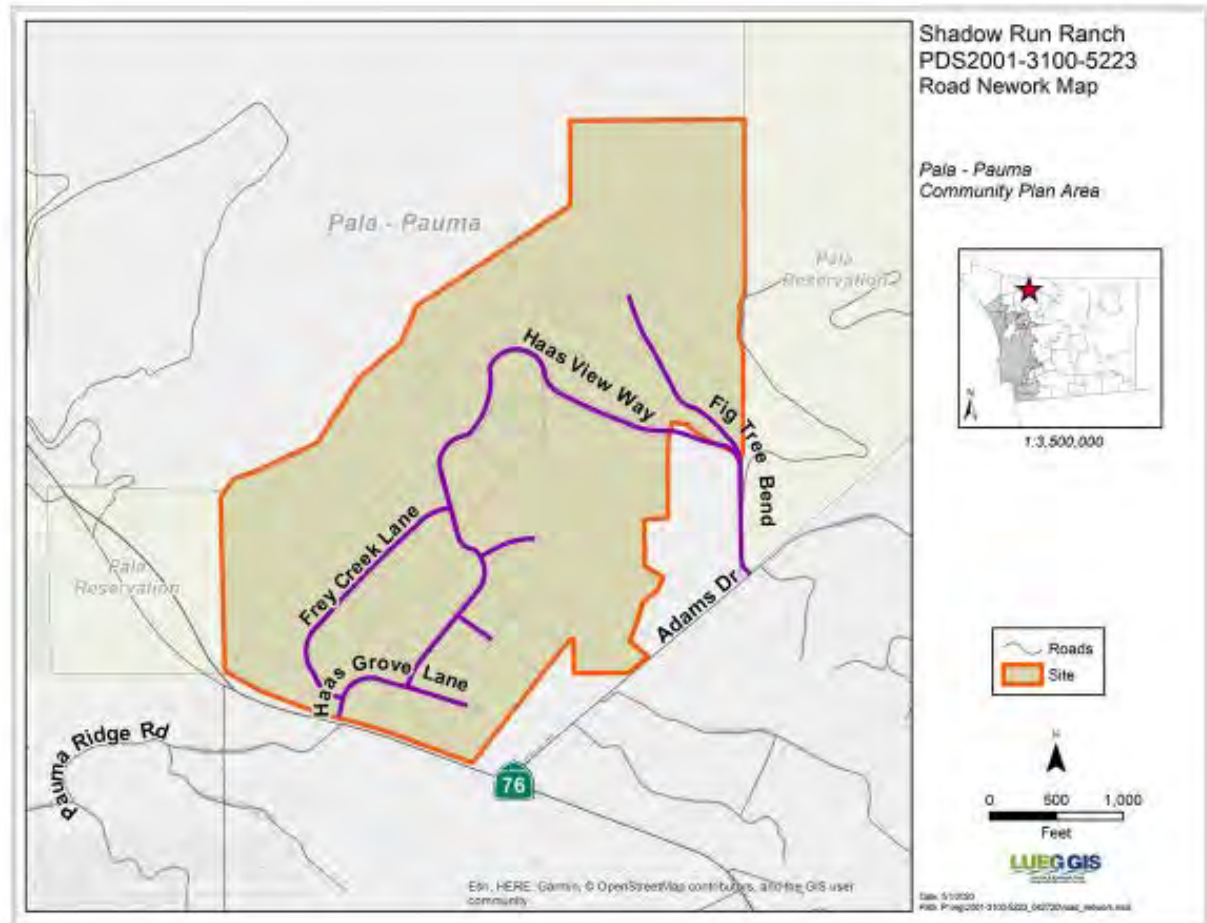


Figure 11: Road Network

Municipal Services

The Project has demonstrated that all necessary services and facilities are available as required by the General Plan and Board of Supervisors Policy I-84 (Project Facility Availability Forms for Public Water, School, and Fire Services – Attachment F). The applicant is responsible for funding all the necessary services and facilities to serve the Project.

- The site will have potable water supplied by the Yuima Municipal Water District following annexation to the District, County Water Authority, and Metropolitan Water District (see discussion regarding municipal services and annexation below in Section F.2.e). The project will reduce groundwater use by 25% compared to current groundwater use.
- Fire protection will be provided by County Service Area (CSA) 135 (see discussion regarding fire protection below in Section F.2.f).

- The Project site is within the Valley Center-Pauma Unified School District. The Project Facility Availability Form states the Project site eligible for service and fees will be levied in accordance with Education Code Section 17620 prior to issuance of building permits.

F. ANALYSIS AND DISCUSSION

1. Key Requirements for Requested Actions

The Planning Commission should consider the request actions and determine if the following determinations can be made:

- a. Is the proposed Project consistent with the vision, goals, and policies of the General Plan that was in effect prior to August 3, 2011?
- b. Does the Project comply with the policies set forth under the Pala/Pauma Subregional Plan in effect prior to August 3, 2011?
- c. Is the proposed Project consistent with the County's Zoning Ordinance?
- d. Is the proposed Project consistent with the County's Subdivision Ordinance?
- e. Is the proposed Project consistent with other applicable County regulations?
- f. Does the Project comply with CEQA?

2. Project Analysis

a. General Plan Consistency

On August 6, 2003, the Board of Supervisors adopted a General Plan Pipelining Policy that determined that project applications deemed complete on or before August 6, 2003 would be processed under the current General Plan (now the previous General Plan). Applications for the Shadow Ranch Project were received in 2000 and 2001 and deemed complete prior to August 6, 2003. On October 1, 2003, the proposed Project was granted pipeline status. As such, the Project is evaluated under the previous General Plan that was in effect prior to August 3, 2011. The General Plan Update changed the land use designation on the site from (19) Intensive Agriculture with a density of one dwelling unit per four or eight acres (approximately 60 residences), to Semi-Rural Residential (SR-10) with a density of one dwelling unit per 10 or 20 acres (approximately 24 residences).

Density

The Project is within the Estate Development Area (EDA) regional category of the General Plan (previous General Plan) that allows for combined agricultural and low-density residential uses, where parcel sizes of two to 20 acres apply. The site has a land use designation of (19) Intensive Agriculture on the Pala/Pauma Subregional Plan Map, and is zoned Limited Agriculture (A70), specifying a minimum lot size of four acres.

The proposed Project design with minimum two-acre lot size meets all applicable requirements for a planned development. The proposed 44 residential units are 18 units less than the allowed number of residential units under density calculations for the EDA and (19) designation and A70 zoning classification.

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 (previous) Conformance

General Plan Policy	Explanation of Project Conformance
<p>Land Use, Page II-8, Policy 1.3 Estate Development Area. Where authorized, parcel sizes of two to twenty acres or larger will be permitted depending on the slope criteria in the underlying community or subregional plan land use designations.</p> <p>Clustering will be permitted in any land use designation found compatible with the Estate Development Category (EDA).</p> <p>Planned development, lot area averaging, and specific plan projects which utilize the clustering technique shall conform to certain standards.</p>	<p>The Project proposes minimum two-acre lot sizes in a planned development that utilizes the clustering technique.</p> <p>Standards that need to be met pursuant to the EDA to allow clustering are addressed in Section E above under the Major Use Permit, Density and Clustering and Planned Development headings.</p>
<p>Land Use, Page II-23, Policy 2.5 (19) Intensive Agriculture: This designation promotes a variety of agricultural uses including minor commercial, industrial and public facility uses appropriate to agricultural operations or supportive of the agricultural population.</p> <p>Two-acre minimum parcel size when findings are made.</p> <p>Clustering when located within the CRDA, EDA or RDA Categories of the RLUE (Policies 1.55, 1.3 and 1.4) is permitted within this designation. The minimum parcel size and maximum number of dwelling units in such cluster development shall be governed by the applicable Regional Policy. In computing the theoretical maximum number of dwelling units, the following density factors shall apply</p> <p>Where the average slope of the project area does not exceed 25%: 0.25 dwelling unit per gross acre.</p>	<p>A slope analysis for the Project determined the average slope is 23.6 percent, which subjects the Project site to an overall density factor of 0.25 dwelling units per gross acre, which would equate to 62 dwelling units.</p> <p>The Project proposes 44 residential lots with minimum two-acre lot size in a planned development that utilizes the clustering technique as allowed by the EDA.</p> <p>Standards that need to be met pursuant to the EDA to allow clustering are addressed in Section E above under the Major Use Permit, Density and Clustering and Planned Development headings.</p>
<p>Open Space, Page I-26, Distinguish and Separate Communities. Facilitate, protect, and preserve agricultural use of lands in the Agricultural Land Use Designations.</p>	<p>The Project design includes a 39.1-acre agricultural open space lot for continued production of citrus and other grove products and encourages continued avocational agriculture on the proposed residential lots.</p>

General Plan Policy	Explanation of Project Conformance
Open Space, Page I-28, Conservation of Resources and Natural Processes. Encourage the conservation of the habitats of rare or unique plants and wildlife.	The Project design includes a 91.3-acre biological resources open space lot for protection of sensitive riparian, wetland, and upland habitats and their species.

b. Pala/Pauma Subregional Plan Consistency

The proposed Project is consistent with the following relevant Pala/Pauma Subregional Plan Goals, Policies, and actions as described in Table D-2.

Table D-2: Pala/Pauma Subregional Plan Conformance

Subregional Plan Policy	Explanation of Project Conformance
Land Use Policy 1, page 3: The Pala/Pauma Subregional Plan will be used to implement the land use categories and designations contained in the County General Plan Land Use Element.	The Project is within the Estate Development Area (EDA) regional category of the previous General Plan. The EDA allows for combined agricultural and low-density residential uses, where parcel sizes of two to 20 acres apply.
Land Use Policy 4, page 4 and Conservation Policy 1, page 8: Protect sensitive biological resources through the resource conservation area designation. Apply low density plan designations and zoning to resource conservation areas.	The Project design proposes a 91.3-acre biological open space preserve to protect sensitive species, riparian and jurisdictional wetlands. The biological open space is designated to be on Lot 46 that runs along the northwestern boundary of the Project area.
Land Use Policy 7, page 4: Recognize that the avocational agriculture is a compatible secondary use of land throughout the subregion.	The Project design allows individual residential lot owners the ability to continue agricultural groves on their property.

c. Major Use Permit Findings

In accordance with Section 7358 of the Zoning Ordinance, the findings that must be made are stated and described below:

- 1) The location, size, design, and operating characteristics of the project will be compatible with adjacent uses with respect to:
 - harmony in scale, bulk, coverage and density;
 - availability of public facilities, services, and utilities;
 - the harmful effect, if any, upon desirable neighborhood character;
 - the generation of traffic and the capacity of surrounding streets;
 - the suitability of the site for the type and intensity of use or development which is proposed; and
 - any other relevant impact of the proposed use.
- 2) That any impacts as described above and the location of the proposed use are consistent with the General Plan.
- 3) That the requirements of CEQA have been complied with.

Staff has analyzed the Project in relation to each of these findings. The Project will be compatible with adjacent uses with respect to harmony in scale, bulk, coverage and density. Proposed residential and agricultural uses are like those found in the surrounding community. Proposed residential lots range from 2.0 to 7.35 acres as are lot sizes east of the Project site that range from less than 2.0 acres to over 20 acres. The agricultural grove operations that occur onsite and that will be maintained are like agricultural grove operations in the surrounding area. Many of the Project's larger residential lots are located along State Route 76 (SR-76) and include a 100-foot-wide visual easement that consists of agricultural groves that will screen the Project from SR-76.

The Project has demonstrated that all necessary services and facilities are available as required by the General Plan and Board of Supervisors Policy I-84 (Project Facility Availability Forms for Public Water, School, and Fire Services – Attachment F). The site will have potable water supplied by the YMWD (following annexation to YMWD, CWA, and MWD); San Diego Gas & Electric will provide electricity; fire protection will be provided by County Service Area (CSA) 135, and the site lies within the Valley Center-Pauma Unified School District.

The Project will not have an undesirable effect upon neighborhood character. Proposed residential and agricultural uses are similar to those in the area. The Project will be screened from SR-76 by a proposed 100-foot-wide visual easement that consists of agricultural groves.

The Project will not generate an incompatible number of traffic trips that exceeds the capacity of surrounding roads and streets. The Project analysis evaluated surrounding intersections and segments and obtained updated traffic counts in April 2019. The analysis determined the Project will not have any direct impacts but will pay TIF for cumulative impacts. The Project will improve the paved width of SR-76 along the Project frontage to allow for 12-foot wide east and westbound lanes and center turn lane, and an 8-foot wide shoulder. The Project will improve that portion of Adams Drive from Fig Tree Bend to SR-76 to 24 feet in paved width and realign Adams Drive to intersect SR-76 at a 90-degree angle. The Project will also increase the paved width of westbound SR-76 just east of Adams Drive to improve the North County Transit District bus stop and right turn onto Adams Drive.

The site is suitable for the proposed use. Steep slopes will not be impacted. The underlying geologic material consist of alluvial fan deposits and no blasting is anticipated to be needed to develop the site. An inactive geologic fault was identified onsite along the west side of proposed lots 36, 37, 38, 39, and 44. A limited building zone easement will be dedicated on these lots to ensure residences are not constructed within the required 50-foot setback of this fault.

The Project impacts and location are consistent with the General Plan in effect prior to August 3, 2011. Please see the discussion above under the heading General Plan Consistency.

Finally, CEQA requirements have been complied with through the completion of an Environmental Impact Report. Please see the discussion below under the heading CEQA Compliance.

d. Fire Protection Service

The Project is within County Service Area (CSA) 135 and the nearest responding station is the CalFire Rincon Station located approximately 4.8 miles to the east. The Rincon Station is fully staffed 24 hours per day and serves the local area of CSA 135. Emergency travel time from this station is less than nine minutes which meets the current General Plan Safety Element emergency response travel time requirement of 10 minutes for a project of the proposed density and lot sizes.

A Fire Protection Plan (Appendix E of the DEIR) has been accepted by the San Diego County Authority that demonstrates the Project meets requirements for access, water supply, construction features, and defensible space and vegetation management. The Project site has two access points; the first is directly to SR-76, and the second is to Adams Drive that connects to SR-76 approximately one-quarter mile east of the first access point. The Project will construct required potable water lines and hydrants to meet the required fire flow of 2,500 gallons per minute. Potable water supply will come from the Yuima Municipal Water District following annexation. Fire resistant construction features for the new residences will include Class A Roof Assembly, non-combustible exterior wall and door materials, non-combustible rain gutters and downspouts, and all homes shall have sprinkler systems installed.

e. Climate Action Plan and Sustainability

The Project is consistent with the County's Climate Action Plan (CAP). Pipeline projects were included in the baseline projections of the CAP. The Project's consistency with the CAP was determined through the completion of the CAP Consistency Review Checklist. Measures the Project will implement, include utilizing electric or alternatively fueled water heating systems, water efficient appliances and plumbing fixtures, rain barrels, reducing outdoor water use through approval of a landscape plan, and planting a minimum of two trees per residential unit. Incorporation of these measures result in a less than significant greenhouse gas impact.

The Project is also conditioned to install a minimum 2.85-kilowatt solar system on each residence. This measure reduces Project emissions by 89 metric tons per year and results in Project emissions remaining below 900 metric tons per year which is consistent with statewide reduction targets for greenhouse gas emissions.

f. CEQA Compliance

The Proposed Project has been reviewed for compliance with CEQA Guidelines and an EIR has been prepared pursuant to CEQA Guidelines Sections 15063 and 15064. The Project has one unmitigated environmental effect (mineral resources– alluvial fan deposits that could be a source of construction materials including sand, gravel, and crushed rock) and nine significant effects that will be mitigated to less than significant (aesthetics, air quality, biology, cultural resources, hazards and hazardous materials, geology, noise, paleontology, and traffic).

No feasible mitigation can be proposed for the impact to mineral resources because mining options would preclude residential development, thus the impact to mineral resources remains significant and unmitigable and a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093 has been prepared for this impact. All remaining potential impacts have been reduced to less than significant with implementation of mitigation measures and findings have been prepared pursuant to CEQA Guidelines Section 15091. The CEQA findings

can be found in Attachment D.2 and the EIR is on file with PDS as Environmental Review No. PDS2000-3910-0002035.

G. COUNTY REGULATIONS

1. Zoning Ordinance Consistency

The proposed Project complies with all applicable zoning requirements of the Limited Agricultural Uses (A70).

Table D-3: Zoning Ordinance Development Regulations

CURRENT ZONING REGULATIONS		CONSISTENT?
Use Regulation:	A70	The residential lots will also accommodate avocational agriculture and the Project design includes a 39.1-acre agricultural open space lot
Animal Regulation:	M	Not applicable
Density:	-	Not applicable
Lot Size:	4 acres	Yes, with implementation of the MUP for clustering allowed by Land Use Element Policies 1.3 and 2.5 for an Estate Development Area and Intensive Agriculture land use designation
Building Type:	C	Yes
Height:	G	Yes
Lot Coverage:	-	Not applicable
Setback:	C	Yes
Open Space:	-	Yes
Special Area Regulations:	- and F	The Project design includes a biological resources open space lot that will encompass Frey Creek and its floodplain and floodplain fringe.

Project conformance with additional sections of the Zoning Ordinance related to Planned Development Standards is addressed above under the Major Use Permit and Planned Development heading in Section E above.

2. Subdivision Ordinance Consistency

The Project is consistent with the requirements for major subdivisions in terms of design, dedication and access, improvements, and planned development regulations.

3. Other Applicable County Regulations

Table D-7: Applicable County Regulations

County Regulation Policy	Explanation of Project Conformance
a. Resource Protection Ordinance (RPO)	<p>A slope analysis was performed for the Project site which has an average slope of 23.6 percent. A limited area of RPO steep slope was identified and a steep slope open space easement will be required on lot 36.</p> <p>The proposed Project contains RPO wetlands as identified by the floodway of Frey Creek (which is mostly unvegetated) and the Southern Sycamore-Alder Riparian Forest habitat along Frey Creek in the extreme northern portion of the site. These areas are in, and protected by, the proposed biological open space easement.</p> <p>The Project will impact sensitive habitat lands consisting of 3.14 acres Coast Live Oak woodland and 3.5 acres of Diegan Coastal Sage Scrub (DCSS) that require 9.3 and 9.6 acres of mitigation, respectively. All impacts to DCSS will be mitigated in the onsite open space easement. All but 2.1 acres of the impact to Coast Live Oak woodland will also be mitigated onsite through the dedication of an open space easement. The 2.1 acres will be mitigated offsite in a mitigation bank approved by the wildlife agencies and County.</p> <p>The Project site contains five cultural resource sites that are assumed significant pursuant to RPO as they were not tested for significance. All five sites will be protected by the proposed biological open space easement.</p> <p>Through mitigation measures and conditions of approval, the Project complies with the RPO.</p>
b. County Consolidated Fire Code	<p>A Fire Protection Plan has been prepared that demonstrates the Project meets requirements for access, water supply, construction features, defensible space and vegetation management. Fire protection service is administered by CSA 135. The Project site is located 4.8 miles from the CAL FIRE Rincon Station and meets the current General Plan Safety Element 10-minute travel time requirement.</p>
c. Noise Ordinance	<p>An acoustical analysis was prepared for the Project that demonstrates compliance with Section 36.409 of the Noise Ordinance for sound level limits for construction activities. No</p>

	impulsive noise such as for blasting or pile driving is anticipated to occur.
d. Light Pollution Code (LPC)	The Project site is in Zone A (within 15 miles) of the Palomar Observatory and will be conditioned to allow only lighting that meets Zone A requirements of the LPC.
e. Watershed Protection Ordinance (WPO)	A Stormwater Quality Management Plan has been approved that demonstrates all applicable WPO requirements have been met. The project is conditioned to maintain all storm water facilities.
f. Habitat Loss Permit (HLP) Ordinance	The Project will impact 3.5 acres of Diegan Coastal Sage Scrub (DCSS) habitat which will be mitigated pursuant to the issuance of a Habitat Loss Permit. The 3.5 acres of impact to DCSS will require 9.3 acres of mitigation credit and is proposed to be mitigated through the dedication of an onsite open space easement.

H. PUBLIC INPUT

A total of nine comment letters were received during the public review period of the Draft EIR from August 21, 2014 through October 6, 2014 (45 days), and during the public review period required by the State Mining and Reclamation Act (SMARA) from December 18, 2014 through February 17, 2015 (60 days). Comments were received from State agencies, local agencies, local organizations, the community sponsor group, and the Pala Tribal Historic Preservation Office. Two individuals submitted comment letters outside of these comment periods. The main themes of concern were: potential impacts to biological resources including wetlands, sensitive species (cactus wren and southwest pond turtle), and endangered species (least Bell's vireo, southwest willow flycatcher, arroyo toad, and California yellow-billed cuckoo), breeding season avoidance, and wildlife corridors; proposed improvements to SR-76; annexation to YMWD, CWA, and MWD; traffic counts related to casino traffic; capacity of SR-76, water supply; pipeline status of the project; cultural resources mitigation measures; and, amount of mineral resources potentially impacted. Public comments received and staff's responses to these comments can be found following Table 8.2 in Chapter 8 of the Draft Final EIR on file under PDS 2000-3910-0002035.

Some revisions were made to the Draft EIR as a result of these comments pertaining to surveys for sensitive species, traffic counts, and annexation requirements or processes, as described above under Project Analysis. None of these revisions require recirculation pursuant to Section 15088.5 of the CEQA Guidelines.

I. COMMUNITY SPONSOR GROUP RECOMMENDATIONS

The proposed Project is located within the Pala/Pauma Subregional Planning Area which is represented by the Pala Pauma Community Sponsor Group (PPCSG). The project has been presented to the PPCSG throughout this permitting process.

On February 5, 2013 the applicant team presented the Project to the PPCSG Group. At the time details concerning access to the Project site from State Route 76 (SR-76) were still being developed with Caltrans and the stormwater runoff technical report was being revised. The PPCSG had many questions regarding traffic, noise, visual impacts, access, water supply from Yuima MWD, economics of the Project

and potential financial burden to the HOA, and Project timing. The PPCSG agreed they liked the vision of the Project but needed additional information regarding their questions before a recommendation could be voted on.

On July 1, 2014 the PPCSG voted to recommend approval of the Project with conditions by a vote of 5 Ayes, 0 Noes, 1 Absent, and 1 Abstain. Conditions recommended by the PPCSG included: 1) the Project access intersection (Haas Grove Lane and SR-76 should include a deceleration lane for westbound traffic on SR-76 entering the Project site, and an acceleration lane for traffic exiting the Project onto eastbound SR-76; 2) that there be a recorded obligation running with the residential lots to maintain avocational agriculture and provide professional management, required agricultural care, and replacement of trees of greater than productive age or not in productive condition; and 3) that the Project alternatives analyzed include one that includes the land under the applicant's ownership located between the Project site and Adams Drive.

On April 16, 2019, County staff attended the PPCSG meeting along with the Project Applicant team. The purpose of the meeting was to inform the PPCSG of the Project status and all revisions that were being made to Project documentation since the Project's Draft EIR and associated documentation had been circulated for public review in 2014. No recommendations or actions were taken by the PPCSG at this meeting. On August 6, 2019, County staff attended the PPCSG meeting along with the Project Applicant team. The PPCSG recommended approval of the Project by a vote of 6 Ayes, 0 Noes, and 0 Abstain. The PPCSG recommended that staff include conditions to have all agricultural groves professionally maintained, including those on individual home lots. The Sponsor Group recommendations have been addressed by including conditions for an agricultural open space easement, agricultural maintenance agreement, and agriculture secured agreement in the Tentative Map resolution (Attachment C).

In conclusion, staff recommends that the Planning Commission take the following actions:

- a. Adopt the California Environmental Quality Act (CEQA) Findings, which include the certification and findings regarding significant effects of the Project, the mitigation monitoring and reporting program, the Statement of Overriding Considerations, and certify the Environmental Impact Report (EIR), REF: PDS2000-3910-0002035 (Attachments D.2 and E).
- b. Grant Major Use Permit PDS2000-3300-00-030, make the findings, and impose the requirements and conditions as set forth in the Form of Decision (Attachment B).
- c. Adopt the Resolution of Approval for Tentative Map PDS2001-3100-5223 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 regulations (Attachment C).

Report Prepared By:

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robert.hingtgen@sdcounty.ca.gov

Report Approved By:

Mark Wardlaw, Director
858-694-2962
mark.wardlaw@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE:



MARK WARDLAW, DIRECTOR

ATTACHMENTS:

Attachment A.1 – Pipelining Policies for General Plan 2020
Attachment A.2 – Project Plans
Attachment B – Form of Decision Approving PDS2000-3300-00-030
Attachment C – Resolution Approving PDS2001-3100-5223
Attachment D.1 – Environmental Findings
Attachment D.2 – CEQA Findings
Attachment E – Environmental Documentation
Attachment F – Public Documentation
Attachment G – Service Availability Forms
Attachment H – Ownership Disclosure

Attachment A.1 – Pipelining Policies for General Plan 2020



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

DATE: August 6, 2003

TO: Board of Supervisors

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

SUMMARY:

Overview

General Plan 2020 is a comprehensive update of the San Diego County General Plan, which will establish future growth and development patterns for the unincorporated areas of the county. In several areas of the County, General Plan 2020 proposes to change land use designations and densities from those in the existing General Plan. Because of this, some applications for General Plan Amendments or Tentative Maps that are currently in process based on the existing General Plan do not conform to the General Plan 2020 Working Copy of the Regional Land Use Distribution Map.

To address this issue in a timely manner, on June 25, 2003 (1), the Board of Supervisors directed the Chief Administrative Officer to return in 30 days with a draft policy to resolve conflicts for applications that are currently in process. This issue is commonly referred to as “pipelining”. Because various types of development applications produce different impacts and are governed by different legal requirements, two separate policies are recommended; one for Plan Amendment Authorizations or Specific Plans, and one for Tentative Maps or Tentative Parcel Maps. If approved, the recommendations listed below would establish pipelining policies to be used in connection with General Plan 2020.

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act as specified under sections 15061(b)(1) and 15061(b)(3) of the State CEQA Guidelines for the reasons detailed in the Notice of Exemption Form dated July 16, 2003, on file with the Department of Planning and Land Use.
2. Determine that applications for new Plan Amendment Authorizations or new Specific Plans must be submitted and deemed complete by the Department of Planning and Land Use on or before July 23, 2003, in order to be processed under the provisions of the current General Plan. Applications for Specific Plans submitted after July 23, 2003, shall be governed by the General Plan in effect at the time the Specific Plan is approved.

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

3. Determine that applications for Tentative Maps or Tentative Parcel Maps that are submitted and deemed complete by the Department of Planning and Land Use on or before August 6, 2003, will be processed under the provisions of the current General Plan. Applications for Tentative Maps or Tentative Parcel Maps that are deemed complete after August 6, 2003, shall be governed by the General Plan in effect at the time the Tentative Map or Tentative Parcel Map is approved or disapproved.

Fiscal Impact

N/A

Business Impact Statement

N/A

Advisory Board Statement

N/A

BACKGROUND:

General Plan 2020 (GP 2020) proposes to change land use designations and densities in several areas of the County from those in the existing General Plan. However, current or previously submitted applications for General Plan Amendments or Tentative Maps are required to conform to the land use designations or densities shown in the existing General Plan. Therefore, some applications that are currently in process based on the existing General Plan do not conform to the General Plan 2020 Working Copy of the Regional Land Use Distribution Map.

To address this issue, on June 25, 2003 (1), the Board of Supervisors directed the Chief Administrative Officer to return in 30 days with draft “pipelining” policies to resolve conflicts for applications that are currently in process. If approved, the recommendations in this Board letter would establish pipelining policies to be used in connection with GP 2020.

Establishing pipelining policies at this point in time will achieve three objectives:

1. Provide certainty for applicants who have submitted (or will submit) applications for projects.
2. Reduce the number and scope of potential conflicts between future applications and GP 2020.
3. Enable the County to have a more predictable and defensible land use distribution plan or “project” when preparing the GP 2020 Environmental Impact Report (EIR).

Pipelining policies will provide greater certainty for applicants with active cases by allowing those projects to be processed under the existing General Plan. In addition, this policy provides notice to new projects received during this transition period that they may need to conform to GP 2020. Reducing potential future conflicts will help ensure that GP 2020 serves as an effective guide for orderly growth and development. Similarly, including pipelined projects in the

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

cumulative impact analysis portions of the EIR will lead to greater predictability and result in a more complete and defensible environmental analysis.

Because various types of development applications produce different impacts and are governed by different legal requirements, two separate policies are recommended; one for Plan Amendment Authorizations or Specific Plans, and one for Tentative Maps or Tentative Parcel Maps.

Plan Amendment Authorizations / Specific Plans

Plan Amendment Authorizations (PAA) and Specific Plans (SPA) applications are typically large projects that require a long, complex approval process. For PAA applications, the level of complexity is particularly high because the application is not consistent with the existing General Plan.

The Subdivision Map Act does not address pipelining for PAA or SPA applications. However, the proposed policy specifies that applications for Plan Amendment Authorizations and Specific Plans that were submitted and deemed complete by the Department of Planning and Land Use on or before July 23, 2003, would be processed under the provisions of the current General Plan. For PAAs, “deemed complete” means that the application meets the requirements in the applicable Board Policy (I-63), and the Department’s submittal requirements including payment of fees. For SPAs “deemed complete” means that the application meets the Department’s submittal requirements including payment of fees. It allows applicants who have already expended time and money on PAA or SPA applications to continue their process with a high degree of certainty.

The earlier cutoff date is recommended because these types of applications typically involve large complex projects and potentially significant environmental impacts. PAA projects that are inconsistent with both the existing General Plan and GP2020 may incorporate major conflicts with existing and proposed County regulations. Finally, a large number of submittals would also complicate the GP2020 environmental review process, and potentially threaten the consensus achieved thus far for the GP2020 update.

Tentative Maps / Tentative Parcel Maps

The proposed pipelining policy for Tentative Maps or Tentative Parcel Maps (TM or TPM) provides greater certainty for project applicants and complies with procedures described in the State’s Subdivision Map Act.

The proposed policy specifies that applications for Tentative Maps or Tentative Parcel Maps submitted on or before August 6, 2003, shall be governed by the existing General Plan. For TMs and TPMs, “deemed complete” means that the application is complete pursuant to Section 65943 of the Planning and Zoning Law and 66474.2 of the Subdivision Map Act. For TMs and TPMs “deemed complete” means that the application meets the Department's submittal requirements including payment of fees. It allows applicants who already expended time and money on subdivision applications to continue their process with a high degree of certainty. This policy also specifies that applications for Tentative Maps or Tentative Parcel Maps submitted after

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

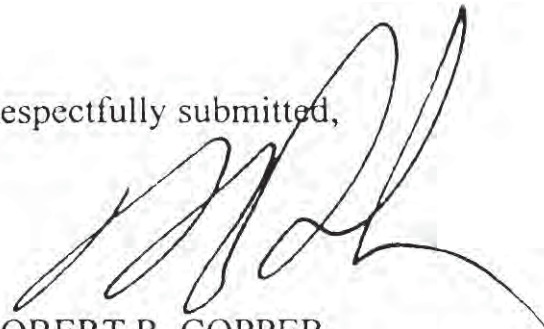
August 6, 2003, shall be governed by the General Plan in effect at the time the map is approved or disapproved.

The August 6, 2003 cut off date is designed to comply with State requirements in Section 66474.2 of the Subdivision Map Act, which require the County to pass a motion and provide public notice when Tentative Map or Tentative Parcel Map approvals will be based on policies not in effect on the date the application is determined to be complete.

Linkage to the County of San Diego's Strategic Plan

Proposed pipelining policies will reduce future conflicts with GP2020, which is consistent with the County's Strategic Initiatives for the Environment, Safe and Livable Communities and Kids. Recognizing environmental constraints when applying densities to land throughout the County, for example, is consistent with Strategic Initiatives for the Environment and is incorporated in GP2020 planning concepts. Planning concepts associated with physical form are consistent with the County's Strategic Initiatives for building Safe and Livable Communities. Community development concepts include a balance of development densities, housing types, and uses within each community – which meets another County-wide Strategic Initiative to support Kids through the planning for housing parks and open space.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Copper', is written over a light gray rectangular background.

ROBERT R. COPPER

Deputy Chief Administrative Officer

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW	<input checked="" type="checkbox"/> Yes	
Written disclosure per County Charter		
§1000.1 required?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
GROUP/AGENCY FINANCE DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
CHIEF FINANCIAL OFFICER	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/> Yes	<input type="checkbox"/> No
GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
COUNTY TECHNOLOGY OFFICE	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
DEPARTMENT OF HUMAN RESOURCES	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A

Other Concurrence(s): N/A

ORIGINATING DEPARTMENT: Department of Planning and Land Use

CONTACT PERSON(S):

Ivan Holler, Deputy Director	_____
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858-694-3789	_____
Phone	_____
858-694-2555	_____
Fax	_____
MS0650	_____
Mail Station	_____
ivan.holler@sdcounty.ca.gov	_____
E-mail	_____

AUTHORIZED REPRESENTATIVE: _____
GARY L. PRYOR, DIRECTOR

SUBJECT: PIPELINING POLICIES FOR GENERAL PLAN 2020 (District: All)

AGENDA ITEM INFORMATION SHEET

(continued)

PREVIOUS RELEVANT BOARD ACTIONS:

June 24, 2003 (1), directed the Chief Administrative Officer to return to the Board in 30 days with a draft policy on pipelining.

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

CONTRACT NUMBER(S):

N/A

BOARD08-06\PIPLINING-LTR;tf

Attachment A.2 – Project Plans



COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE
5201 RUFFIN ROAD, SUITE 8, SAN DIEGO, CA, 92123-1666

PLAT

SCALE: 1" = 800'

SHEET 1 OF 3

PARCEL "A":
NET AC.: (EXIST 8.23 AC.)
(PROPOSED 6.94 AC.)
EXIST APN NO.(S): N/A

LEGAL: PORTIONS OF SECTIONS 31 AND 32, TOWNSHIP 9 SOUTH, RANGE 1 WEST, AND SECTIONS 5 AND 6, TOWNSHIP 10 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

PARCEL "B":
NET AC.: (EXIST 197.26 AC.)
(PROPOSED NET AC.: 243.45)
EXIST APN NO.(S): 111-080-07, 09, 10, 14, 18, 19 AND 111-070-12 & 13

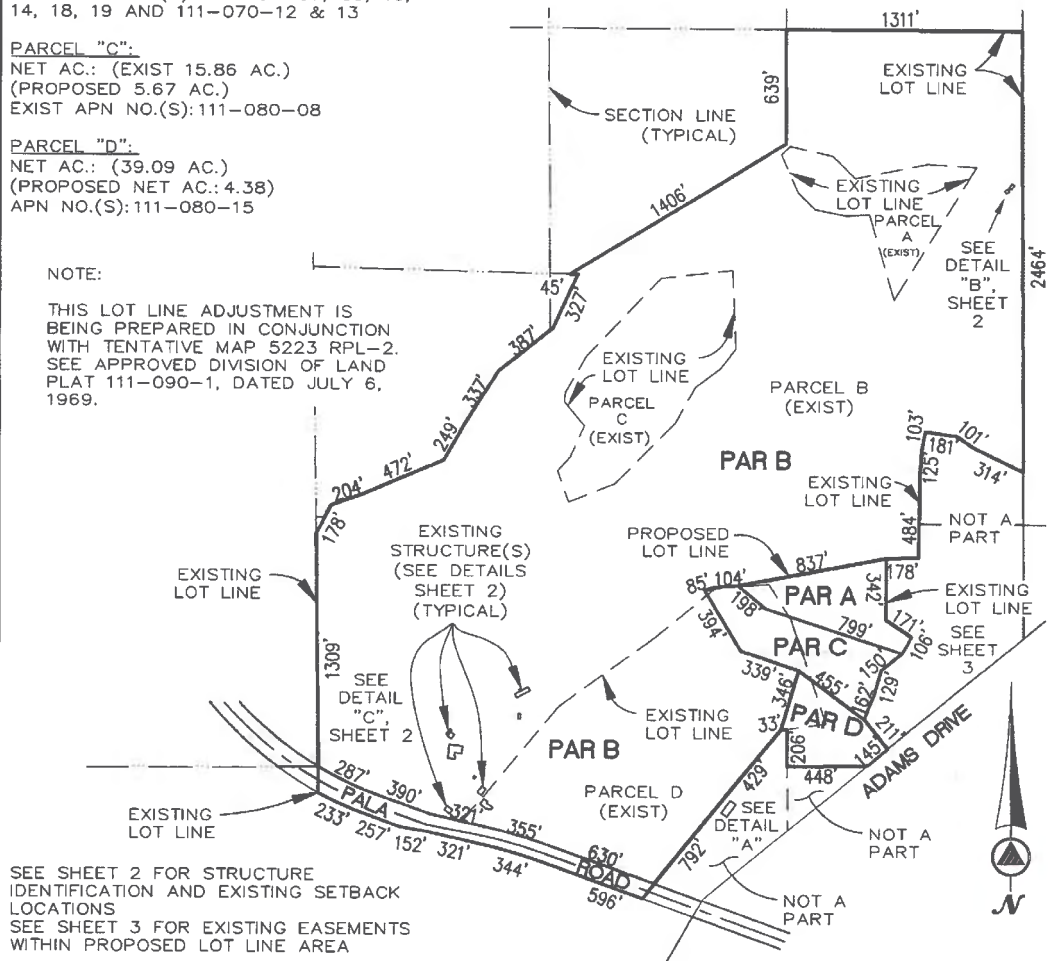
LEGAL ACCESS: PALA ROAD, AN EXISTING HIGHWAY EASEMENT RECORDED MAY 13, 1957, BOOK 6573, PAGE 582 OF OFFICIAL RECORDS AND ADAMS DRIVE PER RECORD OF SURVEY NO. 3308.

PARCEL "C":
NET AC.: (EXIST 15.86 AC.)
(PROPOSED 5.67 AC.)
EXIST APN NO.(S): 111-080-08

PARCEL "D":
NET AC.: (39.09 AC.)
(PROPOSED NET AC.: 4.38)
APN NO.(S): 111-080-15

NOTE:

THIS LOT LINE ADJUSTMENT IS BEING PREPARED IN CONJUNCTION WITH TENTATIVE MAP 5223 RPL-2. SEE APPROVED DIVISION OF LAND PLAT 111-090-1, DATED JULY 6, 1969.



SEE SHEET 2 FOR STRUCTURE IDENTIFICATION AND EXISTING SETBACK LOCATIONS
SEE SHEET 3 FOR EXISTING EASEMENTS WITHIN PROPOSED LOT LINE AREA

HEALTH DEPARTMENT CERTIFICATION (if nec.)

LEGEND:

PROPOSED BOUNDARY
EXISTING BOUNDARY
DIFFERENT ZONES

CHECKLIST

Fill in all items above.
Vicinity map/Engr. scale
Legal description (above)
Label "Parcel A", etc.
Assessors Parcel No.
Label Existing line
Label Proposed line
All owners must sign
Sign as Trustee if Trust
Parcel(s) dimensions
Existing structures
Structure setback
*(if less than 100')
Structure(s) Use
Street name & width
Dedicated Open Space
No utility easements
No bearings/curve data

OPTIONAL USE AREA: Vicinity Map, Seal, etc.



PARCEL'S A, B, C & D OWNER: SHERRILL ANN SCHOEPE REVOCABLE TRUST EST. AUGUST 12, 1982

ADDRESS P.O. BOX 1249

CITY PAUMA VALLEY ZIP 92061 PHONE (760) 742-1893

THIS PLAT WAS PREPARED WITH MY/
OUR KNOWLEDGE AND CONSENT:

SHERRILL ANN SCHOEPE, TRUSTEE

APPLICANT:

SHERRILL ANN SCHOEPE

MAP PREPARED BY:

JOHN GERVAIS

ADDRESS P.O. BOX 1249

ADDRESS 200 EAST WASHINGTON AVENUE SUITE 200

CITY PAUMA VALLEY ZIP 92061 PHONE (760) 742-1893

CITY ESCONDIDO ZIP 92025 PHONE (760) 741-3570

DATE FILED:

REC'D. BY:

PRELIMINARY ACTION DATE:

SIGNED BY:

FINAL ACTION DATE:

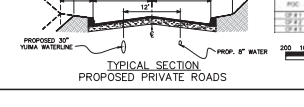
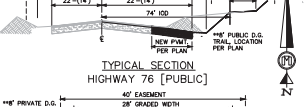
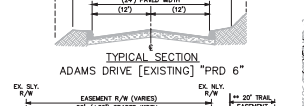
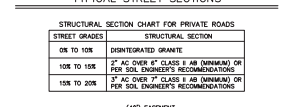
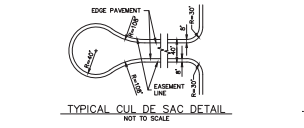
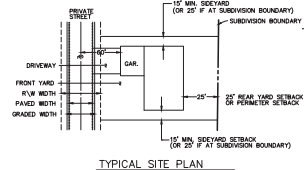
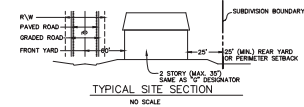
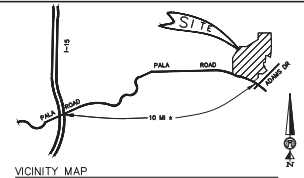
PLAT NO.

BC-00-0205

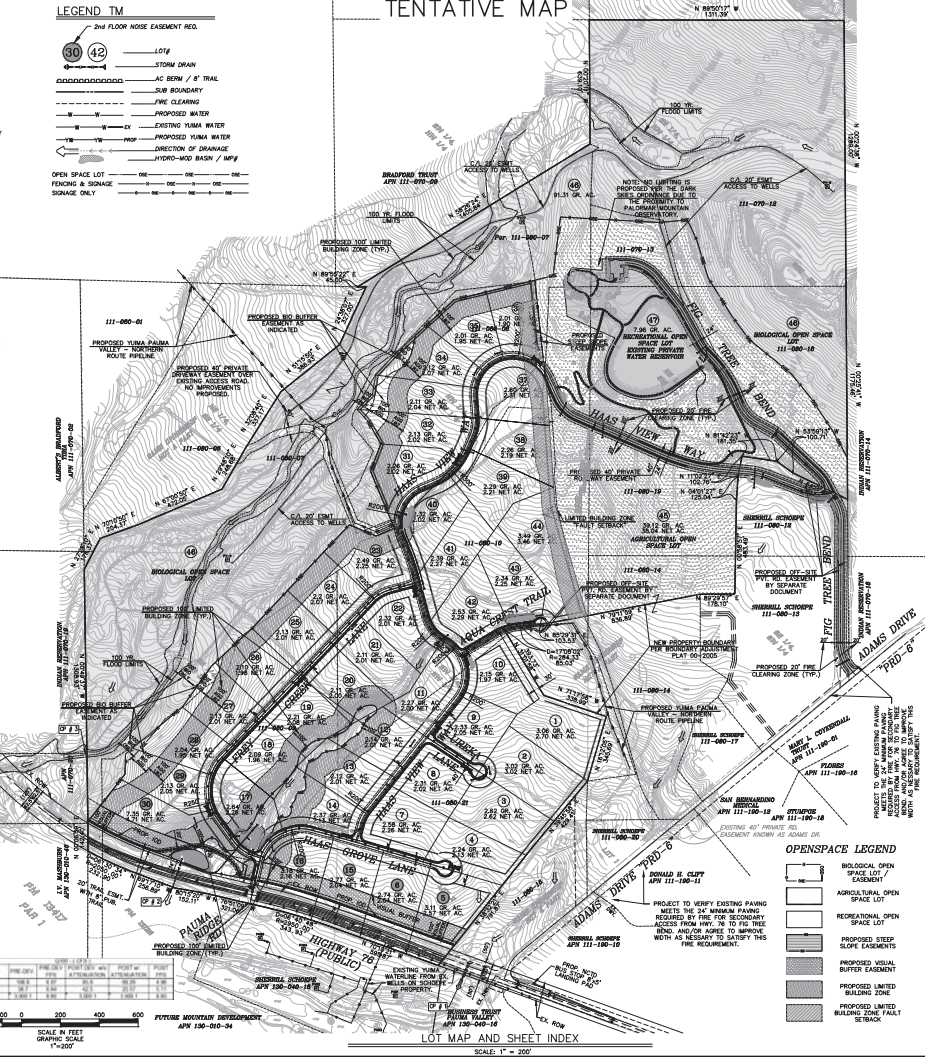
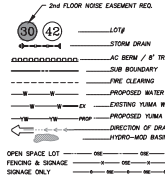


COUNTY OF SAN DIEGO TRACT NO. TM 5223 RPL-3 SHADOW RUN RANCH, PAUMA VALLEY TENTATIVE MAP

SHEET 1 OF 4



LEGEND TM



OWNER/SUBDIVIDER

SHADOW RUN RANCH, LLC
200 E. BOWLING GREEN AVE. SUITE 200
ESCONDIDO, CA 92025
(760) 743-1570

ENGINEER

MASSON & ASSOCIATES, INC.
200 E. BOWLING GREEN AVE. SUITE 200
ESCONDIDO, CA 92025
(760) 743-1570

ZONING

USE REGULATIONS	NORTHWESTERLY PORTION	SOUTHEASTERLY PORTION
NEIGHBORHOOD RES.	M	M
LOT SIZE	30	30
LOT SIZE	4 AC.	4 AC.
BUILDING TYPE	C	C
MAX. F.L.R. AREA	—	—
AREA RATIO	—	—
HEIGHT	—	—
COVERAGE	—	—
SETBACK	—	—
OPEN SPACE	—	—
SPECIAL AREA REG.	F	F

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: PORTIONS OF SECTIONS 34S, 170S, 87E, S.B.M. & PORTIONS OF SECTIONS 34S2, 79E, 87E, S.B.M.

NOTES

1. ZONING - EXISTING (LAW) LIMITED AGRICULTURE.
2. GENERAL PLAN LAND USE DESIGNATION - EXISTING (19) AGRICULTURE.
3. GENERAL PLAN REGIONAL CATEGORY ESTATE DEVELOPMENT AREA (EDA).
4. GENERAL PLAN REGIONAL CATEGORY ESTATE DEVELOPMENT AREA (EDA).
5. TOTAL LOTS: 47 TOTAL, 44 RESIDENTIAL, 3 OPEN SPACE.
6. SITE ADDRESS: NORTH SIDE OF PALA ROAD (SR-78), WEST OF ADAMS DRIVE.
7. CALIFORNIA COORDINATE NORTH: 427-1704.
8. CALIFORNIA COORDINATE NORTH: 427-1704.
9. ADDRESS OF PARCELS: 111-000-07, 111-000-08, 111-000-09, 111-000-10, 111-000-11, 111-000-12, 111-000-13, 111-000-14, 111-000-15, 111-000-16, 111-000-17, 111-000-18, 111-000-19, 111-000-20, 111-000-21, 111-000-22, 111-000-23, 111-000-24, 111-000-25, 111-000-26, 111-000-27, 111-000-28, 111-000-29, 111-000-30, 111-000-31, 111-000-32, 111-000-33, 111-000-34, 111-000-35, 111-000-36, 111-000-37, 111-000-38, 111-000-39, 111-000-40, 111-000-41, 111-000-42, 111-000-43, 111-000-44, 111-000-45, 111-000-46, 111-000-47, 111-000-48, 111-000-49, 111-000-50, 111-000-51, 111-000-52, 111-000-53, 111-000-54, 111-000-55, 111-000-56, 111-000-57, 111-000-58, 111-000-59, 111-000-60, 111-000-61, 111-000-62, 111-000-63, 111-000-64, 111-000-65, 111-000-66, 111-000-67, 111-000-68, 111-000-69, 111-000-70, 111-000-71, 111-000-72, 111-000-73, 111-000-74, 111-000-75, 111-000-76, 111-000-77, 111-000-78, 111-000-79, 111-000-80, 111-000-81, 111-000-82, 111-000-83, 111-000-84, 111-000-85, 111-000-86, 111-000-87, 111-000-88, 111-000-89, 111-000-90, 111-000-91, 111-000-92, 111-000-93, 111-000-94, 111-000-95, 111-000-96, 111-000-97, 111-000-98, 111-000-99, 111-000-100.
10. ADDRESS OF PARCELS: 111-000-07, 111-000-08, 111-000-09, 111-000-10, 111-000-11, 111-000-12, 111-000-13, 111-000-14, 111-000-15, 111-000-16, 111-000-17, 111-000-18, 111-000-19, 111-000-20, 111-000-21, 111-000-22, 111-000-23, 111-000-24, 111-000-25, 111-000-26, 111-000-27, 111-000-28, 111-000-29, 111-000-30, 111-000-31, 111-000-32, 111-000-33, 111-000-34, 111-000-35, 111-000-36, 111-000-37, 111-000-38, 111-000-39, 111-000-40, 111-000-41, 111-000-42, 111-000-43, 111-000-44, 111-000-45, 111-000-46, 111-000-47, 111-000-48, 111-000-49, 111-000-50, 111-000-51, 111-000-52, 111-000-53, 111-000-54, 111-000-55, 111-000-56, 111-000-57, 111-000-58, 111-000-59, 111-000-60, 111-000-61, 111-000-62, 111-000-63, 111-000-64, 111-000-65, 111-000-66, 111-000-67, 111-000-68, 111-000-69, 111-000-70, 111-000-71, 111-000-72, 111-000-73, 111-000-74, 111-000-75, 111-000-76, 111-000-77, 111-000-78, 111-000-79, 111-000-80, 111-000-81, 111-000-82, 111-000-83, 111-000-84, 111-000-85, 111-000-86, 111-000-87, 111-000-88, 111-000-89, 111-000-90, 111-000-91, 111-000-92, 111-000-93, 111-000-94, 111-000-95, 111-000-96, 111-000-97, 111-000-98, 111-000-99, 111-000-100.
11. WATER SUPPLIED BY: YUMA M.D.
12. SEWER SUPPLIED BY: INDIVIDUAL SEWER SEPTIC SYSTEMS DESIGN BY: VALME MODELTON.
13. GAS SUPPLIED BY: PROPANE TANKS AND DELIVERY SERVICE ON EACH LOT.
14. ELECTIONS SUPPLIED BY: SAN DIEGO GAS & ELECTRIC.
15. SOURCE OF INFORMATION: DATA MAPPING SERVICES, BOISE, IDAHO ON 09-15-2000.
16. SOURCE OF INFORMATION: DATA MAPPING SERVICES, BOISE, IDAHO ON 09-15-2000.
17. SOURCE OF INFORMATION: DATA MAPPING SERVICES, BOISE, IDAHO ON 09-15-2000.
18. SOURCE OF INFORMATION: DATA MAPPING SERVICES, BOISE, IDAHO ON 09-15-2000.
19. SOURCE OF INFORMATION: DATA MAPPING SERVICES, BOISE, IDAHO ON 09-15-2000.
20. SOURCE OF INFORMATION: DATA MAPPING SERVICES, BOISE, IDAHO ON 09-15-2000.
21. ALL IMPROVEMENTS TO COUNTY OF SAN DIEGO STANDARDS.
22. PROPOSED PRIVATE ROADS SHALL BE GRADED TO 2" WITHIN 16' PAVED, PER COUNTY STANDARD.
23. GRADES OF DRIVEWAYS AND PADS SHALL BE DONE INDIVIDUALLY.
24. V.A. RATE, AREA, MAKE, AND DATE.
25. NO STREET LIGHTS ARE PROPOSED.
26. ASSOCIATED PERMITS: N/A, / P.A.D.
27. BOUNDARY ADJUSTMENT 02-0205 SUBMITTED PREVIOUSLY, TO RECORD PRIOR TO T.M.

PARK LAND DEDICATION STATEMENT

THE SUBDIVIDER SHALL PAY PARK IN LIEU FEES PURSUANT TO CHAPTER 1 OF DIVISION 1 OF TITLE 18 OF THE SAN DIEGO COUNTY CODE PRIOR TO APPROVAL OF FINAL MAP AND RECORDING OF THE TENTATIVE MAP. THE DESIGN OF WHICH IS SHOWN ON THE MAJOR USE PERMIT PLAT PLAN (PROJECTED-1000-00-000).

SPECIAL ASSESSMENT STATEMENT

THE SUBDIVIDER DOES NOT PROPOSE TO REQUEST THE BOARD OF SUPERVISORS FOR PROVISION TO INITIATE PROCEEDINGS UNDER A SPECIAL ACT FOR CONSIDERATION OF ANY OF THE SUBDIVISION IMPROVEMENTS.

SOLAR ACCESS STATEMENT

THIS IS A SOLAR ACCESS STATEMENT AS REQUIRED BY SECTION 81.40(h) OF THE SUBDIVISION ORDINANCE. ALL LOTS WITHIN THIS SUBDIVISION HAVE A MINIMUM OF 100 SQUARE FEET OF UNIMPAVED SURFACE TO SUNLIGHT ON THE BUILDABLE PORTION OF THE LOT.

ACCESS NOTE

IT IS THE RESPONSIBILITY OF THE SUBDIVIDER TO PROVIDE INSURABLE ACCESS TO EACH PARCEL, CREATED BY THIS MAP.

ENTHURW QUANTITIES **

OUT: 63,600 CY, IN: 63,600 CY, IMPORT/EXPORT: 0 CY, BALANCE

** NOTE: ENTHURW QUANTITIES ARE ESTIMATES ONLY. ENTHURW QUANTITIES INDICATED ARE RAW VOLUMES TO FINISHED SURFACE AND ARE ESTIMATES FOR PERMITS PURPOSES ONLY. QUANTITIES DO NOT INCLUDE ANY ALLOWANCES FOR STREET UNDERCUT, FOOTING/TRENCHING, SLOPES, ETC.

CONTRACTOR RESPONSIBLE FOR REVEALING AND IMPLEMENTING THE IMPROVEMENTS IN THE SOLS REPORT AND VERIFYING QUANTITIES PRIOR TO RECORDING.

SOILS ENGINEER

THIS DOES NOT CONSTITUTE APPROVAL OR DISAPPROVAL. INFORMATION HAS BEEN SUBMITTED TO THE COUNTY OF SAN DIEGO DEPARTMENT OF ENVIRONMENTAL HEALTH & SAFETY FOR REVIEW.

MASSON & ASSOCIATES, INC.
200 E. BOWLING GREEN AVE. SUITE 200
ESCONDIDO, CA 92025
(760) 743-1570



MASSON & ASSOCIATES, INC.
250 East Washington Avenue, Suite 200
Baldwin, CA 90228 P. 714.745.3570
www.masson-associ.com

Planning ■ Engineering ■ Surveying ■ Telecomm

CALIF. CORP. INDEX: 427-1764

COUNTY OF SAN DIEGO TRACT NO. TM 5223 RPL-3
SHADOW RUN RANCH, PAUMA VALLEY
OPEN SPACE MAP - FIRE CLEARING EXHIBIT

SHEET 3 OF 4

LEGEND TM

2nd FLOOR NOISE EXHAUST REQ.

30 42

LOT

STORM DRAIN

AC BERM / 8' TRAIL

SUB BOUNDARY

FIRE CLEARING

PROPOSED WATER

EXISTING YUMA WATER

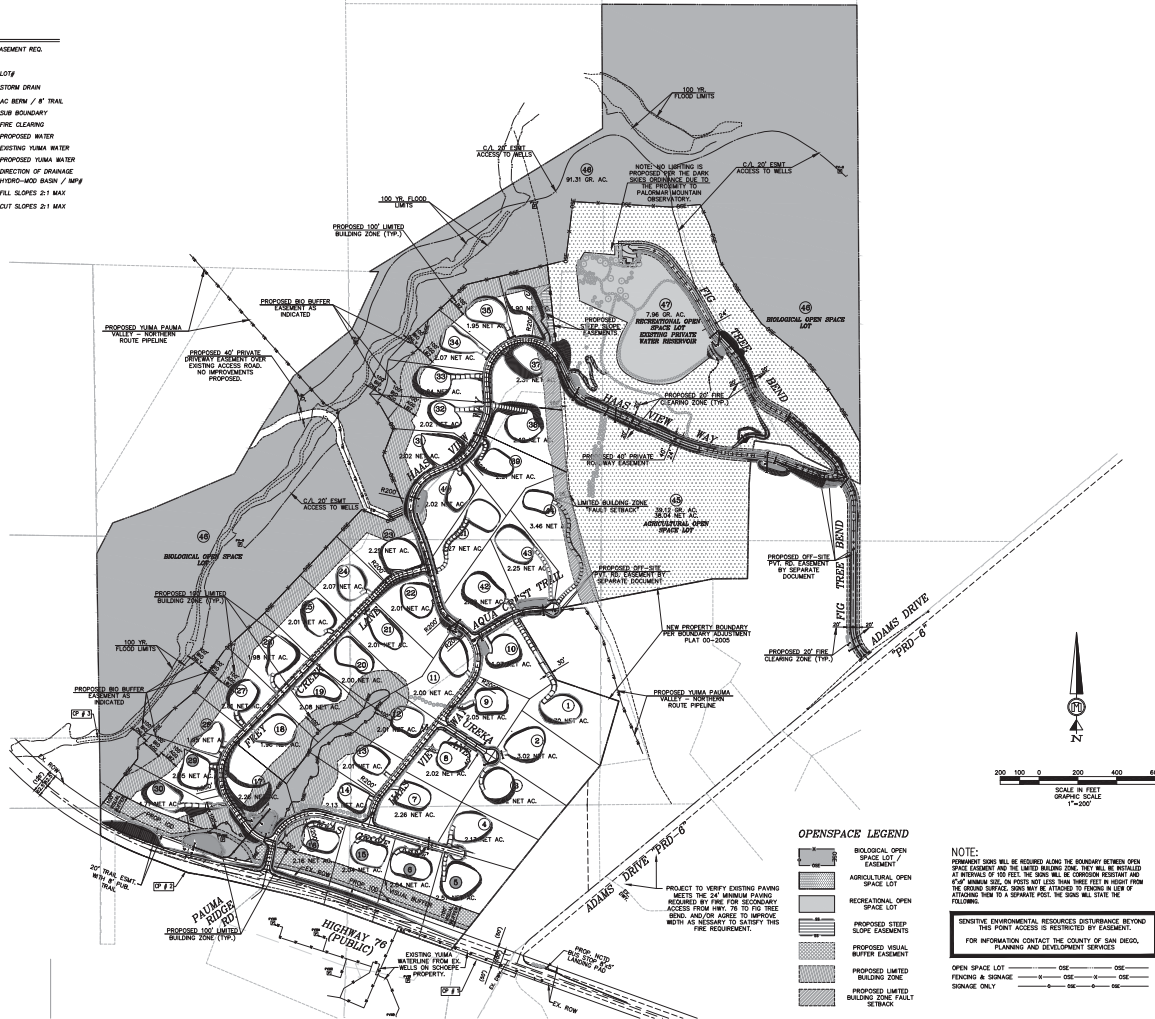
PROPOSED YUMA WATER

DIRECTION OF DRAINAGE

HYDRO-MOD BASIN / INP

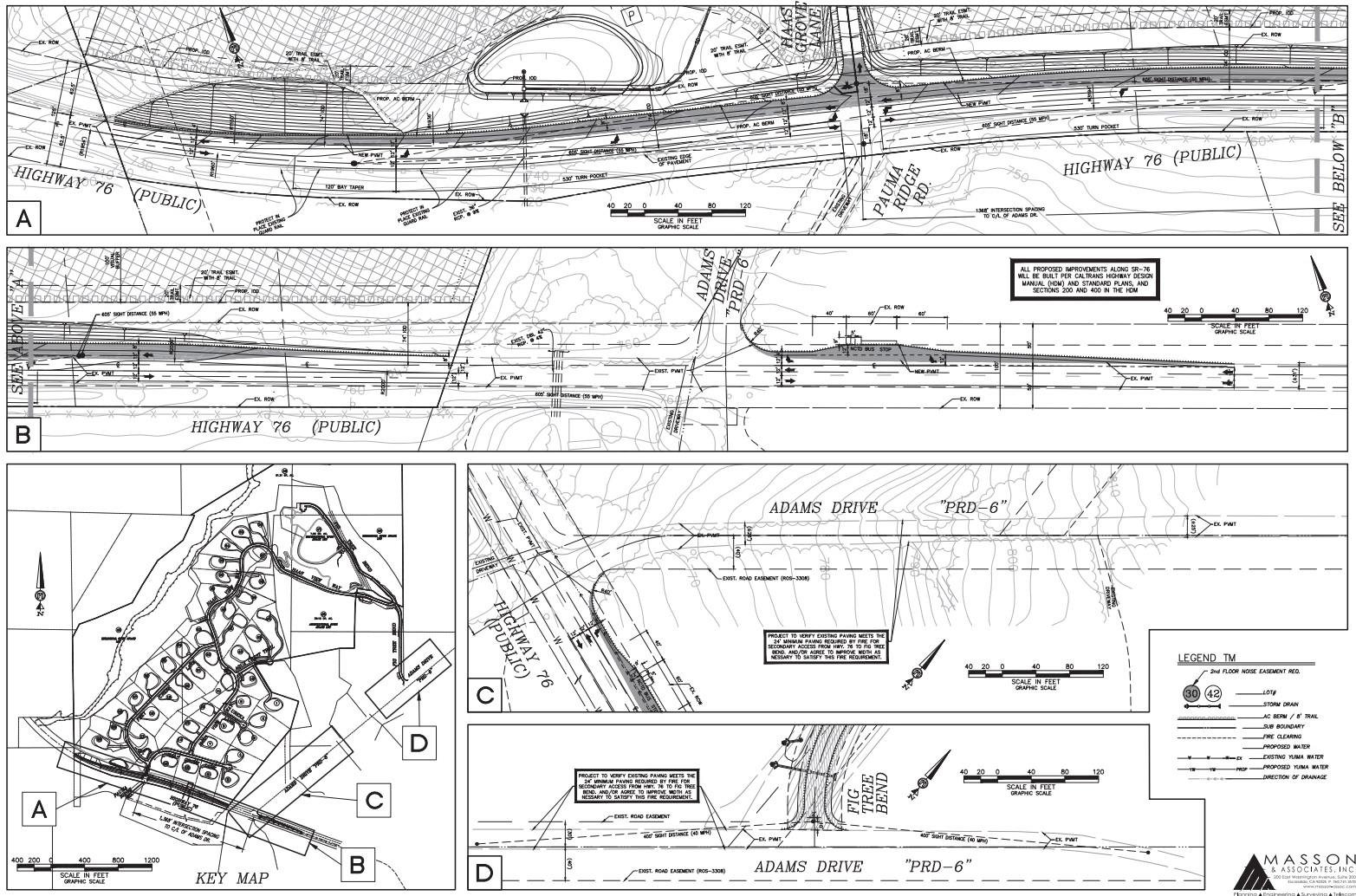
FILL SLOPES 2:1 MAX

CUT SLOPES 2:1 MAX

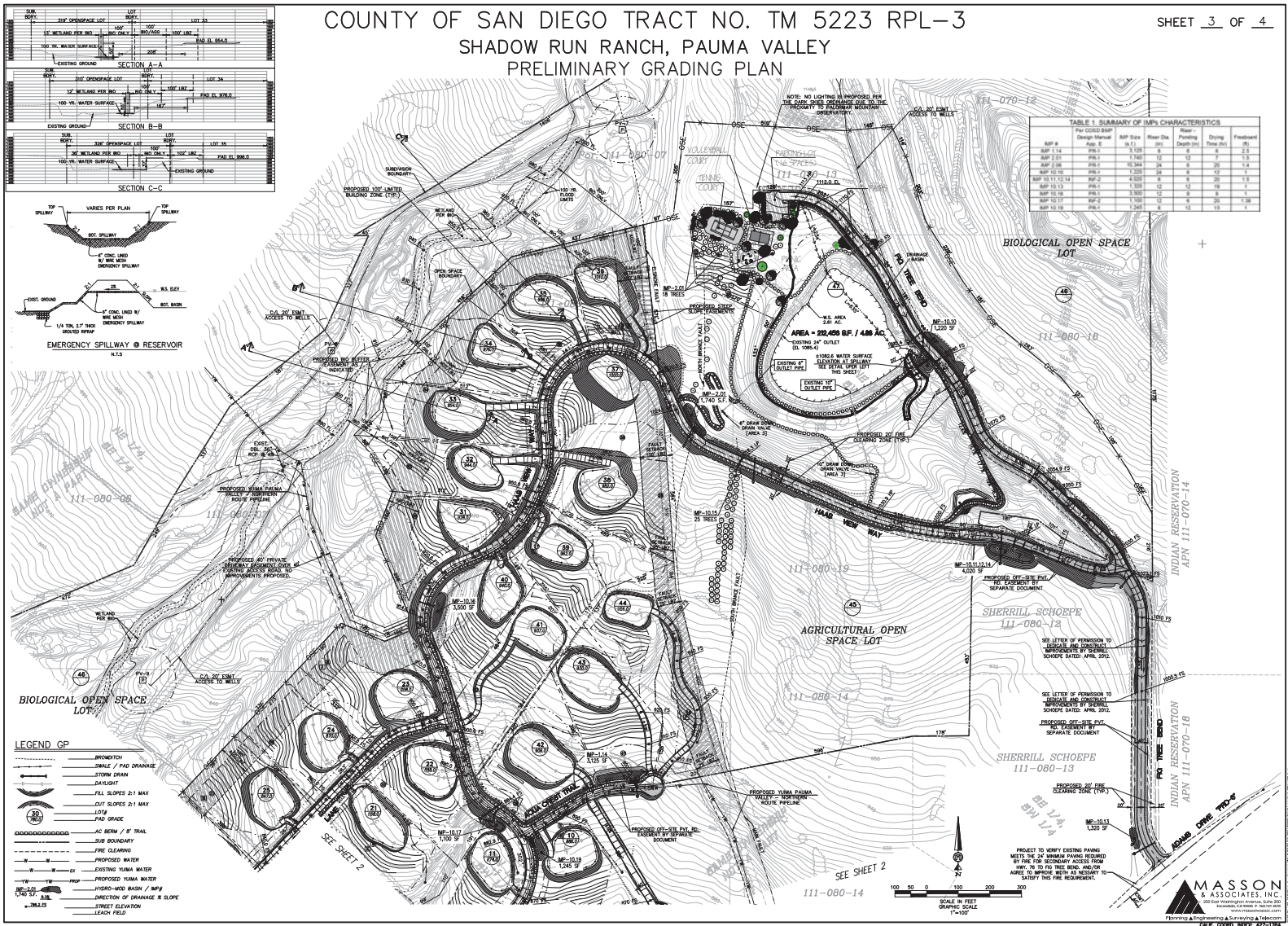


COUNTY OF SAN DIEGO TRACT NO. TM 5223 RPL-3
SHADOW RUN RANCH, PAUMA VALLEY
PRELIMINARY STRIPING PLANS AND ROAD IMPROVEMENT

SHEET 4 OF 4



Design Name	MP Box Size (mm)	Riser Dia. (mm)	Pouring Temp. (°C)	Drying Time (min)	Feedrate (g/s)
MP 1.54	PR-1 3,125	6	12	2.3	2.3
MP 2.01	PR-1 5,142	12	12	7	1.9
MP 2.96	PR-1 10,334	24	6	20	1.4
MP 3.91	PR-1 1,526	24	6	12	1.5
MP 10.11.12.14	PR-2 4,020	6	6	20	1.5
MP 11.13	PR-1 1,320	12	12	19	1
MP 10.16	PR-2 3,500	12	9	9	1
MP 10.17	PR-2 3,500	12	6	20	1.58
MP 10.19	PR-1 1,345	6	12	13	1



**Attachment B – Form of Decision Approving
PDS2000-3300-00-030 (MUP)**



County of San Diego
PLANNING & DEVELOPMENT SERVICES

MARK WARDLAW
Director
KATHLEEN A. FLANNERY
Assistant Director

5510 OVERLAND AVENUE, SUITE 110, SAN DIEGO, CALIFORNIA 92123
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcountry.ca.gov/pds

COMMISSIONERS

Douglas Barnhart (Chairman)
Bryan Woods (Vice Chairman)
Michael Beck
Yolanda Calvo
Michael Edwards
David Palinger
Michael Seiler

May 15, 2020

PERMITEE: SHERRILL SCHOEPE, SHADOW RUN RANCH, LLC
MAJOR USE PERMIT: PDS2000-3300-00-030
E.R. NUMBER: PDS2000-3910-0002035
PROPERTY: NORTHEAST OF SR-76 AND ADAMS DRIVE
APN: 111-070-12 AND 13; 111-080-07, 08, 09, 10, 14, 18, 19, AND 21

DECISION OF THE PLANNING COMMISSION

This Major Use Permit for Shadow Run Ranch (PDS2000-3300-00-030) consists of two sheet(s) including plot plan and recreational lot layout dated April 20, 2020. This permit authorizes a Planned Development as covered by Tentative Map PDS2001-3100-5223 (dated December 27, 2019), which provides for a maximum of 44 residential lots and related recreational facilities and open space lots pursuant to Section 6600 et al. of the Zoning Ordinance.

The granting of this use permit also approves the Preliminary Grading and Improvement Plan dated December 20, 2019 consisting of four sheets (the fourth sheet of which is dated January 9, 2020). In accordance with the [Section 87.207 of the County Grading Ordinance](#), Environmental Mitigation Measures or other conditions of approval required and identified on the plan(s), shall be completed or implemented on the final engineering plan before any final improvement or grading plan can be approved and any permit issued in reliance of the approved plan. Any substantial deviation from 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 [County of San Diego Grading Ordinance \(Sec 87.701 et. al.\)](#)

MAJOR USE PERMIT EXPIRATION: This Major Use Permit shall expire concurrently with Tentative Map PDS2001-3100-5223 or three years following the recordation of the Final Map, except where construction and/or use of the property in reliance on this permit has commenced. Recordation of a Final Map pursuant to Tentative Map PDS2001-3100-5223 and completion of (or entry into agreements to construct where permitted) all required improvements shall be deemed to establish such construction and/or use in reliance; provided however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7376 of the Zoning Ordinance and provided further, that construction complies with zoning regulations in effect at the time of construction.

.....

SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Major Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

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 permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all-purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

GRADING PERMIT: *(Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits).*

3. PLAN CONFORMANCE

INTENT: In order to implement the required mitigation measures for the project, the required Grading and Improvement Plans shall conform to the approved Preliminary Grading Plan pursuant to [Section 87.207 of the County Grading Ordinance](#). **DESCRIPTION OF REQUIREMENT:** The Grading and Improvement Plans shall conform to the approved Preliminary Grading Plan, which includes all of the following mitigation measures: AIR GR#1, BIO-GR#1, BIO-GR#2, BIO-GR#3, BIO-GR#4, BIO-GR#5, CULT GR#1, CULT GR#2, CULT GR#3, CULT GR#4, PALEO GR#1, PALEO GR#2, PALEO GR#3, and PALEO GR#5. All conditions, requirements, mitigation measures and information stated on the sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made

without modification of this permit. **DOCUMENTATION:** The applicant shall submit the grading plans and improvement plans, which conform to the Preliminary Grading Plan for the project. **TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the notes and items shall be placed on the plans as required. **MONITORING:** The [PDS, LDR] 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.

BUILDING PERMIT: (Prior to approval of any building plan and the issuance of any building permit).

4. **GHG REDUCTION – CLIMATE CHANGE DESIGN**

INTENT: In order to implement the project's proposed design measures and be consistent with the County's Climate Action Plan (CAP) to minimize emissions of greenhouse gases, the following design measures shall be implemented. **DESCRIPTION OF REQUIREMENT:** The following project design and CAP Checklist measures shall be implemented on all Building Plans for the project:

1. Each of the 44 residences is required to have a minimum 2.85-kilowatt solar system installed.
2. Fireplace options in each residence will be natural gas only. Wood burning open fireplaces or wood burning stoves are not allowed.
3. The building plans shall demonstrate that each residential unit shall include one of the identified water heating system types: solar thermal, tankless electric, storage electric, electric heat pump, tankless gas, or other acceptable water heating system.
4. The building plans shall demonstrate that kitchen faucets will not exceed 1.5 gallons per minute at 60 psi, and that at least one ENERGY STAR dish or clothes washer will be installed.
5. The building plans shall demonstrate that one rain barrel will be installed per every 500 square feet of available roof area, to the extent that State, regional, or local incentives/rebates are available to fund the purchase of such rain barrels.

DOCUMENTATION: The applicant shall comply with the requirements of this condition by including the design for the solar systems on the building plans. **TIMING:** Prior to approval of any building plan and the issuance of any building permit, the design measures shall be implemented on the building plans. **MONITORING:** The [PDS, BPPR] shall make sure that the listed design measures are implemented on all residential building plans for the project.

5. **PARKLAND DEDICATION (PLDO) FEE**

INTENT: In order to provide neighborhood and Community Parks for recreational purposes to serve future residents of such development in accordance with Code Section Sec. 810.101, et seq. the land shall be dedicated, or fees paid. **DESCRIPTION OF REQUIREMENT:** Land shall be dedicated, fees shall be paid in lieu thereof, or a

combination of both, In addition, only the payment of fees shall be required for developments containing fifty (50) or fewer parcels, unless the applicant offers to dedicate land in lieu of paying the fees, in which event the approving body may elect to accept land/or require the payment of fees or a combination of both as set forth in Section 810.105(a). Developments containing more than 50 parcels, the approving body shall determine whether to require dedication of land, payment of a fee in lieu thereof, or a combination of both, and in making such determination there are factors, which the approving body must consider as set forth in Section 810.105 (b) **DOCUMENTATION:** The applicant shall pay all of the fee, which will be collected on a per lot basis before development of each lot. **TIMING:** Prior to issuance of any building permit the PLDO shall be paid. **MONITORING:** The [PDS, BD] shall calculate the fee pursuant to Section 810.106 and provide a receipt of payment for the applicant and [DPR, PP]. [PDS, BD] shall verify that the PLDO has been paid before the first building permit can be issued. The PLDO fee shall be verified for each subsequent building permit issuance.

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

6. INSPECTION FEE

INTENT: In order to comply with Zoning Ordinance Section 7362.e the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZCJ] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PCC]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [PDS, ZCJ] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

7. SITE PLAN IMPLEMENTATION

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved MUP plot plan and the building plans. This includes but is not limited to: improving all parking areas, trails, parks and driveways, installing all required design features, required and approved signage and fencing is installed and located properly, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

8. FIRE PROTECTION PLAN [PDS, FEE X2]

INTENT: In order to assure fire safety in compliance with the [County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707](#), the site shall be maintained in conformance with the approved Fire Protection Plan. **DESCRIPTION OF REQUIREMENT:** The following measures approved in the Fire Protection Plan (FPP) shall be implemented and maintained:

- a. Three fuel management zones shall be implemented and maintained at all times, as detailed in the Fire Protection Plan. Zone 1 is the defensible space zone and encompasses the pads and surrounding grove on each lot. This zone will be cleared of existing vegetation, replanted with drought-tolerant and irrigated lawn, and will be irrigated. Zone 1 will incorporate vegetation setbacks of 25 feet from the building pad. Zone 2 begins at the outer edge of Zone 1 is the area between 50 and 100 feet from the edge of the buildable pad. Within Zone 2 all flammable native plants will be removed and may be replanted with low growing and low fuel volume “ground cover” vegetation or native grasses and occasional well-spaced low growing fire resistant shrubs. Maintenance will be on-going throughout the year as needed. Zone 3 will require a 30-foot thinning zone along project roadways. The site’s access roads will be provided with 30-foot fuel modification. Site access roads will receive Fuel Modification to a total of 20 feet. Interior roadways treatment will be 30 ft. off the edge of the roadbed
- b. All structures will be built to current San Diego County Consolidated Fire Code and San Diego Building Code requirements. Requirements provide for ignition resistant construction standards and NFPA compliant automatic sprinkler system. Appendix E of the FPP provides the most critical elements to protect the structure from ember intrusion during a catastrophic wildfire event.
- c. Building pads will be graded within the existing grove area. The entire parcel will be treated as an irrigated zone.
- d. Trees shall be placed and maintained so that their crown cover at maturity will be more than ten feet from any structure.
- e. All plants will be in accordance with the San Diego County Recommended Plant List or as approved by the San Diego County Fire Marshal.
- f. Debris and trimmings produced by thinning and pruning will be removed from the site, or, if left, shall be converted into mulch and evenly dispersed to a maximum depth of four inches. Such trimmings will not be within 50 feet of structures

DOCUMENTATION: The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the FPP. **TIMING:** Prior to occupancy of the first structure built in association with this permit, the FPP requirements shall be implemented. **MONITORING:** The [PDS, PCC] shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

9. TRAIL/PATHWAY ACCEPTANCE

INTENT: In order to ensure the trail has been constructed and/or improved in accordance with to the [Community Trails Master Plan Design and Construction Guidelines](#), a final field inspection and acceptance must be made by the County. **DESCRIPTION OF REQUIREMENT:** The applicant shall improve a trail/pathway to a width of eight feet within the dedicated trail easement as indicated on the Plot Plans dated December 27, 2019. The trail/pathway shall be constructed in accordance with the Community Trails Master Plan Design and Construction Guidelines. **DOCUMENTATION:** Upon completion

of the trail/pathway, the applicant shall request in writing a final acceptance of the trail improvements. The applicant shall pass a final inspection and acceptance of the trail/pathway. A final inspection shall be coordinated with the [DPR, TC], and all applicable inspection fees shall be paid. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the applicant shall improve the trail/pathway and obtain final sign-off from [DPR, TC]. **MONITORING:** The [DPR, TC] and/or [DPW, PDCI] shall review the trail/pathway for conformance with the plans for and with the [Community Trails Master Plan Design and Construction Guidelines](#). Upon acceptance of the trail, all financial securities (if any), for the construction of the trail/pathway facility shall be released.

ONGOING: *(Upon establishment of use the following conditions shall apply during the term of this permit).*

10. SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan(s), building plans, and plot plan(s). This includes but is not limited to maintaining the following: all parking, trails, parks and driveway areas, watering all landscaping at all times, all fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan and landscape plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

11. CERTIFICATION OF INSTALLATION

INTENT: In order to provide adequate Landscaping that implements the site planning principles of the Tentative Map and Major Use Permit, and to comply with the COSD Water Efficient Landscape Design Manual, the COSD Water Conservation in Landscaping Ordinance, the COSD Off-Street Parking Design Manual, and the COSD Grading ordinance, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to Section 87.417 and 87.418 of the County Grading Ordinance. These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the [PDS, LA, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [PDS LA, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed.

MONITORING: The [PDS, LA] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [PDS, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

12. FIRE-ON-GOING FIRE PROTECTION

INTENT: In order to comply with the [County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707](#), the site shall comply with the approved Fire Protection Plan (FPP).

DESCRIPTION OF REQUIREMENT: The following measures approved in the FPP shall be implemented and maintained:

- a. Three fuel management zones shall be implemented and maintained at all times, as detailed in the Fire Protection Plan. Zone 1 is the defensible space zone and encompasses the pads and surrounding grove on each lot. This zone will be cleared of existing vegetation, replanted with drought-tolerant and irrigated lawn, and will be irrigated. Zone 1 will incorporate vegetation setbacks of 25 feet from the building pad. Zone 2 begins at the outer edge of Zone 1 is the area between 50 and 100 feet from the edge of the buildable pad. Within Zone 2 all flammable native plants will be removed and may be replanted with low growing and low fuel volume "ground cover" vegetation or native grasses and occasional well-spaced low growing fire resistant shrubs. Maintenance will be on-going throughout the year as needed. Zone 3 will require a 30-foot thinning zone along project roadways. The site's access roads will be provided with 30-foot fuel modification. Site access roads will receive Fuel Modification to a total of 20 feet. Interior roadways treatment will be 30 ft. off the edge of the roadbed
- b. All structures will be built to current San Diego County Consolidated Fire Code and San Diego Building Code requirements. Requirements provide for ignition resistant construction standards and NFPA compliant automatic sprinkler system. Appendix E of the FPP provides the most critical elements to protect the structure from ember intrusion during a catastrophic wildfire event.
- c. Trees shall be placed and maintained so that their crown cover at maturity will be more than ten feet from any structure.
- d. All plants will be in accordance with the San Diego County Recommended Plant List or as approved by the San Diego County Fire Marshal.
- e. Debris and trimmings produced by thinning and pruning will be removed from the site, or, if left, shall be converted into mulch and evenly dispersed to a maximum depth of four inches. Such trimmings will not be within 50 feet of structures

DOCUMENTATION: The applicant shall comply with the requirements of the FPP and this condition for the life of this permit. **TIMING:** Upon establishment of the use, the conditions of the FPP shall be complied with for the term of this permit. **MONITORING:** The [PDS, PCC] shall verify that the mitigation measures have been implemented pursuant to the approved building plans and the FPP. The [PDS, Code Enforcement Division] is responsible for enforcement of this permit. The [fire agency] shall be responsible for long-term implementation of fire clearing requirements.

13. VECTOR MANAGEMENT PLAN

INTENT: In order to avoid hazards associated with vectors and to comply with the project design, the Vector Management Practices identified in the Vector Management Plan dated November 18, 2009 shall be implemented. **DESCRIPTION OF REQUIREMENT:** Implement the Vector Control Plan to the satisfaction of the Director of DEH. The implementation shall be substantially consistent with the approved Vector Management Plan. Implementation shall include but is not limited to the following:

- a. Daily reconnaissance of the reservoir to confirm water levels are in flux;
- b. Continued removed of invasive vegetation growth that provides protection and quiescent conditions for mosquito larvae;
- c. Reporting any discovery of dead birds to the San Diego County Vector Control Program; and,
- d. Use of mosquito fish where habitat is suitable and sustainable for survival.

DOCUMENTATION: The property owner and permittee shall comply with the requirements of the Vector Management Plan and this condition. If the permittee or property owner chooses to modify or deviate from the Vector Management Plan in any away, they must obtain approval from the County DEH. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

14. RESERVOIR EMBANKMENT OPERATION & MAINTENANCE PLAN

INTENT: In order to ensure the reservoir embankment is being actively inspected and maintained, the Operation & Maintenance Plan for the reservoir embankment dated May 19, 2014 shall be implemented. **DESCRIPTION OF REQUIREMENT:** Implement the Operation & Maintenance Plan by conducting all inspections, maintenance, notifications and record keeping as directed by the Plan. Implementation will include but is not limited to the following:

- a. Inspection and maintenance of the reservoir embankment, reservoir spillway, reservoir drain lines and monitoring wells;
- b. Aesthetic, preventative, and corrective maintenance; and,
- c. Inspection and maintenance records will be available for a minimum of five years.

DOCUMENTATION: The property owner and permittee shall comply with the requirements of the Operation & Maintenance Plan and this condition. If the permittee or property owner chooses to modify or deviate from the Reservoir Embankment Operation & Maintenance Plan in any away, they must obtain approval from PDS. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** Copies of inspection and maintenance records for each calendar year shall be sent to [PDS, PPD] by January 31 of the following year, shall refer to County record number PDS2001-3100-5223 (Shadow Run Ranch).

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MITIGATION MONITORING OR REPORTING PROGRAM (MMRP): Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Monitoring or Reporting Program for any project approved with the adoption of a Mitigated Negative Declaration or with the certification of an Environmental Impact Report, for which changes in the project are required in order to avoid significant impacts. Section 21081.6(a)(1) states, in part:

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

Section 21081(b) further states:

A public agency shall provide {that} the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.

As indicated above, a Mitigation Monitoring or Reporting Program is required to assure that a project is implemented in compliance with all required mitigation measures. The Mitigation Monitoring or Reporting Program (MMRP) for this project is incorporated into the mitigation measures adopted as project conditions of approval. Each mitigation measure adopted as a condition of approval (COA) includes the following five components.

Intent: An explanation of why the mitigation measure (MM) was imposed on the project.

Description: A detailed description of the specific action(s) that must be taken to mitigate or avoid impacts.

Documentation: A description of the informational items that must be submitted by the applicant to the Lead Agency to demonstrate compliance with the COA.

Timing: The specific project milestone (point in progress) when the specific required actions are required to implemented.

Monitoring: This section describes the actions to be taken by the lead agency to assure implementation of the mitigation measure.

The following conditions of approval required to mitigate or avoid significant impacts on the environment are listed below and constitute the MMRP for this project:

Condition(s): 3, 4, 7, 8, 10, 11, 12, 13 and 14.

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MAJOR USE PERMIT FINDINGS

Pursuant to Section 7358 (see Section 7359 for additional findings required for a "Specific Hazardous Waste Facility Project" and for in lieu findings for Large Wind Turbine permits) of The Zoning Ordinance, the following findings in support of the granting of the Major Use Permit are made:

- (a) *The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to*

1. *Harmony in scale, bulk, coverage, and density*

The project will be compatible with adjacent uses with respect to harmony in scale, bulk, coverage and density. Proposed residential and agricultural uses will be like those found in the surrounding community. Proposed residential lots range from 2.0 to 7.35 acres and are similar to lot sizes east of the project site where lot sizes range from less than 2.0 acres to over 20 acres. The agricultural grove operations that occur onsite and will be maintained are also similar to agricultural grove operations in the surrounding area. Many of the project's larger residential lots are located along SR-76 and include a 100-foot-wide visual easement that consists of agricultural groves that will screen the project from SR-76.

2. *The availability of public facilities, services, and utilities*

Public services are available or will be made available. The project has demonstrated that all necessary services and facilities are available as required by the General Plan and Board of Supervisors Policy I-84. The site will have potable water supplied by the YMWD (following annexation to YMWD, CWA, and MWD); San Diego Gas & Electric will provide electricity; fire protection will be provided by County Service Area (CSA) 135, and the site lies within the Valley Center-Pauma Unified School District.

3. *The harmful effect, if any, upon desirable neighborhood character:*

The project will not have an undesirable effect upon desirable neighborhood character. Proposed residential and agricultural uses will be like those in the surrounding area. The project will be screened from SR-76 by a proposed 100-foot-wide visual buffer easement that consists of agricultural groves.

4. *The generation of traffic and the capacity and physical character of surrounding streets:*

The project will not generate an incompatible number of traffic trips that will exceed the capacity of surrounding streets. The most recent traffic counts (April 2019) indicate that average daily trips have increased along SR-76 east of I-15, and many of the intersections that were analyzed in the 2015 Traffic Impact Study are presumably operating at a worsened Level of Service. However, the project would not cause a significant direct impact based on the County's *Guidelines for Determining Significance* because the project does not add any trips to the critical movements of these intersections. In addition, the roadway capacity of the SR-76 segment just east of I-15 at Level of Service E is 22,900 Average Daily Trips. This segment has the highest number of existing daily trips east of I-15 at 16,237. The project will add 232 trips to this segment. Therefore, the project will not add trips that exceed the capacity of SR-76. The project may add an additional 84 daily trips to Adams Drive and its intersection with SR-76. Seven of these trips would be in the AM peak hour and eight trips would occur in the PM peak hour. These added trips will not adversely impact the Adams Drive/SR-76 intersection. The project will improve the paved width of SR-76 along the project frontage to allow for 12-foot wide east and westbound lanes and center turn lane, and an 8-foot wide

shoulder. The project will improve that portion of Adams Drive from Fig Tree Bend to SR-76 to 24 feet in paved width and realign Adams Drive to intersect SR-76 at a 90-degree angle. The project will also increase the paved width of westbound SR-76 just east of Adams Drive to improve the North County Transit District bus stop and right turn onto Adams Drive.

5. *The suitability of the site for the type and intensity of use or development, which is proposed:*

The site is suitable for the proposed use. Steep slopes will not be impacted. The underlying geologic material consist of alluvial fan deposits and no blasting will be required to develop the site. An inactive geologic fault was identified onsite along the west side of proposed lots 36, 37, 38, 39, and 44. A limited building zone easement will be dedicated on these lots to ensure residences are not constructed within the required 50-foot setback of this fault.

6. *Any other relevant impact of the proposed use:*

The project was determined to have a significant and unmitigable impact to mineral resources as it would result in the loss of availability of a known mineral resource that is technologically and economically minable that could be of value to the region. Pursuant to the County's Guidelines for Determining Significance for Mineral Resources, the only mitigation measures for the project would be extraction, reclamation and then project construction, or avoidance of the mineral resources. Neither of these are feasible as the housing would not be built for many years while the mine is permitted (if it could be permitted) and operated. Similarly, avoidance is not possible due to the areal extent of the potential mineral resources that would also result in the housing not being constructed.

(b) *The impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan:*

On August 6, 2003 the Board of Supervisors adopted a General Plan Pipelining Policy that determined that project applications deemed complete on or before August 6, 2003 would be processed under the current General Plan (now the historic General Plan). Project applications were received in 2000 and 2001 and deemed complete prior to August 6, 2003. On October 1, 2003 the proposed project was granted pipeline status. As such, the project is evaluated under the General Plan that was in effect prior to August 3, 2011. The project impacts and location are consistent with the General Plan in effect prior to August 11, 2011.

(c) *That the requirements of the California Environmental Quality Act have been complied with:*

CEQA requirements have been complied with through the completion of an Environmental Impact Report that describes all potential project impacts and mitigation measures. CEQA Findings have been prepared pursuant to CEQA Guidelines Sections 1088.5, 15090, 15091, and 15093. A Statement of Overriding Considerations has been prepared concerning the significant and unmitigable impact to mineral resources.

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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:

COMPLIANCE INSPECTION: In order to comply with Zoning Ordinance Section 7362(e), the County shall inspect the Use Permit property for compliance with the terms of this Use Permit. The County Permit Compliance Officer will perform a site inspection and review the on-going conditions associated with this permit. The inspection shall be scheduled no later than the six months subsequent to establishing the intended use of the permit. If the County determines the applicant is not complying with the Major Use Permit terms and conditions the applicant shall allow the County to conduct follow up inspections more frequently than once every twelve months until the County determines the applicant is in compliance. The Property Owner/Permittee shall allow the County to inspect the property for which the Major Use Permit has been granted, at least once every twelve months, to determine if the Property Owner/Permittee is complying with all terms and conditions of the Use Permit. This requirement shall apply during the term of this permit.

NOTICE: To comply with State law, the applicant/owner must file the Notice of Determination (NOD)/Notice of Exemption (NOE) signed by the lead agency and remit required fees to the County Clerk's Office within five (5) working days of the date of project approval. Payment or sufficient proof of prior payment to the County Clerk is required at the time of filing. The filing of a NOD or NOE reduces the period of time the CEQA document can be challenged to **35 days**. However, if the NOD/NOE is not filed, this period is extended to **180 days**. The CDFW adjusts fees annually based on inflation. You must pay the amount effective January 1 of the year of the project decision.

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) 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 during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: 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 in May 2013. *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:

http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.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 below: <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to [County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410](#) (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

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 Grading Ordinance](#).

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 PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate County 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.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to the [County's TIF Ordinance, Sections 77.201 – 77.223](#). 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.

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

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

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

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

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

NOTICE: THE 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 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on May 15, 2020.

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 (one) 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

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	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 (DEH)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
Department of General Service (DGS)			
Real Property Division	RP		

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Planning Commission, the decision may be appealed to the Board of Supervisors in accordance with [Section 7366 of the County Zoning Ordinance](#). An appeal shall be filed with the Director of Planning & Development Services or by mail with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice 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. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

COUNTY OF SAN DIEGO PLANNING COMMISSION
MARK WARDLAW, SECRETARY

BY:

Darin Neufeld, Chief
Project Planning Division
Planning & Development Services

cc: Sherrill Ann Schoepe, Shadow Run Ranch, LLC, P.O. Box 1249, San Diego, CA 92111
Ron Deutschendorf, 14422 Corte Lampara, San Diego, CA 92129

email cc:

Ron Deutschendorf, wpvr101@yahoo.com
Mark Thompson, TRS Consultants, mark@trs-sandiego.com
Dan Masson, Masson & Associates, danmasson@masson-assoc.com
Robert Hinggen, Planner III, Planning & Development Services
Ed Sinsay, Team Leader, Planning & Development Services, Land Development
Greg Kazmer, Planning Manager, Planning & Development Services

**Attachment C – Resolution Approving
PDS2001-3100-5223 (TM)**

May 15, 2020

RESOLUTION OF SAN DIEGO COUNTY)
 CONDITIONALLY APPROVING _____)
 TENTATIVE MAP NO. PDS2001-3100-5223)

WHEREAS, Tentative Map No. 5223 proposing the division of property located northwest of the intersection of State Route 76 and Adams Drive in the unincorporated community of Pala/Pauma and generally described as:

All that certain real property situated in the County of San Diego, State of California, described as follows: Portions of Sections 5 & 6, T10S, R1W, S.B.B.M. & Portions of Sections 31 & 32, T9S, R1W, S.B.B.M.

was filed with the County of San Diego pursuant to the Subdivision Map Act and San Diego County Subdivision Ordinance on December 27, 2019; and

WHEREAS, on May 15, 2020, the Planning Commission of the County of San Diego pursuant to [Section 81.306 of the San Diego County Subdivision Ordinance](#) 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 [Section 81.313 of the County Subdivision Ordinance](#).

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, 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:**

- a. Standard Conditions for Tentative Maps:

- (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 LED light fixtures per County of San Diego Street Lighting Specifications dated April 2019.
- (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 improvement of trails. The standard condition 12 is waived for more project specific conditions stated below under TRAILS #47–TRAIL EASEMENT and TRAILS #48–TRAIL IMPROVEMENTS to meet Community Trails Master Plan design criteria.
- (4) Standard Condition 21: Said conditions apply to a public sewer system. The project proposes onsite wastewater treatment system.
- (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 and Improvement Plan dated December 20, 2019 consisting of four sheets, the fourth sheet of which is dated January 9, 2020 (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 [County of San Diego Grading Ordinance \(Sec 87.201 et. al.\)](#)

APPROVAL OF MAP: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A FINAL MAP IS APPROVED BY THE BOARD OF SUPERVISORS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY (and where specifically indicated, shall also be complied with prior to approval of any plans, and issuance of any grading or other permits as specified):

- 1-29.** 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. ROADS#1–ENCROACHMENT PERMIT

INTENT: In order to ensure that improvements for the private road comply with the [County of San Diego Public Road Standards](#), and [The Caltrans Facility Standards and Requirements](#) an encroachment permit shall be obtained and implemented.

DESCRIPTION OF REQUIREMENT: A permit shall be obtained from CALTRANS for the improvements to be made within the public right-of-way. This may include road widening, sidewalk, street lighting, turn lanes, bus stop improvements, and drainage facilities, to the satisfaction of CALTRANS. Provide transition for all widenings, tapers, and traffic striping to match existing pavement. A copy of the permit and evidence from the issuing agency that all requirements of the permit have been met shall be submitted to the [PDS, LDR]. **DOCUMENTATION:** The applicant shall obtain the encroachment permit(s) and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to the [PDS, LDR]. The subdivider shall obtain an encroachment permit from CALTRANS authorizing access onto **State Route 76/Pala Mesa Road**. This will allow CALTRANS to set conditions such as sight distance and road improvements. The applicant should contact the CALTRANS Permit Office at (619) 688-6843 for additional details. **TIMING:** Prior to the approval of the Final Map, the encroachment permit shall be obtained. **MONITORING:** The [PDS, LDR] shall review the permit for compliance with this condition and the applicable improvement plans and implement any conditions of the permit in the County improvement plans.

31. ROADS#2–PRIVATE ROAD IMPROVEMENTS

INTENT: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.404](#), **Haas Grove Lane, Haas View Way, Aqua Crest Trail, Ureka Lane, Frey Creek Lane** and **Fig Tree Bend** shall be improved.

DESCRIPTION OF REQUIREMENT:

- a. Improve or agree to improve and provide security for the onsite private road easement **Haas Grove Lane** from State Route 76/Pala Road northerly thence easterly to Lot 5 to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with Disintegrated Granite (D.G.) and/or asphalt concrete pavement over approved base with eight-foot (8') wide D.G. trail as shown on the approved TM and asphalt concrete dike with face of dike at twelve feet (12') from centerline. The improvement and design standards of Section 3.1(C) of the San Diego County Standards for Private Roads for one hundred and one (101) to seven hundred fifty (750) trips shall apply. Improvements shall be to the satisfaction of the Director of PDS and the San Diego County Fire Authority.
- b. Improve or agree to improve and provide security for the onsite and offsite private road easement **Haas View Way** from Haas Grove Lane northerly to Lot 36 thence easterly to Fig Tree Bend to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with D.G. and/or asphalt concrete pavement over approved base with eight-foot (8') wide

D.G. trail as shown on the approved TM and asphalt concrete dike with face of dike at twelve feet (12') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one to seven hundred fifty (101-750) trips shall apply. Improvements shall be to the satisfaction of the Director of PDS and the San Diego County Fire Authority.

- c. Improve or agree to improve and provide security for the onsite and offsite private road easement **Aqua Crest Trail** from Haas View Way northeasterly to Lot 44 to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with D.G. and/or asphalt concrete pavement over approved base with eight-foot (8') wide D.G. trail as shown on the approved TM and asphalt concrete dike with face of dike at twelve feet (12') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred or less (<100) trips shall apply. Improvements shall be to the satisfaction of the Director of PDS and the San Diego County Fire Authority.
- d. Improve or agree to improve and provide security for the onsite private road easement **Ureka Lane** from Haas View Way southeasterly to Lot 3 to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with D.G. and/or asphalt concrete pavement over approved base with eight-foot (8') wide D.G. trail as shown on the approved TM and asphalt concrete dike with face of dike at twelve feet (12') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred or less (<100) trips shall apply. Improvements shall be to the satisfaction of the Director of PDS and the San Diego County Fire Authority.
- e. Improve or agree to improve and provide security for the onsite private road easement **Frey Creek Lane** from Haas Grove Lane northwesterly thence northeasterly to Haas View Lane to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with D.G. and/or asphalt concrete pavement over approved base with eight-foot (8') wide D.G. trail as shown on the approved TM and asphalt concrete dike with face of dike at twelve feet (12') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one to seven hundred fifty (101-750) trips shall apply. Improvements shall be to the satisfaction of the Director of PDS and the San Diego County Fire Authority.
- f. Improve or agree to improve and provide security for the onsite and offsite private road easement **Fig Tree Bend** from Adams Drive northerly to the recreational area on Lot 47 to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with D.G. and/or asphalt concrete pavement over approved base with eight-foot (8') wide D.G. trail

as shown on the approved TM and asphalt concrete dike with face of dike at twelve feet (12') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one to seven hundred fifty (101-750) trips shall apply. Improvements shall be to the satisfaction of the Director of PDS and the San Diego County Fire Authority.

- g. ***Hass Grove Lane, Aqua Crest Trail and Ureka Lane*** shall terminate with a cul-de-sac graded to a radius of forty feet (40') and surfaced to a radius of thirty-six feet (36') with D.G. and/or asphalt concrete pavement over approved base with asphalt concrete dike with face of dike at thirty-six feet (36') from the radius point. Improvements shall be to the satisfaction of the Director of PDS and the San Diego County Fire Authority.
- h. 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.
- i. If gated access is used, it shall be in accordance with San Diego County Design Standards DS-17, DS-18, or DS-19 to the satisfaction of the Director of PDS and the San Diego County Fire Authority.
- j. Road widths with less than thirty-six feet (36') of improved width require posting and red striping to the satisfaction of the Director of PDS and the San Diego County Fire Authority.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), and 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:

- k. Process and obtain approval of Improvement Plans to construct the above private easement roads.
- l. Provide Secured Agreement and post security in accordance with [Subdivision Ordinance Sec. 81.408](#).
- m. Upon approval of the plans, pay all applicable inspection deposits/fees with [DPW, PDC].
- n. 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 recordation of the Final Map, the required improvement plans, agreements, and securities shall be approved. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the resolution conditions 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.

32. **ROADS#3–PRD ROAD IMPROVEMENTS**

INTENT: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.404](#), **Adams Drive (PRD-6)**, shall be improved.

DESCRIPTION OF REQUIREMENT:

- a. The offsite Permanent Road Division (PRD) Road, **Adams Drive (PRD-6)**, from State Route 76/Pala Road to Fig Tree Bend, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. 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 replaced. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one to seven hundred fifty (101-750) trips shall apply. The AC/AB PAVEMENT, STRUCTURAL SECTION DESIGN standards of Section 3.11 of the County Standards for Private Streets shall apply to the entire twenty-four-foot (24') width of **Adams Drive (PRD-6)**, from State Route 76/Pala Road to Fig Tree Bend. Improvement shall be to the satisfaction of the Director of the Department of Planning and Development Services (PDS)/DPW and the San Diego County Fire Authority.
- b. 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 [County of San Diego Public Road Standards](#), and 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:

- c. Process and obtain approval of Improvement Plans to construct **Adams Drive (PRD-6)**.
- d. Provide Secured Agreement and post security in accordance with [Subdivision Ordinance Sec. 81.408](#).
- e. Upon approval of the plans, pay all applicable inspection deposits/fees with [DPW, PDC].
- f. 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.
- g. Obtain letters of permission for any work outside of easement limits.

TIMING: Prior to the recordation of the Final Map the required improvement plans, agreements, and securities shall be approved. **MONITORING:** The [PDS, LDR] shall review the plans for consistency with the resolution conditions 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#4–PAVEMENT CUT POLICY**

INTENT: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project pavement treatment, and to comply with [County Policy RO-7](#), adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **DESCRIPTION OF REQUIREMENT:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **DOCUMENTATION:** The applicant shall sign a statement that they are aware of the County of San Diego Pavement Cut Policy and submit it to the [PDS, LDR] for review. **TIMING:** Prior to the approval of improvement plans or the recordation of the Final Map, whichever comes first, the Acknowledgement of Department of Public Works Pavement Cut Policy shall be submitted for approval. **MONITORING:** The [PDS, LDR] shall review the acknowledgement letter.

34. **ROADS#5–SIGHT DISTANCE (CALTRANS):**

INTENT: In order to ensure that improvements for the private road comply with the [County of San Diego Public Road Standards](#), and [The Caltrans Facility Standards and Requirements](#), and to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, sight distance shall

be obtained. **DESCRIPTION OF REQUIREMENT:** The access from Haas Grove Lane and Adams Drive onto ***State Route 76/Pala Road***, shall meet CALTRANS requirements for sight distance. **DOCUMENTATION:** The applicant shall have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide a signed statement to the [PDS, LDR], which states that access meeting CALTRANS requirements for sight distance exists for each parcel. The applicant should contact the CALTRANS Permit Office at (619) 688-6843 for additional details. **TIMING:** Prior to the recordation of the Final Map, the sight distance shall be certified. **MONITORING:** The [PDS, LDR] shall review the sight distance certification for compliance with this condition.

35. **ROADS#6–SIGHT DISTANCE**

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: “There is _____ feet of unobstructed intersectional sight distance in both directions from the proposed private road easement, ***Fig Tree Bend***, along ***Adams Drive*** in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”
- b. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”

DOCUMENTATION: The applicant shall have a Registered Civil Engineer, or a Licensed Land Surveyor provide a signed statement that physically, there is minimum unobstructed sight distance as detailed above, and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the recordation of the Final Map, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

36. **ROADS#7–PERMANENT ROAD DIVISION ZONE**

INTENT: Applicant proposes to utilize ***Adams Drive***, which is located within the existing Permanent Road Division Zone 6 (PRD Zone 6), to access the subdivision. The existing PRD roads must be improved within the scope of the existing publicly

dedicated right-of-way of the PRD Zone to provide secondary access for the subdivision. In accordance with the [Subdivision Ordinance Section 81.402\(c\)](#), the applicant shall ensure that the proposed subdivision will be financially responsible for the full cost of constructing and maintaining any additional improvements to **Adams Drive** within the existing PRD Zone and for any additional maintenance costs to the existing portions of the roads resulting from the increased use of the roads for subdivision access. **DESCRIPTION OF REQUIREMENT:** Applicant shall be responsible for providing a funding mechanism to share in the costs of the maintenance of **Adams Drive**, to the satisfaction of the Director of Public Works. The funding mechanism shall provide for the subdivisions share of the maintenance cost for the portions of **Adams Drive** needed to serve the applicant's subdivision. Property owners within PRD Zone 6 shall not be required to pay any amount for the cost of maintaining any sections of **Adams Drive** expanded to serve the proposed subdivision and shall only pay a proportional share of the cost to maintain the existing portions of PRD 6 roads, consistent with the percentage of use of the roads made by the property owners when compared to the use of the roads by the owners of property within the applicant's subdivision. The applicant may satisfy this condition by revising the existing PRD Zone or forming a new PRD Zone to impose an assessment or special tax for the purposes of sharing in the maintenance costs of roads now being maintained by the PRD Zone, to the satisfaction of the Director, Department of Public Works, that shall at a minimum include the property within the applicant's subdivision and possibly but not necessarily the properties within the PRD Zone. This action may require the dissolution of the existing PRD Zone and approval by the Board of Supervisors for the formation of the new PRD Zone. If the applicants choose to form a new PRD Zone, then the applicant shall be responsible for dissolving, consolidating or annexing PRD Zone 6 into the new PRD Zone. All costs incurred by the County for a formation, boundary adjustment, consolidation, annexation and/or dissolution of PRD Zone 6 shall be paid by applicant. **DOCUMENTATION:** The applicant shall provide a funding mechanism satisfactory to the Director of Public Works to share in the maintenance costs of **Adams Drive**. If the existing PRD Zone 6 shall be revised or a new PRD Zone will be formed, the applicant shall submit an Engineer's Report prepared by a third-party Assessment Engineer and such other documents as may reasonably be needed to form a PRD Zone, impose a special tax or assessment, dissolve and re-form PRD Zone 6, and annex parcels into the existing PRD Zone 6, to the Director, Department of Public Works for review and approval. Developer shall enter into an agreement with the County to guarantee payment of all County costs to perform this work and to ensure the PRD Zone is revised or new PRD Zone is formed before any homes in the subdivision are sold to third parties which agreement may be included in a subdivision improvement agreement, should the applicant secure the cost to construct required improvements in accordance with the Subdivision Map Act and San Diego County Code of Regulatory Ordinances. **TIMING:** Prior to the approval of the Final Map, the funding mechanism shall be in place, and the applicant shall petition the Board of Supervisors for a boundary adjustment, consolidation, annexation and/or dissolution of PRD Zone 6, for the formation of a new PRD Zone, and to impose a

new assessment(s) or special tax(es). The PRD Zones shall be revised, or a new PRD Zone shall be formed prior to the sale of any lots in the subdivision. **MONITORING:** The [PDS, LDR] shall verify that a funding mechanism is provided and approved by the Director of DPW pursuant to this condition. The [DPW] shall be responsible for taking action needed to obtain Board of Supervisors approvals of the proposed action.

37. **ROADS#8—ONSITE IRREVOCABLE OFFER OF DEDICATION**

INTENT: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.703](#), an irrevocable offer of dedication (IOD) shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant an IOD for real property for public highway as indicated below:

- a. Grant the onsite right-of-way of **State Route 76/Pala Road** to the County of San Diego for road purposes that provides a seventy-four foot (74') wide, one-half right-of-way width on the project side of the ultimate centerline [minimum centerline radius seven hundred feet (700')], plus the right to construct and maintain slopes and drainage improvements as required beyond the seventy-four foot (74') limit, including a twenty-foot (20') radius property line corner rounding at the street intersection.
- b. Any dedication, offer of dedication, or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the granting, dedication or offer of dedication is required, per [Subdivision Ordinance Sec. 81.704.a](#), at the time of recordation of the Final Map. All easements of any type must be plotted on the Final Map. Or, the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the Director of PDS.

DOCUMENTATION: The applicant shall show the IOD on the Final Map and submit to the [PDS, LDR] for review. **TIMING:** Prior to the approval of the Final Map the IOD shall be granted. **MONITORING:** The [PDS, LDR] shall verify that the dedication is indicated on the map and Rejected by the County. The [DGS, RP] shall prepare, approve the easement documents for recordation, and forward the recorded copies to [PDS, LDR] for review and approval. The [PDS, LDR] shall review that that the off-site granting complies with this condition.

38. **ROADS#9—PRIVATE ROAD EASEMENT (ONSITE)**

INTENT: In order to promote orderly development and to comply with the [County Subdivision Ordinance Section 81.402](#) the easement(s) shall be provided. **DESCRIPTION OF REQUIREMENT:**

- a. The Final Map shall show a minimum forty-foot (40') wide private road easement, for the onsite private road easement **Haas Grove Lane** from State Route 76/Pala Road northerly thence easterly to a terminus cul-de-sac at Lot 5.

- b. The Final Map shall show a minimum forty-foot (40') wide private road easement, for the onsite private road easement **Haas View Way** from Haas Grove Lane northerly to Lot 36 thence easterly to Fig Tree Bend.
- c. The Final Map shall show a minimum forty-foot (40') wide private road easement, for the onsite private road easement **Aqua Crest Trail** from Haas View Way northeasterly to a terminus cul-de-sac at Lot 44.
- d. The Final Map shall show a minimum forty-foot (40') wide private road easement, for the onsite private road easement **Ureka Lane** from Haas View Way southeasterly to a terminus cul-de-sac at Lot 3.
- e. The Final Map shall show a minimum forty-foot (40') wide private road easement, for the onsite private road easement **Frey Creek Lane** from Haas Grove Lane northwesterly thence northeasterly to Haas View Lane.
- f. The Final Map shall show a minimum forty-foot (40') wide private road easement, for the onsite private road easement **Fig Tree Bend** from Adams Drive northerly to the recreational area on Lot 47.

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 easements is/are indicated pursuant to this condition.

39. **ROADS#10 – PRIVATE ROAD EASEMENT (OFFSITE)**

INTENT: In order to improve the quality of the roads, promote orderly development, and to comply with the [Subdivision Ordinance Sec. 81.402](#), the offsite easement(s) shall be provided. **DESCRIPTION OF REQUIREMENT:**

- a. Cause to be granted offsite a minimum forty-foot (40') wide private road easement, for the offsite private road easement **Haas View Way** from the project boundary easterly to Fig Tree Bend.
- b. Cause to be granted offsite a minimum forty-foot (40') wide private road easement, for the offsite private road easement private road easement **Aqua Crest Trail** from Haas View Way northeasterly to a terminus cul-de-sac at Lot 44.
- c. Cause to be granted offsite a minimum forty-foot (40') wide private road easement, for the offsite private road easement **Fig Tree Bend** from Adams Drive northerly to the project boundary.

DOCUMENTATION: For the offsite portions of the easement, the applicant shall prepare the legal descriptions of the easements and record the easements. Upon

Recordation of the easements, the applicant shall provide copies of the easement documents to the [PDS, LDR] for review, **TIMING:** Prior to the recordation of the Final Map, the offsite granting shall be provided for roads. **MONITORING:** The [PDS, LDR] shall verify that the easement is indicated on the map. The [PDS, LDR] shall review the offsite granting for compliance with this condition.

40. **ROADS#11–PRIVATE ROAD MAINTENANCE AGREEMENT**

INTENT: In order to ensure that the onsite and offsite 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 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 **Haas Grove Lane, Haas View Way, Aqua Crest Trail, Ureka Lane, Frey Creek Lane, and Fig Tree Bend**, and place a note on the Final Map as to the final title status of said roads.
- c. Access to each lot shall be provided by private road easement not less than forty feet (40') wide.

DOCUMENTATION: The applicant shall execute 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 recordation of the Final 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.

41. **ROADS#12–RELINQUISH ACCESS**

INTENT: In order to promote orderly development and to comply with the [Mobility Element of the General Plan](#) and [County Subdivision Ordinance Section 81.401 \(g\)](#), access shall be relinquished along **State Route 76/Pala Road**.

DESCRIPTION OF REQUIREMENT:

- a. Relinquish access rights onto **State Route 76/Pala Road** along the project frontage except for the Caltrans approved access opening for the onsite private road easement, **Haas Grove Lane**, as shown on the approved Tentative Map.
- b. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

DOCUMENTATION: The applicant shall prepare the pages of the Final Map and present them for review to [PDS, LDR]. **TIMING:** With the recordation of the Final Map the access shall be relinquished. **MONITORING:** The [PDS, LDR] shall prepare and process the relinquishment of access with the Final Map.

42. **ROADS#13–VEHICULAR ACCESS RESTRICTION**

INTENT: In order to promote orderly development and to comply with [County Subdivision Ordinance 81.401\(g\)](#) access shall be restricted onto **Haas Grove Lane, Haas View Way, and Fry Creek Lane**. **DESCRIPTION OF REQUIREMENT:** A one-foot (1') wide strip shall be offered for dedication along **Haas Grove Lane** for **Lot 7, Lot 14, and Lot 17**; along **Haas View Way** for **Lot 10, Lot 23 and Lot 42**; and along **Frey Creek Lane** for **Lot 22**, which will not be used for access. The one foot (1') wide strip shall be made a portion of the subject lots and designated as "Vehicular Access Restriction". **DOCUMENTATION:** The applicant shall show the one-foot (1') wide strip on the Final Map and for review to [PDS, LDR]. **TIMING:** Prior to the recordation of the Final Map, the access shall be restricted. **MONITORING:** The [PDS, LDR] shall prepare and process the restriction of access with the Final Map.

43. **DRAINAGE#1–FLOWAGE EASEMENT**

INTENT: In order to prevent the obstruction of flowing water in the watershed, and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), a flowage easement shall be granted to the County of San Diego. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego by separate document, a flowage easement over those portions of the lot(s) subject to inundation by a 100-year flood, from a drainage area in excess of one (1) square mile (640 acres) as indicated on the approved tentative map. The grant of right-of-way shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. **DOCUMENTATION:** The applicant shall prepare the legal descriptions of the easement(s), submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to [PDS, LDR] for approval. **TIMING:** Prior to the approval of the Final Map, the easement(s) shall be recorded. **MONITORING:** The [DGS, RP] shall prepare and approve the easement documents for recordation. [PDS, LDR] shall review the easements for compliance with this condition.

44. **DRAINAGE#2–LINES OF INUNDATION**

INTENT: In order to comply with [Grading Ordinance No. 10179, Section 87.803 \(38\)](#) and prevent future development in flood-prone areas the Lines of Inundation shall be shown on the map. **DESCRIPTION OF REQUIREMENT:** Lines of inundation to the limits of the 100-year flood along the watercourse, which flows through the property, shall be shown and labeled "Subject to Inundation By The 100-Year Flood" on the Final Map. Each parcel shall have a flood free building site to the satisfaction of the Director of PDS. If any of the parcels are found to be

devoid of a buildable, flood free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood free site. This pertains to watersheds having area of one hundred (100) or more acres. **DOCUMENTATION:** The applicant shall indicate the lines of inundation on the non-title sheet of the Final Map as indicated above. **TIMING:** Prior to the approval of the Final Map, the inundation lines shall be indicated and labeled on the map. **MONITORING:** The [PDS, LDR] shall verify that the inundation lines have been indicated pursuant to this condition.

45. **STORMWATER#1–STORMWATER MAINTENANCE DOCUMENTATION**

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), the maintenance agreements shall be completed. **DESCRIPTION OF REQUIREMENT:** To the satisfaction of the Director of PDS, complete the following:

- a. Process a Stormwater Facilities Maintenance Agreement (SWMA) to assure maintenance of the Category 2 Structural BMPs and provide security to back up the maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of DPW and/or PDS. The SWMA shall be signed and notarized by the applicant and recorded by the County.

DOCUMENTATION: The applicant shall process the agreement forms with [PDS, LDR] and pay the deposit and applicable review fees. **TIMING:** Prior to the recordation of the Final 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.

46. **STORMWATER#2–EROSION CONTROL**

INTENT: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [State Construction General Permit, Order No. 2009-00090-DWQ](#), or subsequent order and the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#) and all other applicable ordinances and standards for this priority project. **DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided pursuant to [Subdivision Ordinance 81.408](#), for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the

County of San Diego Grading Ordinance Section 87.304. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] authorizing the use of this deposit for emergency measures.

- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR]. **TIMING:** Prior to recordation of the Final Map, and the approval of any plan and the issuance of any permit, the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the agreement and the securities provided adequately satisfy the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

47. TRAILS#1 – EASEMENT

INTENT: In order to promote orderly development by providing a trail connection pursuant to the County of San Diego General Plan, Community Master Trails Plan and to comply with the County Subdivision Ordinance Sections 81.401(n) and 81.402.v, the applicant shall dedicate a public non-motorized multi-use trail easement. **DESCRIPTION OF REQUIREMENT:** The applicant shall dedicate to the County of San Diego, a twenty foot (20') wide non-motorized multi-use trail easement, as shown on the approved Tentative Map, along project frontage of **State Route 76/Pala Road**. **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. **TIMING:** Prior to the approval of the map, the applicant shall dedicate the trail easement to the County of San Diego. **MONITORING:** [PDS, LDR] shall route the Final Map to [DPR, TC] and [PDS, TC] for preapproval and acceptance of the dedication prior to map recordation. [PDS, LDR] shall satisfy the condition after recordation.

48. TRAILS#2 – IMPROVEMENTS

INTENT: In order to promote orderly development by providing a trail connection pursuant to the County of San Diego General Plan, Community Master Trails Plan and to comply with the Subdivision Ordinance Sections 81.403 through 81.406.1, the applicant shall improve the dedicated trail easement. **DESCRIPTION OF REQUIREMENT:** Improve or agree to improve to the satisfaction of DPR and PDS a non-motorized public trail to a width of eight feet (8') within the twenty foot (20')

wide easement along project frontage of State Route 76/Pala Road as indicated on the approved Tentative Map. **DOCUMENTATION:** The applicant shall prepare improvement plans and provide securities for the construction of the trail/pathway and all associated work. All plans and improvements shall be completed pursuant to the Community Trails Master Plan Design and Construction Guidelines, 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. The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve the trail.
- b. Provide Secured agreements require posting security in accordance with Subdivision Ordinance Sections 81.405 through 81.406.1.
- c. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI] and [DPR, TC].

The plans shall be submitted to [DPR, TC] and [PDS, LDR], for review and approval. **TIMING:** Prior to the approval of the Final Map the applicant shall improve the trail. **MONITORING:** The [DPR, TC] and [PDS, LDR] shall review the plans for conformance and approve all financial securities for the construction of the trail facility.

49. **BIOLOGICAL EASEMENT [PDS, FEE X 2]**

INTENT: In order to protect sensitive biological resources, pursuant to RPO and CEQA, a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego an easement as shown on the approved Tentative Map, including Lots 46, 26-30, 32-34, 16-20, and 12-14. 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:

1. 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.

2. Activities conducted pursuant to a revegetation or resource management plan approved by the Director of PDS, DPR and DPW. All existing agriculture inside the open space fencing and signage is required to die off and revert back to native habitat pursuant to the Resource Management Plan. Oak woodland on Lot 30 along SR-76 is to be maintained to also serve as visual buffer.
3. Continued maintenance of existing agriculture on lots 26-30, and 32-34 inside the open space fencing. Once agricultural operations have ceased in the easement on these lots, agriculture cannot be reestablished.
4. Continued operation of, and access to, existing groundwater wells along 20-foot wide easements on lot 46 as shown on the approved Tentative Map and on lot 30.
5. Placement and maintenance of, and access to, stormwater management/bio-retention basin facilities on Lots 17 and 30.
6. Placement and maintenance of septic fields on Lots 27, 29 and 32.
7. 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.
8. Dedication of the 20-foot trail easement on Lot 30 as shown on approved Tentative Map 5223 pursuant to condition Trails #47 above.
9. Construction of and maintenance activities for the eight-foot wide trail within the trail easement on Lot 30 as shown on approved Tentative Map 5223 pursuant to condition Trails #48 above; and,
10. Removal of paved surfaces, sheds or other outbuildings in the open space on Lots 12-14 and 17-20.

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, 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.

50. LBZ EASEMENT [PDS, FEEX 2]

INTENT: In order to protect sensitive biological resources, pursuant to RPO and CEQA, 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 approved 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:

1. Structures designed or intended for occupancy by humans or animals located no less than 100 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing/fuel modification requirements so that they will not be required within any portion of the biological open space easement.
2. Decking, fences, and similar facilities.
3. 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.
4. Construction and maintenance of drainage/water quality facilities as long as no grading or vegetation clearing is required in any portion of the biological open space easement.
5. Continued maintenance of agriculture over Lots 11 through 14, 16, 17 through 21, 23 through 36, and 40.
6. Placement and maintenance of septic fields.

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 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]J 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.

51. **OFF-SITE MITIGATION [PDS, FEE X2]**

INTENT: In order to mitigate for the impacts to coast live oak woodland and field pasture, which are sensitive biological resources pursuant to the County of San Diego Guidelines for Determining Significance for Biological Resources, off-site mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit or provide for the conservation of habitat of 2.1 acres of coast live oak woodland and 0.35 acres of field pasture, located in North County as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit, the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in North San Diego County as indicated below:
 1. The type of habitat and the location of the proposed mitigation should be pre-approved by [PDS, PCC] before purchase or entering into any agreement for purchase.

2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
4. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is submitted in-lieu of purchasing credits (option 1), then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

52. OPEN SPACE SIGNAGE [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary of lots(s) 12-14, 17-20, 23-36, and 45 as indicated in Figure 5 - Open Space, Fencing, and Signage Exhibit of the approved Biological Resources Survey Report for the Shadow Run Ranch Project, prepared by Vincent Scheidt. 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: (PDS2001-3100 5223, Env. Log. 3910-00-02-035)

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

53. OPEN SPACE FENCING [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, and disturbance, permanent fencing or walls shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space fencing or walls shall be placed along the biological open space boundary as indicated in Figure 5 - Open Space, Fencing, and Signage Exhibit of the approved Biological Resources Survey Report for the Shadow Run Ranch Project, prepared by Vincent Scheidt. The fencing/walls design shall consist of split rail. **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 approval of the map and prior to the approval of any plan and issuance of any permit, the fencing or walls shall be placed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

54. RESOURCE MANAGEMENT PLAN

INTENT: In order to provide for the long-term management of the proposed open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, a RMP. The RMP shall be for the perpetual management of the 91.31-acre open space (Lot 46), as well as additional open space on Lots 12-14, 17-20, and 30, onsite. The RMP shall be consistent with the conceptual/draft RMP/HMP dated March 2014 on file with PDS as Environmental Review Number PDS2000-3910-0002035. The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director

of PDS and in cases where DPR has agreed to be the owner and/or manager, to the satisfaction of the Director of DPR.

- a. The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements.
- b. The RMP shall include an approved Wetland Mitigation Plan that will provide for the restoration and enhancement of wetland functions and values for impacts to 0.015 acres of state wetlands and state and federal "waters."
- c. The habitat land on Lot 46 to be managed shall be completely purchased.
- d. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- e. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- f. The RMP funding mechanism shall be identified and approved by the County to fund annual costs for basic stewardship.
- g. A contract between applicant and County shall be executed for the implementation of the RMP.

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

55. **BIOLOGICAL MONITORING [PDS, FEE X2]**

INTENT: In order to prevent inadvertent disturbance to Least Bell's vireo and Southwestern Willow Flycatcher, all grading located within 300 feet of Frey Creek shall be monitored by a biologist. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities adjacent to Frey Creek. The following shall be completed:

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

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

56. CULTURAL DATA RECOVERY PROGRAM [PDS, FEE]

INTENT: In order to mitigate for potential impacts to significant cultural resources pursuant to Section 15064.5 of the California Environmental Quality Act (CEQA), which are not determined to be significant pursuant to Section 86.602.o of the Resource Protection Ordinance (RPO), a data recovery program shall be implemented. **DESCRIPTION OF REQUIREMENT:** Implement the research design detailed in the archaeological extended study Data Recovery Research Design for Mitigation of Prehistoric Archaeological Site SDI-9537/H prepared by Philip de Barros, dated June 15, 2009. The implementation of the research design constitutes mitigation for the proposed destruction of archeological site SDI-9537/H. The data recovery program shall include the following:

- a. **Phase One:** The data recovery program shall comply with research design and performance standards that are in the approved data recovery program in the report referenced above.
- b. **Phase One:** Upon completion, a letter report shall be prepared, which evaluates the issues of site integrity, data redundancy, spatial and temporal patterning, features, and other relevant topics in order to assess the adequacy of the initial one percent sample. Based on this assessment, the letter report shall recommend the need for and scope of a second phase of field investigations. If no artifacts are found, then a phase two data recovery program is not required.
- c. **Phase Two:** Implement Phase Two fieldwork as necessary. For artifacts found during the phase one and phase two data recovery referenced above, conduct an artifact analysis, which includes the following: lithics, ceramics, faunal, floral, assemblage, and radiocarbon dating as referenced in the report above. The historical artifacts shall be identified and analyzed using historical archaeological analytical techniques such as artifact function patterning, bottled products pattern analysis and ceramic economic indexing. Additional historic research shall be conducted as necessary to aid in analyzing and explaining the significance of patterns.
- d. **Curation:** All prehistoric archaeological materials recovered during the data recovery phase shall be curated at 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 shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. All historic archaeological materials recovered during the data recovery phase shall be curated at a San Diego 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 shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

DOCUMENTATION: Upon completion of the phase one data recovery, the applicant shall submit the letter report to the [PDS, PCC]. If a phase two data recovery program is required, the applicant shall provide a Final Technical Report prepared by the project archaeologist to the [PDS, PCC]. The final report shall include a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid. **TIMING:** Prior to the approval of any plan, issuance of any permit and prior to approval of any map, the data recovery program shall be completed. **MONITORING:** The [PDS, PCC] shall review the documentation for compliance with this condition.

57. CULTURAL ARCHAEOLOGICAL GRADING MONITORING [PDS, FEE X 2]

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, an archaeological grading 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 CEQA Section 15064.5 and 15064.7. **DESCRIPTION OF REQUIREMENT:** A County approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities on the project site and along the SR-76 Right-Of-Way. The following shall be completed:

- 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 map. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological grading 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 of acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Luiseno Native American has been contracted to perform Native American Grading Monitoring for the project.

- c. The cost of the monitoring shall be added to grading bonds or bonded separately with PDS.

DOCUMENTATION: The applicant shall provide a copy of the Archaeological Grading 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 or bonded separately. **TIMING:** Prior to the approval of the map for any phase 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, 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. [PDS, LDR] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

58. CULTURAL RESOURCES REPORT [PDS, FEE X2]

INTENT: In order to ensure that the Archaeological Grading Monitoring occurred during the grading phase of the project pursuant to condition Cult #57 a final report shall be prepared. **DESCRIPTION OF REQUIREMENT:** A final Archaeological Grading Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all prehistoric cultural resources collected during the grading monitoring program has been curated at a San Diego curation facility or culturally affiliated 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 an appropriate curation facility in San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

Evidence that all historic archaeological materials recovered during the data recovery phase shall be curated at a San Diego 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 shall be transferred, including title, to an appropriate

curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

- d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring activities have been completed. Daily 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. **TIMING:** Prior to any occupancy or final grading release, the final report shall be prepared. **MONITORING:** The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PCC] shall inform [PDS, LDR] and [DPW, PDC], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS, FISCAL] to release the bond back to the applicant.

59. **NOISE RESTRICTION EASEMENT [PDS, FEE X 6]**

INTENT: In order to reduce the exposure to noise levels in excess of standards established by the County of San Diego General Plan Noise Element (Policy 4.b), and the County of San Diego CEQA Noise Guidelines for Determining Significance, a noise restriction easement shall be placed on the parcel to reduce the noise exposure of land uses for sensitive receptors below levels of significance for residential structures that propose more than one story. **DESCRIPTION OF REQUIREMENT:** A Noise Restriction Easement as indicated on the approved Tentative Map and Preliminary Grading Plan (proposed Lots 5, 6, 15, 16, 29, and 30), shall be granted on the map. The said easement shall include and shall comply with the following:

- a. Prior to the approval of any Building Plan and issuance of any Building Permit for a residence with more than one story, a County Approved Acoustical Consultant, shall perform an acoustical analysis, which demonstrates that the proposed residential dwelling unit(s) will not be exposed to present and anticipated future noise levels exceeding the allowable sound level limit of the General Plan community noise equivalent levels (CNEL) of 45 dB for interior noise, and a (CNEL) of 60dB for exterior noise levels. Exterior noise sensitive land uses include all Group or Private Usable Open Space as defined by the General Plan Noise Element (Policy 4.b).
 - 1. Future traffic noise level estimates must utilize a Level of Service "C" traffic flow for SR-76.
- b. The acoustical analysis shall make recommendations that shall be implemented in the project design and building plans, so the proposed

structures and project site can comply with the noise standards referenced above.

- c. The unauthorized removal of documented noise control measures at a future date after the initial condition is satisfied shall make the affected noise sensitive land use still subject to this building restriction for protection of these uses before any future building permits can be approved and issued.
- d. Prior to the approval of any Building Plan and issuance of any Building Permit for a residence with more than one story, the applicant shall prepare the acoustic analysis and incorporate the proposed project design recommendations and mitigation measures, into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [PDS, BD] for review and approval before the building permits can be issued. To the satisfaction of the [PDS, PCC], the applicant shall revise the building plans or site design to incorporate any additional proposed mitigation measures.

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 **TIMING:** Prior to the approval of the Final Map, the requirements of this condition shall be completed. **MONITORING:** The [PDS, LDR] shall verify that the easement is indicated on the map as specified and recorded.

60. LEAD SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with lead-based paint (LBP) and lead containing materials (LCM) to mitigate below levels of significance as established in the County of San Diego Hazardous Materials. and Existing Contamination Guidelines for Determining Significance, the structure on proposed Lot 17 that will be demolished shall be surveyed for the presence of LBP/LCM because the structures were built prior to 1980. **DESCRIPTION OF REQUIREMENT:** A survey shall be performed before the removal or demolition of the existing structure on proposed Lot 17 as shown on the approved Tentative Map. The survey shall be completed by a California Department of Health Services (OHS) certified lead inspector/risk assessor to determine the presence or absence of LBP and LCM located in the structure. The following conditions only apply if LBP and LCM are present:

- a. All LBP and LCM shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).

- b. All LBP and LCM scheduled for demolition must comply with applicable regulations for demolition methods and dust suppression.

DOCUMENTATION: The applicant shall submit a letter or report prepared by a California OHS certified lead inspector/risk assessor to the [DEH HAZ MAT, APCD], which certifies that there was no LBP/LCM present, or all lead containing materials have been remediated pursuant to applicable regulations. **TIMING:** Prior to the approval of any plan, issuance of any permit (excluding demolition permit), and prior to approval of the map the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report and any additional evidence for compliance with this condition. The [PDS, PCC] shall review the completed and stamped report and any additional evidence for compliance with this condition.

61. ASBESTOS SURVEY [PDS, FEE X 2]

INTENT: In order to avoid hazards associated with Asbestos Containing Materials (ACMs) and to mitigate below levels of significance as established by the County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance, the structure on proposed Lot 17 that will be demolished shall be surveyed for the presence of ACMs because the structures were built prior to 1980. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of ACMs in the existing structures on proposed Lot 17 as shown on the approved Tentative Map.

- a. Suspect materials that will be disturbed by the demolition or renovation activities shall be sampled and analyzed for asbestos content or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code and shall have taken and passed an EPA-approved Building Inspector Course.
- b. If ACMs are found present, they shall be handled and remediated in compliance with the San Diego County Air Pollution Control District Rule 361.145 - Standard for Demolition and Renovation.

DOCUMENTATION: The applicant shall submit to the [DEH HAZ MAT, APCD] a signed, stamped statement from the person certified to complete the facility survey indicating that the survey has been completed and that either regulated asbestos is present or absent. If regulated asbestos is present, the letter shall describe the procedures taken to remediate the hazard and certify that they have been remediated pursuant to code sections referenced above. **TIMING:** Prior to the approval of any plan, issuance of any permit (excluding demolition permit), and prior to approval of the map the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report and any additional evidence for compliance with this condition. The [PDS, PCC] shall

review the completed and stamped report and any additional evidence for compliance with this condition.

62. STRUCTURE REMOVAL [PDS, FEE]

INTENT: In order to comply with the proposed project design for PDS2001-3100-5223 the structures on proposed Lots 13, 14, 17 and 19 shall be removed or demolished. **DESCRIPTION OF REQUIREMENT:** The structure on proposed Lots 13, 14, 17 and 19 as shown on the approved Tentative Map shall be removed or demolished. A Demolition Permit shall be obtained from [PDS, BO]. Compliance with conditions HAZ #60 and HAZ #61 to determine the presence or absence of Lead Containing Materials and Asbestos Containing Materials shall be completed before the County can issue a Demolition Permit. **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 structure. **TIMING:** Prior to the approval of any plan, issuance of any permit (excluding demolition permit), and prior to approval of the map 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.

63. PALEONTOLOGICAL GRADING MONITORING: [PDS, PCC] [DPW, LDR] [GP, IP, MA] [PDS, FEE X 2]

INTENT: In order to mitigate for potential impacts to paleontological resources on the project site, a monitoring program during grading, trenching or other excavation into undisturbed rock layers beneath the soil horizons and a fossil recovery program, if significant paleontological resources are encountered, shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Paleontological Resources. **DESCRIPTION OF REQUIREMENT:** A County approved Paleontologist "Project Paleontologist" shall be contracted to perform paleontological resource monitoring and a fossil recovery program if significant paleontological resources are encountered during all grading, trenching. The following shall be completed:

- a. The Paleontologist ("Project Paleontologist") shall perform the monitoring duties pursuant to the most current version of the County of San Diego Guidelines for Determining Significance for Paleontological Resources, and this permit. The contract provided to the county shall include an agreement that the grading/ trenching/excavation monitoring will be completed, and a Memorandum of Understanding (MOU) between the approved Paleontologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with Planning & Development Services.

DOCUMENTATION: The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate, and MOU to the [PDS, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to the approval of the map for 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, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate shall be forwarded to [DPW, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

64. 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 for Lot 36 on the Tentative Map. This easement is for the protection of steep slope lands and also serves as a setback for the Elsinore fault zone 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, expansion or continuing operation of agriculture, including irrigation lines, 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. 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.
- e. Maintenance and construction of private and public drainage facilities as shown on the approved Tentative Map or MUP Plot Plan, or 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.
- f. Construction, use, and maintenance of a driveway.
- g. Uses, activities, and placement of structures expressly permitted by Major Use Permit and shown on the plot plan.
- h. 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, 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, 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, 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.

65. **AGRICULTURAL EASEMENT [PDS, FEE X 2]**

INTENT: In compliance with Tentative Map, PDS2001-3100-5223 and in order to implement the project vision proposed by the project owner, a 39.12-acre Agricultural Open Space Easement shall be granted on Lot 45 of the Tentative Map for the continuation of agricultural uses. **DESCRIPTION OF REQUIREMENT:**

Grant to the County of San Diego by separate easement, a 39.12-acre Agricultural Open Space Easement on Lot 45 of the Tentative Map. The purpose of the easement is to protect the viability of existing agricultural resources in the easement area. All appropriate agricultural uses shall be permitted within the easement area and agricultural products produced within the easement area may be marketed and sold by the owner or by any subsequent Homeowner's Association. The easement prohibits all non-agricultural uses, including but not limited to, the construction or placement of any residence, garage, and recreational amenities. The only exceptions to this prohibition are:

- a. Construction and maintenance of access, wells, and water distribution systems for agricultural purposes;
- b. Establishment, expansion or continuing operation of agriculture 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 nursery products and flower crops; fruit and nut crops; vegetable crops; field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops;
- c. 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;
- d. Percolation testing and construction and maintenance of approved septic systems for agricultural purposes;
- e. Activities necessary to restore agricultural soils during septic system and other permitted construction;
- f. Construction and maintenance of subdivision access roads Fig Tree Bend and Haas View Way, trails from Haas View Way to the Recreational lot (Lot 47), and drainage and stormwater facilities (including the reservoir spillway) as shown on the approved Tentative Map or MUP Plot Plan (PDS2000-3300-00-030), or 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. Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of PDS;
- h. 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;
- i. Uses, activities, and placement of structures expressly permitted by Major Use Permit, and shown on the plot plan; and,
- 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 prepare the draft plats and legal descriptions for the agricultural open space easement and shall then submit them to [DGS, RP] for review and approval. [DGS, RP] shall prepare the agricultural easement and record them. The applicant shall pay all applicable fees to prepare and record the easements. Upon Recordation of the easements, [DGS, RP] shall provide copies of the recorded easement document to [PDS, PCC]. **TIMING:** Prior to the approval of the final map and prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the easements shall be recorded. **MONITORING:** The [DGS, RP] shall prepare and approve the easement documents and send them to [PDS, PCC] for pre-approval. The [PDS, PCC] shall preapprove the language and the location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easement [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of this condition.

66. AGRICULTURAL MAINTENANCE AGREEMENT: [DPLU, PCC] [DGS, RP] [MA, GP, IP] [PDS, FEE X 2].

INTENT: In order to provide for the long-term management of the proposed onsite agricultural easement and required ongoing agricultural use in the proposed 100-foot-wide visual buffer easement along SR-76, an Agricultural Maintenance Agreement (Agreement) shall be executed between the Project Owner and/or the HOA and the County of San Diego. The Agreement may also cover existing agricultural use areas on the project site. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a separate Agricultural Maintenance Agreement with the County of San Diego over the agricultural easement area and 100-foot-wide visual buffer easement along SR-76 on Lots 5, 6, 15, 16, and 30 as shown on Tentative Map 5223 (PDS2001-3100-5223) and Major Use Permit Plot Plan 00-030 (PDS2000-3300-00-030), and other agricultural use areas on the project site as desired. This Agreement may be transferred to individual property owners or

the Homeowners Association (HOA) if one is formed. The Agreement shall address:

- a. The property owner or the HOA shall employ an agricultural manager to oversee the continued maintenance of agricultural operations within the agricultural easement, visual buffer easement, and other onsite agricultural use areas as desired;
- b. Construction and maintenance of agricultural fencing and signage to be placed along the easement boundaries and installed prior to final approval of any Grading and/or Improvement Plans. Agricultural fencing and signage shall not be required to secure the final map. Signage may be placed on posts rather than fencing along boundary with residential lots to facilitate maintenance activities by the agricultural manager;
- c. Signage will be corrosion resistant, a minimum size of six inches by nine inches, spaced 100 feet apart, and attached to fencing or posts not less than three feet in height. from the ground surface, stating "County Easement: Agricultural Uses Only (Project Ref: 3100-5223)";
- d. Maintenance of onsite wells and water distribution systems for use in the agricultural easement, visual buffer easement along SR-76, and other agricultural use areas on the project site;
- e. Construction and maintenance of leach field areas (original soils will be restored/replaced during septic system construction);
- f. Prior to Final Map, provide security for 10 years of the operations listed in (a) through (d), based on a cost estimate provided by the applicant and approved by the Director of PDS, prior to approval of the Final Map; and,
- g. Implement the County Agricultural Enterprises and Consumer Information Ordinance (County code Section 63.401). The Ordinance is intended to identify and limit the circumstances under which agricultural activities may constitute a nuisance. It prohibits land use changes near existing agricultural uses that would result in existing agricultural uses to be deemed a nuisance. The Ordinance requires prospective property buyers (whether new sales or re-sales) to be notified in writing that agricultural activities may occur in the vicinity, and that associated inconveniences, irritations or discomforts could potentially result.

DOCUMENTATION: The applicant shall prepare the Maintenance Agreement, and then submit it for review and approval to the [PDS, ZONING], and pay all applicable fees associated with preparation of the Maintenance Agreement. The Maintenance Agreement shall be recorded by PDS. **TIMING:** Prior to the approval of the final map and prior to approval of any grading or improvement plan and prior

to issuance of any grading or construction permit, the Agreement shall be recorded. **MONITORING:** The [PDS, PPD] shall preapprove the language of the Agreement before it is released to the applicant for signature and subsequent recordation by PDS. Upon Recordation of the Agreement [PDS] shall utilize the recorded Maintenance Agreement as satisfaction of this condition.

67. **AGRICULTURE SECURED AGREEMENT**

INTENT: In order to ensure the availability and viability of the onsite agricultural easement for agricultural use pursuant to condition 66 above, a surety shall be provided and an agreement shall be executed. **DESCRIPTION OF REQUIREMENT:** The applicant shall enter into a Secured Agreement with the County of San Diego as follows:

- a. The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the maintenance of the agricultural easement, visual buffer easement, and any other onsite agricultural areas for a period of 10 years.
- b. Provide a 10 percent cash deposit for the maintenance of the areas included in (a) above as reviewed and approved by the County.
- c. The monitoring time and the length of time the Secured Agreement and cash deposit will be in effect starts at the time the Maintenance Agreement is accepted by a County staff representative. The Secured Agreement and cash deposit shall be released upon completion of 10 years of maintenance.

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

68. **SEPTIC ABANDONMENT**

INTENT: In order to comply with County Regulatory Code Section 68.313.1, the on-site wastewater system (Septic System) shall be properly abandoned. **DESCRIPTION OF REQUIREMENT:** The septic system associated with the existing residence on proposed Lot 17 shall be pumped and properly abandoned under DEH guidelines. **DOCUMENTATION:** Upon completion of the septic

removal, the applicant shall contact [DEH, LWQJ 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, LWQJ shall perform a field inspection to verify that the septic system has been properly abandoned pursuant to this condition.

69. LANDSCAPE DOCUMENTATION PACKAGE

INTENT: In order to provide adequate Landscaping that implements the site planning principles of the Tentative Map and Major Use Permit, a landscape plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the COSD Water Efficient Landscape Design Manual and the COSD Water Conservation in Landscaping Ordinance, the COSD Off-Street Parking Design Manual, and the COSD Grading Ordinance. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.

- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the County's Light Pollution Code.
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Parking areas shall be landscaped and designed pursuant to the Off-street Parking Design Manual and the County Zoning Ordinance Section 6793.b
- i. All areas proposing the use of a non-irrigated hydroseed mix, as called out on the conceptual landscape plan, shall provide a temporary irrigation system capable of establishing vegetation in these areas to insure that no significant threat of soil erosion is present as required by the County's Grading Ordinance.
- j. Show graphically on the plans and provide written notes to insure the preservation of all existing vegetation, including Oak trees, King Palms, and orchard trees shown on the conceptual landscape plan will be protected during grading, construction, and paving operations. This also includes existing vegetation within the 100' noise buffer, existing vegetation used for screening, and existing orchard trees within the proposed leach fields for individual private lots. All trees damaged or destroyed in these areas shall be replaced at sizes typical of the existing tree. No grading or soil disturbance of surrounding soil within the canopies of the oak trees shall occur. 36" high hurricane fencing shall be placed on the outside of the tree canopy (drip line) to protect the accumulation of existing leaf litter under the canopies and not disturb the mycorrhizal association between the existing soil and root zone of the trees until the Certificate of Completion is provided and approved by Planning and Development Services.
- k. The Landscape Plan shall demonstrate a 40% reduction in Maximum Applied Water Allowance (MAWA) and include planting of a minimum of two trees per residential unit, in conformance with CAP Checklist consistency measure 6a, 6b, 9a, and 9b.

DOCUMENTATION: The applicant shall prepare the Landscape Plans using the Landscape Documentation Package Checklist (PDS Form #404) and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

70. VISUAL BUFFER EASEMENT [PDS, FEE X 2]

INTENT: In order to mitigate for visual impacts from SR-76, a 100-foot wide visual buffer easement shall be granted to the County. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego by separate easement, a 100-foot wide visual buffer on Lots 5, 6, 15, 16, and 30 as shown on the approved Tentative Map. This easement is to mitigate visual impacts of the project from views from SR-76. Existing agricultural groves on all afore-mentioned lots will be maintained and managed to screen project development from travelers along SR-76. Only agricultural groves, oak tree or other native vegetation, or landscape plantings pursuant to an approved landscape plan shall be permitted within the easement area and agricultural products produced within the easement area may be marketed and sold by the owner or by any subsequent Homeowner's Association. The easement prohibits all non-agricultural or non-vegetative buffer uses, including but not limited to, the construction or placement of any residence, garage, or other structures. The only exceptions to this prohibition are:

1. 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;
2. Maintenance of existing water distribution systems (including groundwater wells) for agricultural or landscaping purposes;
3. Construction and maintenance of approved septic systems;
4. Percolation for septic systems and other tests for agricultural purposes;
5. Activities necessary to restore agricultural soils during septic system and other permitted construction;
6. Dedication of the 20-foot trail easement as shown on approved Tentative Map 5223 pursuant to condition Trails #47 above;
7. Construction of and maintenance activities for the eight-foot wide trail within the trail easement as shown on approved Tentative Map 5223 pursuant to condition Trails #48 above; and,
8. Construction and maintenance of drainage and stormwater management facilities on Lot 30 as shown on approved Tentative Map 5223.

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. Upon Recordation of the easements, [DGS, RP] shall provide copies of the recorded easement document to [PDS, PCC]. **TIMING:** Prior to the approval of the map, and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **MONITORING:** 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 location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition or if recorded on the map, the [PDS LDR] shall satisfy the condition after map recordation.

71. **FAULT SETBACK EASEMENT [PDS, FEE X 2]**

INTENT: In order to mitigate for potential adverse impacts resulting from fault rupture on the Elsinore fault zone, a fault setback easement shall be granted to the County. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego by separate easement, a 100-foot wide fault setback easement along the eastern boundary of Lots 36, 37, and 38, which tapers to 75 feet wide in the southeast portion of Lot 38 and continues at 75 feet wide on Lots 39 and 44 as shown on the approved Tentative Map. However, the actual easement width on Lot 36 will vary and be less than 100 feet wide as a Steep Slope Easement will fulfill part of this setback requirement. This easement is to mitigate for potential adverse impacts resulting from fault rupture on the Elsinore fault zone. This fault setback easement prohibits the construction of all buildings and structures intended for human occupancy. **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. Upon Recordation of the easements, [DGS, RP] shall provide copies of the recorded easement document to [PDS, PCC]. **TIMING:** Prior to the approval of the map, and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **MONITORING:** 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 location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall

forward a copy of the recorded documents to [PDS, PCC] for satisfaction of the condition or if recorded on the map, the [PDS LDR] shall satisfy the condition after map recordation.

72. **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.

73. **PERMIT APPROVAL [PDS, FEE]**

INTENT: In order to ensure that the proposed subdivision is derived from a single legal lot as proposed on Boundary Adjustment / Certificate of Compliance PDS2000-3710-00-0205 (B/C 00-0205), final approval of that permit shall be obtained. **DESCRIPTION OF REQUIREMENT:**

- a. Obtain final approval of PDS2000-3710-00-0205 from the Director of Planning & Development Services and cause the Certificate of Compliance to be recorded.

DOCUMENTATION: The applicant shall satisfy the conditions for and receive final approval of the required permit referenced above. Upon approval, provide a copy of the approval to the [PDS, PCC] for review and approval of this condition. **TIMING:** Prior to the approval of the Map the applicant shall comply with this condition. **MONITORING:** The [PDS, PCC] shall review the permit approval 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 Estate Development Area Regional Category of the San Diego County General Plan and with the Intensive Agriculture (19) Land Use Designation of the Pala/Pauma Subregional Plan because it proposes a residential use type at a density of 0.18 dwelling units per 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 two acres in the A70 Limited Agricultural Use Regulation, which is allowed by clustering provisions of the Estate Development Area Regional Category and with approval of a Major Use Permit for a Planned Residential Development;
3. The design and improvements of the proposed subdivision are consistent with all elements of the San Diego County General Plan and with the Pala/Pauma 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 residential development is proposed on the least constrained area of the project site to avoid Frey Creek and its biological resources (91.3-acre open space). To minimize grading, residential lots are located on the gentler slopes of the site. The project design allows for continued agricultural production on a 39-acre agricultural easement lot and on the residential lots. An inactive geological fault is avoided through required setbacks to residential pads;
5. The site is physically suitable for the proposed density of development because fire protection services will be provided by Calfire through CSA 135 and imported water will be provided by the Yuima Municipal Water District (YMWD) following approval of annexation to the YMWD, Metropolitan Water District, and County Water Authority;
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 an Environmental Impact Report dated January 2020;
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 individual private subsurface waste disposal 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 the California Environmental Quality Act, the Resource Protection Ordinance, and the Watershed Protection, Stormwater Management, and Discharge Control Ordinance have been made by the Planning Commission..

MITIGATION MONITORING OR REPORTING PROGRAM (MMRP): Public Resources Code Section 21081.6 requires the County to adopt a Mitigation Monitoring or Reporting Program for any project approved with the adoption of a Mitigated Negative Declaration or with the certification of an Environmental Impact Report, for which changes in the project are required in order to avoid significant impacts.

Section 21081.6(a)(1) states, in part:

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

Section 21081(b) further states:

A public agency shall provide [that] the measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.

As indicated above, a Mitigation Monitoring or Reporting Program is required to assure that a project is implemented in compliance with all required mitigation measures. The Mitigation Monitoring or Reporting Program (MMRP) for this project is incorporated into the mitigation measures adopted as project conditions of approval. Each mitigation measure adopted as a condition of approval (COA) includes the following five components.

Intent: An explanation of why the mitigation measure (MM) was imposed on the project.

Description: A detailed description of the specific action(s) that must be taken to mitigate or avoid impacts.

Documentation: A description of the informational items that must be submitted by the applicant to the Lead Agency to demonstrate compliance with the COA.

Timing: The specific project milestone (point in progress) when the specific required actions are required to implemented.

Monitoring: This section describes the actions to be taken by the lead agency to assure implementation of the mitigation measure.

The conditions of approval required to mitigate or avoid significant impacts on the environment are listed above and constitute the MMRP for this project:

Condition numbers 49 through 64, 69, 70, and 71.

MAP PROCESSING REQUIREMENTS: The final map shall comply with the following processing requirements pursuant to the [Sections 81.501 through 81.511 of the Subdivision Ordinance](#) and the [Subdivision Final Map Processing Manual](#).

- ☐ The Final map shall show an accurate and detailed vicinity map.
- ☐ The Basis of Bearings for the Final Map shall comply with [Section 81.506 of the Subdivision Ordinance](#).
- ☐ 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.
 - ☐ 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 non-potable water supply and sewage disposal shall be shown on the Final Map.

- ☐ The Zoning regulations (Section 6624) states that Lot Size regulations (Section 4200 et. al.) shall not apply provided Major Use Permit findings can be made (Section 7350 et. al.). Thirty-eight of the proposed 44 residential lots on the Tentative Map have a net lot area of two acres or greater. The remaining six lots have net area ranging from 1.90 to 1.98 acres. These lot areas are compatible with the surrounding area pursuant to the Major Use Permit Findings in the Major Use Permit Decision for the project (PDS2000-3300-00-030). The Estate Development Area (EDA) Regional Category and (19) Intensive Agriculture Land Use Designation of the General Plan requires each parcel contain a minimum gross area of two acres as allowed by application of clustering and Planned Development standards of the EDA Regional Category, (19) Land Use Designation, and Zoning Ordinance. All residential lots on the Tentative Map meet this two-acre minimum lot size (gross). If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Map is determined by the Department of Public Works to be below the two-acre minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.

The Tentative Map is consistent with The Zoning Ordinance because it proposes a residential use type with a minimum lot size of two acres in the A70 Limited Agricultural Use Regulation, which is allowed by clustering provisions of the Estate Development Area Regional Category and with approval of a Major Use Permit for a Planned Residential Development;

- ☐ Cause the centerline of SR-76 (Pala Road) to be surveyed and monumented to the satisfaction of the Director of PDS and Caltrans. Monumentation shall consist of street survey monuments, per Drawing M-10 Regional Standard Drawings when the road, as improved, is at ultimate line and grade and 2" x 24" pipe when the road is not at ultimate line and grade.

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 [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) 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 during construction the property owner keeps the Storm Water Pollution Prevention Plan (SWPPP) onsite and update it as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: 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 in May 2013. *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:

http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.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 below: <http://www.sdcountry.ca.gov/dplu/docs/LID-Handbook.pdf>

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to [County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410](#) (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

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 Grading Ordinance](#).

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 PDS Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate County 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.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to the [County TIF Ordinance Sections 77.201 – 77.223](#). 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.

NOTICE: To comply with State law, the applicant/owner must file the Notice of Determination (NOD) signed by the lead agency and remit required fees to the County Clerk's Office within five (5) working days of the date of project approval. Payment or sufficient proof of prior payment to the County Clerk is required at the time of filing. The filing of a NOD or NOE reduces the period of time the CEQA document can be challenged to **35 days**. However, if the NOD/NOE is not filed, this period is extended to **180 days**. The CDFW adjusts fees annually based on inflation. You must pay the amount effective January 1 of the year of the project decision.

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.

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

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

activity which could impact the wetlands, lake, stream, and/or waters of the U.S. on the subject property. The agency contact information is provided below.

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

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

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

NOTICE: THE 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.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit	ESU
Department of Environmental Health (DEH)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
Department of Parks and Recreation (DPR)			
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 fees, dedications or exactions begins on the date of adoption of this Resolution.

ON MOTION of Commissioner _____, seconded by Commissioner _____, this Resolution is passed and approved by the Planning Commission of the County of San Diego, State of California, at a regular meeting held on this 15th day of May 2020, in Planning & Development Services Conference Center Hearing Room, 5520 Overland Avenue, San Diego, California, by the following vote:

AYES:

NOES:

ABSENT:

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

cc: Sherrill Ann Schoepe, Shadow Run Ranch, LLC, P.O. Box 1249, San Diego, CA 92111
Ron Deutschendorf, 14422 Corte Lampara, San Diego, CA 92129

email cc:

Ron Deutschendorf, wpvr101@yahoo.com
Mark Thompson, TRS Consultants, mark@trs-sandiego.com
Dan Masson, Masson & Associates, danmasson@masson-assoc.com
Robert Hingtgen, Planner III, PDS
Diana Perez, Team Leader, PDS, Land Development
Greg Kazmer, Planning Manager, PDS

Attachment D.1 – Environmental Findings

ENVIRONMENTAL FINDINGS

**SHADOW RUN RANCH,
PDS2000-3710-00-0205 B/C), PDS2001-3100-5223 (TM), PDS2000-3300-00-030 (MUP), and
PDS2000-3910-0002035 ER No.)**

May 15, 2020

I. CEQA FINDINGS

1. Certify that the environmental impact report (EIR) dated January 2020 on file with Planning & Development Services as Environmental Review Number PDS2000-3910-0002035 has been completed in compliance with the California Environmental Quality Act and the State CEQA Guidelines, that the EIR was presented to the Planning Commission and that the Planning Commission reviewed and considered the information contained therein before approving the project, and that the EIR reflects the independent judgment and analysis of the Planning Commission.
2. Adopt the findings concerning mitigation of significant environmental effects pursuant to CEQA Guidelines section 15091. (Attachment E.2.)
3. Adopt the Statement of Overriding Considerations pursuant to State CEQA Guidelines section 15093. (Attachment E.2.)
4. Adopt the Decision and Explanation Regarding Recirculation of the Draft Environmental Impact Report pursuant to State CEQA Guidelines Section 15088.5(e). (Attachment E.2.)
5. Adopt the Mitigation and Monitoring Program as incorporated into the project conditions of approval pursuant to CEQA Guidelines section 15091(d).

II. OTHER ENVIRONMENTAL FINDINGS

1. Find that the proposed project is consistent with the Resource Protection Ordinance (County Code, section 86.601 et seq.).
2. Find that the groundwater resources are adequate to meet the groundwater demands of the project.
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.).



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 694-2962 • Fax (858) 694-2555
www.sdcountry.ca.gov/pds

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

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

DATE (TO BE DETERMINED)

Ms. Sherrill Schoepe
Shadow Run Ranch, LLC
PO Box 1249
Pauma Valley, CA 92061

DRAFT
Habitat Loss Permit (April 14, 2020)

APPLICATION NUMBER: HLP XX-XXX, ER 00-02-035

ASSOCIATED PERMIT(S): PDS2001-3100-5223, PDS2000-3300-00-030

NAME OF APPLICANT: Ms. Sherrill Schoepe

DESCRIPTION/LOCATION OF LOSS:

The project is a major subdivision of 248 acres into forty-four residential lots ranging in size from 2.0 to 7.35 acres, and three open space lots including a recreation open space lot, biological open space lot, and agriculture open space lot. The project includes the grading of forty-four new residential pads as well as the construction of access roads and driveways. The project will impact 3.5 acres of Diegan coastal sage scrub (CSS) as shown on the attached Habitat Loss Exhibit.

The project site lies along the north side of SR-76, just northwest of Adams Drive within the Pala-Pauma Community Planning Area of the unincorporated San Diego County as indicated

on the attached USGS map. Surrounding uses include rural residential, agricultural uses, and undeveloped land.

Biological resources on the project site were evaluated in a Biological Resources Report prepared by Vince Scheidt, dated March 2014. The site was reassessed in 2019 to confirm no changes have occurred to the project site. The habitats on-site include orchards and vineyards, chamise chaparral, Diegan coastal sage scrub, southern sycamore-alder riparian woodland, southern coast live oak riparian forest, floodway, coast live oak woodland, open water, disturbed habitat, urban/developed, and field/pasture. No sensitive plant species and 13 sensitive wildlife species were observed on site: Cooper's hawk, White-tailed kite, turkey vulture, yellow warbler, southern California rufous-crowned sparrow, red-shouldered hawk, great blue heron, mountain lion, bobcat, mule deer, San Diego desert woodrat, coastal western whiptail, and orange-throated whiptail. Protocol California gnatcatcher surveys were performed in 2001, 2005, and 2009 and were all negative. Protocol Arroyo toad surveys conducted in 2007 and 2012 were negative. No protocol surveys were conducted for Least Bell's vireo or Southwestern willow flycatcher despite their presence in the San Luis Rey River; therefore, the site is considered potentially occupied by both species. In 2014, the site was also evaluated for the potential presence of the San Diego cactus wren and southwestern pond turtle. The site and adjoining land are considered to be unoccupied by these species. Habitat acreage and impacts are shown in the table below.

On-site preservation is proposed to protect vegetation in the drainages along the project's northern and western boundaries, with a 50 to 200-foot wetland buffer surrounded by a 100-foot LBZ (200-foot LBZ around the northern pad). The southern drainage would also be dedicated biological open space easement, but due to its small size and edge effects it's considered impact neutral. The habitat within RPO wetland and buffers is also counted as impact neutral. The project will include a condition prohibiting brushing, clearing and/or grading during the breeding season of the Least Bell's vireo and Southwestern willow flycatcher (March 15 through September 15), as well as the coastal California gnatcatcher and raptors (February 1 through August 30).

The proposed project would impact 115.2 acres on-site and off-site, as listed in Table 1. Mitigation will occur through the on-site preservation and off-site purchase of 2.1 acres of coast live oak woodland and 0.3 acres of field/pasture. The Diegan coastal sage scrub habitat onsite is considered to be of intermediate quality as determined by the criteria established under the Natural Community Conservation Planning (NCCP) Logic Flow Chart. Mitigation ratios are listed in Table 1. With the above-mentioned mitigation, all impacts associated with the development of the Shadow Run property would be mitigated to a level below significance. The proposed project is in conformance with all standards and guidelines outlined in the NCCP Process Guidelines.

Habitat Type	Acreage	Impacted Acreage Onsite/ Offsite	Proposed Mitigation Ratio	Proposed Open Space Acreage	Impact Neutral	Offsite Mitigation Acreage
Orchards and vineyards	142.9	95.8/0.8	N/A	6.4	5.5	N/A
Chamise chaparral	0.5	0.0	N/A	0.5	0	N/A
Diegan coastal sage scrub	50.0	1.2/2.3	2:1/ 3:1	25.0	20.2	N/A

Southern sycamore-alder riparian woodland	2.46	0.0	N/A	0.0	2.46	N/A
Southern coast live oak riparian forest	3.32	0.0	N/A	0.0	3.29	N/A
Floodway	2.05	0.0	N/A	0.0	2.05	N/A
Coast live oak woodland	23.8	3.0/0.1	3:1/4:1	7.5	9.6	2.1
Open water	2.67	0.0	N/A	0.0	N/A	N/A
Disturbed habitat	11.0	0.0/2.2	--	2.7	6.1	--
Urban/developed	9.8	9.3	--	0.1	0.1	--
Field/pasture	0.5	0.5	0.5:1	0.0	0.0	0.3
TOTAL	249.0	115.2	--	42.2	49.3	2.4

DECISION:

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

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

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

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

This Habitat Loss Permit cannot be relied upon for the clearing, grading or removal of any vegetation until a valid Grading Permit, Clearing Permit or Improvement Plan has been issued from the County of San Diego authorizing such vegetation removal.

Furthermore, use and reliance upon this Habitat Loss Permit cannot occur until all of the requirements as specified within the “Conditions of Approval” section of this permit have been satisfied.

CONDITIONS OF APPROVAL:

The following conditions are being placed on PDS2001-3100-5223. For the final Habitat Loss Permit, the list of conditions will be modified to require satisfaction of all conditions prior to use and reliance on the HLP.

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

BIO#1–BIOLOGICAL EASEMENT [PDS, FEE X 2]

INTENT: In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO) and the California Environmental Quality Act (CEQA), a biological open space easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego as shown on the approved Tentative Map, including Lots 46, 26-30, 32-34, 16-20, and 12-14. 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:

1. 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.
2. Activities conducted pursuant to a revegetation or resource management plan approved by the Director of PDS, DPR and DPW. All existing agriculture inside the open space fencing and signage is required to die off and revert back to native habitat pursuant to the resource management plan. Oak woodland on Lot 30 along SR-76 is to be maintained to also serve as visual buffer.
3. Continued maintenance of existing agriculture on lots 26-30, and 32-34 outside the open space fencing. Once Agriculture operation has ceased it cannot be reestablished.
4. Continued operation of, and access to, existing groundwater wells along 20-foot wide easements as shown on the approved Tentative Map and on Lot 30.
5. Placement and maintenance of, and access to, stormwater management/bio-retention basin facilities on Lots 17 and 30.

6. Placement and maintenance of septic fields on Lots 27, 29 and 32.
7. 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.
8. Dedication of the 20-foot trail easement on Lot 30 as shown on approved Tentative Map 5223 pursuant to Tentative Map condition Trails #47;
9. Construction of and maintenance activities for the eight-foot wide trail within the trail easement on Lot 30 as shown on approved Tentative Map 5223 pursuant to Tentative Map condition Trails #48; and,
10. Removal of paved surfaces, sheds or other outbuildings in the open space on Lots 12-14 and 17-20.

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, 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.

BIO#2–LBZ EASEMENT [PDS, FEEX 2]

INTENT: In order to protect sensitive biological resources, pursuant to the Resource Protection Ordinance (RPO) and the California Environmental Quality Act (CEQA), 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 approved 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:

1. Structures designed or intended for occupancy by humans or animals located no less than 100 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing/fuel modification requirements so that they will not be required within any portion of the biological open space easement.
2. Decking, fences, and similar facilities.

3. 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.
4. Construction and maintenance of drainage/water quality facilities as long as no grading or vegetation clearing is required in any portion of the biological open space easement.
5. Continued maintenance of agriculture over Lots 11 through 14, 16, 17 through 21, 23 through 36, and 40.
6. Placement and maintenance of septic fields.

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 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.

BIO#3–OFF-SITE MITIGATION [PDS, FEE X2]

INTENT: In order to mitigate for the impacts to coast live oak woodland and field pasture, which are sensitive biological resources pursuant to the County of San Diego Guidelines for Determining Significance for Biological Resources, off-site mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit or provide for the conservation of habitat of 2.1 acres of coast live oak woodland and 0.3 acres of field pasture, located in North County as indicated below.

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

- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in North San Diego County as indicated below:
1. The type of habitat and the location of the proposed mitigation, should be pre-approved by [PDS, PCC] before purchase or entering into any agreement for purchase.
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 4. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
 5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is submitted in-lieu of purchasing credits (option 1), then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

BIO#4–OPEN SPACE SIGNAGE [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the biological open space boundary of lots(s) 12-14, 17-20, 23-36, and 45 as indicated on Figure 5 – Open Space, Fencing, and Signage Exhibit of the approved Biological Resources Survey Report for the Shadow Run Ranch Project, prepared by

Vincent Scheidt. 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: PDS2001-3100-5223, Env. Log. 3910-00-02-035

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

BIO#5–OPEN SPACE FENCING [PDS, FEE]

INTENT: In order to protect the proposed open space easement from entry, and disturbance, permanent fencing or walls shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space fencing or walls shall be placed along the biological open space boundary as indicated on Figure 5 – Open Space, Fencing, and Signage Exhibit of the approved Biological Resources Survey Report for the Shadow Run Ranch Project, prepared by Vincent Scheidt. The fencing/walls design shall consist of split rail. **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 approval of the map and prior to the approval of any plan and issuance of any permit, the fencing or walls shall be placed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

BIO#6–RESOURCE MANAGEMENT PLAN

INTENT: In order to provide for the long-term management of the proposed open space preserve, a Resource Management Plan (RMP) shall be prepared and implemented. **DESCRIPTION OF REQUIREMENT:** Submit to and receive approval from the Director of PDS, a RMP. The RMP shall be for the perpetual management of the 91.31-acre open space (Lot 46), as well as additional open space on Lots 12-14, 17-20, and 30, onsite. The RMP shall be consistent with the conceptual/draft RMP/HMP dated March 2014 on file with PDS as Environmental Review Number PDS2000-3910-0002035. The plan shall be prepared and approved pursuant to the most current version of the County of San Diego Biological Report Format and Content Requirements. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of PDS and in cases where DPR has agreed to be the owner and/or manager, to the satisfaction of the Director of DPR.

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

- b. The RMP shall include an approved Wetland Mitigation Plan that will provide for the restoration and enhancement of wetland functions and values for impacts to 0.015 acres of state wetlands and state and federal “waters.”
- c. The habitat land on Lot 46 to be managed shall be completely purchased.
- d. The easements shall be dedicated to ensure that the land is protected in perpetuity.
- e. A Resource Manager shall be selected and evidence provided by applicant as to the acceptance of this responsibility by the proposed Resource Manager.
- f. The RMP funding mechanism shall be identified and approved by the County to fund annual costs for basic stewardship.
- g. A contract between applicant and County shall be executed for the implementation of the RMP.

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

BIO#7–BIOLOGICAL MONITORING [PDS, FEE X2]

INTENT: In order to prevent inadvertent disturbance to Least Bell’s vireo and Southwestern Willow Flycatcher, all grading located 300 feet of Frey Creek shall be monitored by a biologist. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities adjacent to Frey Creek. The following shall be completed:

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

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

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

(BIOLOGICAL RESOURCES)

BIO#8–TEMPORARY FENCING: [PDS, PCC] [DPW, PDCI] [PC] [PDS, FEE].

INTENT: In order to prevent inadvertent disturbance to onsite open space and adjacent areas containing native habitat, 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 proposed onsite open space and adjacent offsite native habitat. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed.

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

BIO#9–RESOURCE AVOIDANCE: [PDS, PCC] [DPW, PDCI] PDS, FEE X2].

INTENT: In order to avoid impacts to Least Bell's vireo and Southwestern willow flycatcher, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA) shall be implemented on all plans.

DESCRIPTION OF REQUIREMENT: There shall be no brushing, clearing and/or grading such that none will be allowed within 500 feet of Least Bell's vireo and Southwestern willow flycatcher nesting habitat during the breeding season of Least Bell's vireo and Southwestern willow flycatcher within Resource Avoidance Area (RAA) as indicated on these plans. The breeding season is defined as occurring between March 15 and September 15, and May 1 and September 1. The Director of Planning and Land Use [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no raptors are present in the vicinity of the brushing, clearing or grading.

DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#10–RESOURCE AVOIDANCE: [PDS, PCC] [DPW, PDCI] PDS, FEE X2].

INTENT: In order to avoid impacts to California gnatcatcher and raptors, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA) shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within 500 feet of gnatcatcher or raptor nesting habitat during the breeding season of the gnatcatcher or raptor within Resource Avoidance Area (RAA) as indicated

on these plans. The breeding season is defined as occurring between February 15 and August 31, and February 1 and June 1. The Director of Planning and Land Use [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no raptors are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

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

(BIOLOGICAL RESOURCES)

BIO#11–BIOLOGICAL MONITORING [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to Least Bell's vireo and Southwestern willow flycatcher, all grading located adjacent to Frey creek shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any wetland or potential occupied habitat, Biological open space areas or sensitive habitats. If there are disturbances, the monitor must report them immediately to the [PDS PCC]. Additionally, the biologist shall perform the following duties:

1. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;
2. Perform periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;
3. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;
4. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
5. Monitor noise levels to ensure they are not in excess of 60 decibels during the breeding season of Least Bell's vireo and Southwestern willow flycatcher defined as April 15 and September 15;

6. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and [PDS PCC] within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond);
7. Confer with the Wildlife Agencies and [PDS PCC] within 24 hours any time protected habitat or Least Bell's vireo and Southwestern willow flycatcher are being affected by construction;
8. Attend construction meetings and other meetings as necessary.

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

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

(BIOLOGICAL RESOURCES)

BIO#12-BIOLOGICAL MONITORING [PDS, FEE]

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources](#), a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact additional areas of Least Bell's vireo and Southwestern willow flycatcher or other sensitive biological resources. The report shall conform to the [County of San Diego Report Format Guidelines for Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

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

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

(BIOLOGICAL RESOURCES)**BIO#13–OPEN SPACE SIGNAGE & FENCING [PDS, FEE]**

INTENT: In order to comply with Condition BIO#4 and BIO#5, pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) for PDS2001-3100-5223, the fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences or walls, and open space signs shall be placed along the open space boundary of lots(s) 23-36, and 45 as shown on these plans and the approved Conceptual Grading and Development Plan.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego, Planning & Development Services
Reference: PDS2001-3100-5223, Env. Log. 3910-00-02-035

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.

BIO#14–EASEMENT AVOIDANCE [PDS, FEE]

INTENT: In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **DESCRIPTION OF REQUIREMENT:** The easement indicated on this plan is for the protection of native habitat within Frey creek that is a sensitive environmental 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. It is unlawful to grade or clear within an open space easement; any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration.

DOCUMENTATION: The applicant shall provide a letter statement to the [PDS, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred.

TIMING: Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **MONITORING:** The [DPW, PDC] shall not allow any grading, clearing or encroachment into the open space easement.

ENVIRONMENTAL FINDINGS:

- A. CEQA Findings

1. TO BE PROVIDED

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

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

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

The proposed project will impact 3.5 acres of coastal sage scrub and no pairs of California gnatcatcher (*Polioptila californica*). Approved coastal sage scrub losses as of the date of April 14, 2020 and including this approval, for the entire unincorporated County, outside the boundaries of the Multiple Species Conservation Program (MSCP), are presented in the following table:

Unincorporated Area Coastal Sage Scrub Cumulative Losses	
Total loss allowed under five percent guideline:	2953.30 acres
Cumulative loss of Coastal sage scrub to date:	1,651.18 acres
Net loss due to this project:	3.5 acres
Total cumulative loss:	1,654.68 acres
Remaining loss under five percent guideline:	1,298.62 acres

Therefore, the habitat loss due to this project does not exceed the five percent guideline.

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

The 3.5 acres of coastal sage scrub is of intermediate value as outlined by the flow chart in the NCCP Guidelines. The site is primarily orchards habitat (approximately 142.9 acres out of 249 acres) and also includes chamise chaparral, Diegan coastal sage scrub, southern sycamore-alder riparian woodland, southern coast live oak riparian forest, floodway, coast live oak woodland, open water, disturbed habitat, urban/developed, and field/pasture. The project will directly impact only 3.5 acres of the 50.0 acres of Diegan coastal sage scrub habitat onsite.

The loss of 3.5 acres of Diegan coastal sage scrub will not preclude connectivity between areas of high habitat values. This is due to the majority of coastal sage scrub impacts on site being located in patches away from the adjacent Frey Creek, which is avoided and placed within biological open space. Coastal sage scrub avoided and dedicated within a biological open space or avoided includes 45.2 acres. A total of 94.2 acres of habitat will be placed within biological open space or agriculture open space, which includes all areas onsite with high and very high habitat value. These areas are conditioned to be managed through a Resource Management Plan. Development is proposed within the moderate, low and agriculture designated lands. Any potential wildlife movement through the project site from a regional perspective will not be altered. For these reasons, the habitat loss associated with the project would have

minimal impact on connectivity between high value areas located to the north and south along San Luis Rey River.

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

The CSS habitat on-site is identified for conservation, as Pre-Approved Mitigation Area (PAMA) land in the draft North County MSCP. Implementation of the Shadow Run Ranch project will not adversely affect the ongoing MSCP planning process. The project preserves the majority of natural and naturalized vegetation and concentrates development in an area that may generally be characterized as lower in biological quality within existing agriculture land and adjacent to the existing road. The project was redesigned in coordination with the wildlife agencies and County MSCP staff to ensure important biological resources are proposed to be dedicated in open space. All of the natural open space being provided within the project are within PAMA, and as such, provides a valuable contribution to the regional biological preserve that is currently being planned. The project will not preclude the development of a regional preserve system or block any known regional movement corridor or habitat linkage.

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

Approximately 7% of the coastal sage scrub habitat on the project site would be impacted. The habitat is considered of “high to intermediate” value, pursuant to the NCCP Logic Flow Chart. The project has minimized impacts to the core area habitat with the greatest potential for connectivity to the north, south, and east. Besides the minimized project design and the large block preserve design, the project proposes measures to ensure that indirect impacts are minimized and that the preserve system will have long-term viability. As such, the loss of Diegan coastal sage scrub will be mitigated to the maximum extent practicable for high value habitat in accordance with Section 4.3 the NCCP Process Guidelines. The following mitigation measures have been incorporated into the project:

- Dedication of a Limited Building Zone easement in order to prevent construction of buildings that would require fire-clearing within the open space.
- Implementation of a long-term Resource Management Plan to ensure that the open space lots are maintained properly.
- Placement of restrictive signs between the access road and open space boundaries.
- Placement of temporary fencing during grading/clearing under the supervision of a biological monitor.
- Placement of permanent fencing between development areas and open space.
- Implementation of grading and clearing restrictions during non-breeding season months for California gnatcatcher, Least Bell’s vireo, Southwestern willow flycatcher, and raptor species.
- Biological monitoring during grading, clearing and construction.

With all of the design elements and mitigation measures incorporated into the Shadow Run Ranch project, it has been found that the area proposed for habitat loss has been minimized and mitigated to the maximum extent practicable.

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

Protocol surveys for the California gnatcatcher were performed in 2001, 2005 and 2009 with negative results. Twelve sensitive wildlife species and no sensitive plant species were detected onsite. There will be potential impacts to these sensitive species due to this project, but the site does not contain regionally viable populations. To mitigate for the loss of coastal sage scrub habitat due to the project, onsite preservation and avoidance will be implemented. In addition, offsite purchase of coast live oak woodland habitat will be required at a 3:1 ratio equivalent to no less than 2.1 acres. Offsite mitigation is also required for impacts to pasture at a ratio of 0.5:1. These offsite habitat purchases will preserve habitat with long-term viability that has connectivity to high value districts and potential to support listed species.

The majority of impacts to sensitive habitats will be mitigated through onsite mitigation. All onsite open space is within PAMA for the draft North County Multiple Species Conservation Program (MSCP). The only habitats that will require offsite mitigation are coast live oak woodland and pasture habitat. The project will be conditioned to obtain offsite mitigation within the Red Mountain mitigation bank. Through these mitigation measures, the proposed project will not appreciably reduce the likelihood of the survival and recovery of listed species.

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

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

NCCP FLOWCHART

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

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

MITIGATION MONITORING AND REPORTING PROGRAM:

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

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

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

- Subsequent Project Permits

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

Conditions 1-6, 8, 9, 10, 13, 14.

- Ongoing Mitigation

Compliance with the following conditions is assured because County staff will monitor the on-going requirements and, if necessary, pursue the remedies specified in the project permit, the security agreement, or the mitigation monitoring agreement:

Conditions 7, 11, and 12.

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

NOTIFICATION TO APPLICANT: Because your project has an effect on native biological resources, State law requires the payment (or proof of prior payment) of a \$2,406.75 (2020 fees) fee to the California Department of Fish and Wildlife for their review of the Mitigated Negative Declaration (Fish and Wildlife Code §711.4) and a \$50 administrative fee to the County (\$2,456.75 total). To comply with State law, the applicant must file the NOD and remit applicable fees within five (5) working days of the date of the project approval. Payment or sufficient proof of prior payment to the County Clerk is required at the time of filing. Payment may be made with cash or by check/money order made payable to the "San Diego Recorder/Clerk". American

Express, Discover, MasterCard, and Visa Debit card payments are also accepted at County Administration Center with a \$2.50 surcharge per transaction, and must be submitted to the Clerk at the time of filing the NOD.

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

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

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

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

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

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

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

the proceedings shall be filed with the Director, Planning & Development Services, 5510 Overland Avenue, Suite 110, San Diego, California 92123.

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

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

BY:

DARIN NEUFELD, Chief
Project Planning Division

MW:DN:kw

Attachments

Biological Resources Map with Easements – See EIR Figure 2-4-1
Open Space, Fencing and Signage Plan – See EIR Figure 2-4-3
USGS Map – See EIR Figure 1-4
Biological Technical Report, March 2014 – See Appendix C of EIR)
Current Status of Biological Resources Memo, April 3, 2019 – See Appendix C of EIR
Status of San Diego Cactus Wren and Southwestern Pond Turtle Habitat Memo,
December 2014, Attached

cc: To be provided at issuance of Habitat Loss Permit

email cc:

Robert Hingtgen, Project Manager, Project Planning, Planning & Development Services
Diana Perez, Team Leader, Land Development, Planning & Development Services
Greg Kazmer, Planning Manager, Project Planning, Planning & Development Services



ADDENDUM TO COMMENTS LETTER A

VINCENT N. SCHEIDT
Biological Consultant

3156 Occidental Street • San Diego, CA • 92122-3205 • 858-457-3873 • 858-336-7106 cell • email: vince.scheidt@gmail.com

Memorandum

To: Mr. Mark Thompson, TRS Consultants

From: Vince Scheidt, Consulting Biologist 
Brandon Myers, Biological Field Associate 

Date: December 19, 2014

RE: Shadow Run Ranch: Status of San Diego Cactus Wren and Southwestern Pond Turtle Habitat

In response to your recent request, we have surveyed the Shadow Run Ranch project site in Pauma Valley for two California Species of Concern that were mentioned in a CDFW letter of comment on the project's EIR. The purpose of this survey was to inspect all accessible stands of *Opuntia* cactus and all areas of open water. These site features could constitute potential habitat for the San Diego Cactus Wren (*Campylorhynchus brunneicapillus sandiegensis*) and Southwestern Pond Turtle (*Clemmys marmorata pallida*), which are known to occur in similar habitat in the general vicinity of the project site. We visited the site on the afternoon of November 18, 2014. Specific features examined included all stands of *Opuntia* that could be accessed (some were on very steep slopes and could not be safely approached), all areas of Frey Creek, and the existing irrigation pond.

The San Diego Cactus Wren is not anticipated on this site due to a lack of suitable habitat with the exception of a few remote thickets of *Opuntia littoralis* in the far northern portion of the property in excess of 2,750 feet from any proposed development. Within the development area, most of the *Opuntia* consists of *O. ficus-indica* and hybrids with unsuitable structure for cactus wrens. *O. littoralis*, the native species, occurs onsite but only in the aforementioned remote thickets at the extreme north, well within proposed biological open space. No San Diego Cactus Wren's were detected during the field survey, and none are expected due to the limitations of the habitat. Should any Cactus Wrens occur on this site, they would be restricted to the remote thickets. Based on the results of this survey, the development area of the site and adjoining lands are considered "unoccupied" by San Diego Cactus Wren.

Southwestern Pond Turtle was not anticipated on this site due to a general lack of suitable habitat. A focused search for pond turtles and pond turtle habitat was completed by searching all potential habitat areas, including the water reservoir and all areas of Frey Creek with a focus on wet areas in the headwaters. No pond turtles were found during this survey. The reservoir definitely supports no chelonians, native or introduced, and very little vegetation. Frey Creek is mostly dewatered and very rocky, and the upper reaches are beneath a closed canopy. Suitable habitat is therefore not present within Frey Creek or in the onsite reservoir. Shadow Run Ranch is considered "unoccupied by Southwestern Pond Turtle."

Attached are site photos showing features that were searched during the November 2014 field survey. Please contact us with any questions.

ADDENDUM TO COMMENTS LETTER A



Photo 1. Scattered stands of *Opuntia ficus-indica* hybrids along the fringes of Fry Creek.



Photo 2. A stand of *Opuntia littoralis* near the northern property edge on very steep slopes. This stand is found at a excess of 2,750 feet from the proposed development area.



Photo 3. Water reservoir located in the northern-central portion of the property. No turtles were observed and banks showed no signs of turtle activity. Note the lack of riparian vegetation.



Photo 4. Fry Creek running through the northern portion of the property. No Pond Turtles were found or are anticipated to occur in this area.

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF

SHADOW RUN RANCH

PDS2001-3100-5223 (TM), PDS2000-3300-030 (MUP), PDS2000-3710-00-0205 (B/C),
PDS2000-3910-0002035 (ER)

May 15, 2020

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES

☒

NO

☐

NOT APPLICABLE/EXEMPT

☐

Discussion:

The proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program and the project site contains habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. The project complies with the Habitat Loss Permit Ordinance as documented in the Draft Habitat Loss Permit and 4(d) findings dated April 14, 2020.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES

☐

NO

☐

NOT APPLICABLE/EXEMPT

☒

Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES

☒

NO

☐

NOT APPLICABLE/EXEMPT

☐

Discussion:

As identified within Section 67.722B of the San Diego County Groundwater Ordinance, it has been determined that groundwater resources are adequate to meet the groundwater demands both of the project and the groundwater basin if the basin were developed to the maximum density and intensity permitted by the General Plan.

Potable water will be supplied by the Yuima Municipal Water District. Irrigation water for continued agricultural use will be supplied by onsite wells. Overall water use for the project (potable and irrigation) will be reduced by approximately 25% compared to current water use on the project site.

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 <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

The site contains RPO wetland along Frey Creek, which if disturbed would result in a significant impact. The area along Frey Creek 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 site includes Frey Creek and its associated floodway and floodplain. However, the project will not place any housing, habitable structures or unanchored impediments in the floodway or floodplain. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

Steep Slopes:

The average slope for the property is 23.6 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are steep slopes on the property and an open space easement is proposed over a small area of steep slope lands where they do not coincide with the more restrictive Biological Resources Open Space Easement. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats:

The project site contains six habitats that are likely to qualify as Sensitive Habitat Lands as defined by the RPO insofar as it has the potential to support the habitats of rare or endangered species or sub-species of animal or plants, as defined by Section 15380 of the State CEQA Guidelines. These habitats include chamise chaparral, Diegan coastal sage scrub (CSS), southern sycamore-alder riparian woodland, southern coast live oak riparian forest, floodway, and coast live oak woodland (CLOW).

The project will impact 1.2 acres of CSS and 3.0 acres of CLOW. Unauthorized clearing that resulted in an additional loss of 2.3 acres of CSS and 0.14 of CLOW is also considered a project impact. Impacts to 1.2 acre of CSS shall be mitigated at a 2-to-1 ratio. The unauthorized clearing of 2.3 acres of CSS shall be mitigated at a 3-to-1 ratio. Thus, total mitigation requirement for CSS is 9.3 acres. The onsite biological open space easement includes 25 acres of CSS that are available for use as mitigation for project impacts. Impacts to 3.0 acre of CLOW shall be mitigated at a 3-to-1 ratio. The unauthorized clearing of 0.14 acres of CLOW shall be mitigated at a 4-to-1 ratio. Thus, total mitigation requirement for CLOW is 9.6 acres. The onsite biological open space easement includes 7.5 acres of CLOW that are available for use as mitigation for project impacts. An additional 2.1 acres of CLOW shall be secured off site in a County-approved location. Impacts to these habitats that were not a part of unauthorized clearing result primarily from road improvements for the project and to a lesser extent from residential lot development. The mitigation measures will provide an equal or greater benefit to these habitats and the species they may contain.

The project design incorporates wetland buffers that extend at least 50 feet from the outer edge of all RPO wetlands, with protection from future fire clearing through the dedication of 100-foot Limited Building Zones (LBZs). The project design also provides up to a 200-foot wetland buffer in areas where coast live oak woodland adjoins the RPO wetlands.

Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites:

The property has been surveyed by a County of San Diego certified archaeologist/historian and it has been determined there is one (or more) archaeological/historical site(s). Several sites were not tested and are assumed to be

significant pursuant to the RPO. These sites are located in a proposed onsite open space easement and will thus be protected from disturbance. Several other sites were tested and determined to not be significant pursuant to the RPO. An additional site was determined to be significant pursuant to CEQA criteria and will be subject to a data recovery plan as mitigation. Therefore, it has been found that the proposed project complies with Section 86.604(g) of the RPO.

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

☐

Discussion:

The project Storm Water Quality Management Plan dated December 2019 prepared by Masson & Associates has been reviewed and found to be complete and in compliance with the WPO.

VI. NOISE ORDINANCE – 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

☐

Discussion:

Noise to the proposed project from adjacent land uses and project operations including construction of the project are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.

However, the project proposal could expose residents of proposed lots along SR-76 to potentially significant noise levels (i.e., in excess of the County General Plan) from vehicular traffic. Proposed noise mitigation measure M-N-1 requires a noise restriction easement to be placed on Lots 5, 6, 15, 16, 29, and 30 that requires evaluation of residential structures on these lots during building plan review to ensure that interior noise levels do not exceed 45 dBA CNEL.

Attachment D.2 – CEQA Findings

**DRAFT FINDINGS
REGARDING SIGNIFICANT EFFECTS PURSUANT TO STATE
CEQA GUIDELINES SECTIONS 15088.5, 15090, 15091 AND
15093**

SHADOW RUN RANCH

**PDS2001-3100-5223 (TM), PDS2000-3710-00-0205 (B/CA),
PDS2000-3300-00-030 (MUP), PDS2000-3910-0002035 (ER No.)**

SCH No. 2002061066

May 2020

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I. INTRODUCTION

The Final Environmental Impact Report (FEIR) for the Shadow Run Ranch Project (Project) dated January 2020 analyzes the development of a 44-unit residential Project on 265-acre site that retains an agricultural open space lot, biological resource open space and a recreation area lot in a rural setting. It consists of a Tentative Map (TM 5223RPL4), a Major Use Permit (MUP 00-030) for a Planned Residential Development, and a Boundary Adjustment/Certificate of Compliance (B/C 00-0205) that will result in three parcels east of the subdivision portion of the Project.

Annexation to the spheres of influence and areas of the Metropolitan Water District of Southern California (MWD), San Diego County Water Authority (CWA), and Yuima Municipal Water District (YMWD) (collectively the water agencies) is proposed for the residential area of the Project in order to obtain potable water. The annexation area will exclude the Caltrans right of way within the residential area, which is approximately 5.66 acres. Net annexation area will be 104.21 acres. Annexation to the YMWD for fire services is also proposed. The boundary adjusted lots noted above will be annexed along with the Project's residential area. The boundary adjusted lots are not a part of the subdivision portion of the Project and no services will be provided to these lots by the Project. Three additional parcels adjacent to the east side of the Project boundary are included in the annexation but are not a part of the proposed subdivision or boundary adjustment. One of these parcels is within the Mootamai Municipal Water District (MMWD) and will be detached from that district and annexed to YMWD. Inclusion of off-site lots is in part necessary to avoid creating "islands" or "windows" of un-annexed land, which is discouraged by the water agencies and the Local Area Formation Commission of San Diego County (LAFCO).

A total of 47 lots is proposed, consisting of 44 residential lots ranging in size from 2.01 to 7.35 acres, one 91.31-acre biological open space lot, one 39.12-acre agricultural lot, and one 7.96-acre recreation lot. Residences will be constructed on a lot-sale basis or will be developed as a single project. Buildout is expected within five years.

The project's objectives are to:

1. Create a residential development that will provide high quality living amenities in a rural setting that will be compatible with the environment,
2. Provide needed housing for the community,
3. Preserve the site's agricultural resources by providing an ongoing agricultural use,
4. Preserve the site's natural beauty, landforms, and biological resources, and
5. Preserve the community character of the area with a design that is consistent with the Pala/Pauma Subregional Plan.

The Project site is in the unincorporated community of Pala/Pauma in north San Diego County. The site currently is cultivated with approximately 154 acres of citrus, avocados, pomegranates and persimmons. The groves have been in operation since at least the 1960s. An existing residence, caretaker's house, and buildings related to the agricultural activity are present on the site.

The Project is within the Semi-Rural Residential (SR-10) land use designation of the current General Plan, with a density of one dwelling unit per 10 acres. Zoning is Limited Agriculture

(A70) with a minimum lot area of four acres. However, the project was processed under the General Plan in effect prior to August 3, 2011 (Historic GP) because it was "pipelined" under provisions of the General Plan Update. The Project is within the Estate Development Area (EDA) regional category of the Historic GP, which allows for combined agricultural and low-density residential uses, where parcel sizes of two to 20 acres are permitted. The site is also subject to the (19) Intensive Agriculture land use designation, and the zoning designation is A70 as stated above. The project site is within the Pala/Pauma Subregional Plan area.

The property would receive potable water service from the YMWD following approval of annexation to that district. Fire protection service would be provided by County Service Area (CSA) 135. Individual septic systems will be provided on each lot. The project site lies within the Pala-Pauma Unified School District.

II. ENVIRONMENTAL REVIEW PROCESS

The lead agency approving the Project and conducting environmental review under the California Environmental Quality Act (California Public Resources Code § 21000, et seq.), and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, Sections 15000 et seq. (CEQA Guidelines) (hereinafter collectively, CEQA) is the County of San Diego (County). In compliance with Section 15082 of the CEQA Guidelines, the County published a Notice of Preparation (NOP) on June 13, 2002, which began a 30-day period for comments on the appropriate scope of the Project Environmental Impact Report (EIR). The County received NOP comment letters from the U.S. Fish and Wildlife Service in conjunction with the California Department of Fish and Wildlife, the State Clearinghouse, LAFCO, State of California Native American Heritage Commission, and the San Diego County Archaeological Society. A copy of the NOP and public comment letters received on the NOP are provided in Attachment C of the DEIR.

The Draft EIR (DEIR) for the Project was then prepared and circulated for review and comment by individuals, public agencies, and organizations. The 45-day public review period began on August 21, 2014 and concluded on October 6, 2014. A Notice of Completion of the DEIR was sent to the State Clearinghouse, and the DEIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2002061066). A Notice of Availability of the DEIR was filed with the County Clerk. A 60-day public review period pursuant to the State Mining and Reclamation Act (SMARA) was also conducted between December 18, 2014 and February 17, 2015.

The Final Environmental Impact Report (FEIR) has been prepared in accordance with CEQA and the CEQA Guidelines. The County, acting as the Lead Agency, has reviewed and edited as necessary the submitted drafts and certified that the FEIR reflects its own independent judgment and analysis under CEQA Guidelines Section 15090(a)(3) and CEQA Section 21082.1(a)-(c).

The FEIR addresses the environmental effects associated with implementation of the Project. The FEIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the Project. It addresses the potential significant adverse environmental impacts associated with the Project and identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts.

The FEIR is incorporated by reference into this CEQA Findings document.

The FEIR is the primary reference document for the formulation and implementation of a mitigation monitoring program for the Project. Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with CEQA, if a lead agency approves a project that has significant unavoidable impacts that cannot be mitigated to a level below significance, the agency must state in writing the specific reasons and overriding considerations for approving the project based on the final CEQA documents and any other information in the public record for the project (CEQA Guidelines § 15093). This is called a “statement of overriding considerations.” A statement of overriding considerations is required for the Project because impacts to mineral resources are significant and there is no feasible mitigation that can be adopted to mitigate these impacts. All other impacts can be mitigated to below a level of significance.

The documents and other materials which constitute the administrative record for the County’s actions related to the Project are on file at the County of San Diego, Planning & Development Services, 5510 Overland Avenue, Suite 110, San Diego, CA 92123. Planning & Development Services is the custodian of the administrative record for the Project.

The County adopts the Proposed Project, for the reasons explained in these findings.

III. FINDINGS

The California Environmental Quality Act (CEQA) (California Public Resources Code § 21000 *et seq.*) and the State CEQA Guidelines (Guidelines) (Title 14, California Code of Regulations, § 15000 *et seq.*) require that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency; or
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR (CEQA § 21081(a); Guidelines § 15091(a)).

CEQA requires that the lead agency adopt mitigation measures or alternatives where feasible to avoid or mitigate significant environmental impacts that would otherwise occur with the implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency (Guidelines § 15091(c)). For those significant impacts that cannot be mitigated to a less than

significant level, the lead agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the significant effects on the environment (CEQA § 21081(b) and Guidelines § 15093). If such findings can be made, the Guidelines state in Section 15093 that “the adverse environmental effects may be considered acceptable.” CEQA also requires that findings made pursuant to Section 15091 be supported by substantial evidence in the record (Guidelines § 15091(b)). Under CEQA, substantial evidence means enough relevant information has been provided (reasonable inferences from this information may be made) to support a conclusion, even though other conclusions might also be reached. Substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts (Guidelines § 15384(b)).

The findings reported in the following pages incorporate the facts and discussions in the FEIR for the project as fully set forth therein. For each of the significant impacts associated with the project, the following sections are provided:

Significant Effect: A specific description of the environmental effects identified in the EIR.

Finding: One or more of the three specific findings set forth in CEQA Guidelines Section 15091.

Mitigation Measures: Identified feasible mitigation measures or actions that are required as part of the project and, if mitigation is infeasible, the reasons supporting the finding that the rejected mitigation is infeasible.

Rationale: A summary of the reasons for the finding(s).

One of the above three findings under CEQA Guidelines Section 15091 applies for each significant effect identified. Therefore, the discussion of significant impacts and, where possible, mitigation measures, are organized below by finding rather than by environmental subject area. These findings are explained below and supported by substantial evidence in the record of these proceedings, including materials in the County’s files for this Project.

The following Findings are made for the Project based on consideration of the alternatives, Project objectives, Project benefits, environmental impacts, and numerous other factors within the record of proceedings. The environmental effects of the Project are addressed in the FEIR dated January 2020.

The FEIR evaluates potentially significant effects for the following environmental areas of potential concern: (1) Mineral Resources, (2) Aesthetic Resources, (3) Air Quality, (4) Biological Resources, (5) Cultural Resources, (6) Hazards/Hazardous Materials, (7) Geologic Resources, (8) Noise, (9) Paleontology, (10) Traffic, (11) Agricultural Resources, (12) Climate Change Analysis, (13) Groundwater, (14) Hydrology and Water Quality, (15) Land Use and Community Character, and (16) Utilities and Service Systems.

Of these sixteen environmental subject areas, the FEIR concludes that the following seven areas would not incur significant impacts: Air Quality, Agricultural Resources, Climate Change Analysis, Groundwater, Hydrology and Water Quality, Land Use and Community Character, and Utilities and Service Systems.

The FEIR concludes that the following eight environmental subject areas would result in significant impacts, requiring the implementation of mitigation measures: Aesthetic Resources, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Geologic Resources, Noise, Paleontology, and Traffic. These identified impacts can be mitigated to below a level of significance and are addressed in Section V of these Findings.

The FEIR concludes that significant and unmitigable impacts would occur to one subject area, Mineral Resources. Adoption of Overriding Considerations are required for this effect. This impact is addressed in Section IV of these Findings.

IV. POTENTIALLY SIGNIFICANT IMPACTS THAT CAN NOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE (CEQA GUIDELINES § 15091(a)(3))

Pursuant to Section 21081(a) of the Public Resources Code (PRC) and Section 15091(a)(1) of the State CEQA Guidelines, the San Diego County Planning Commission finds that no feasible mitigation measures or project alternatives exist that would reduce the identified significant impact to a level below significant. Therefore, the impact would remain and overriding findings, as discussed in Section IX below, will be required.

A. Mineral Resources

- 1) Significant Effect - Impact MR-1:** The project is in an area classified as MRZ-2; AND the project will result in the permanent loss of availability of a known mineral resource that would be of value to the region and the residents of the state; AND the deposit is minable, processable, and marketable under the technologic and economic conditions that exist at present or which can be estimated to exist in the next 50 years and meets or exceeds one or more of the minimum values presented in the County's guideline.

Finding: No feasible mitigation measures or Project alternatives exist that would reduce the identified significant impact to a level below significant. Therefore, Impact MR-1 would remain significant and unavoidable. However, specific economic, legal, social, technological, and other benefits of the Project outweigh the significant and unavoidable impacts.

Mitigation Measures: No feasible mitigation measures exist that would reduce the impacts to mineral resources to below a level of significance.

Rationale: Preservation of mineral resources would preclude placing residential lots on the site because the on-site resource is extensive and encompasses almost the entire area designated for residential development. A mining operation would require setbacks for noise, air quality impacts and other potential environmental effects of mining that would preclude placing residential lots on the site.

Reference: FEIR Chapter S.0, Section S.2, Table S-1, Subchapter 2.1, Chapter 7.0, and Appendix T

V. POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE (CEQA GUIDELINES § 15091(a)(1))

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the San Diego County Planning Commission finds that, for each of the following significant effects identified in the FEIR, changes or alterations (including mitigation measures) have been required in, or incorporated into, the Project which avoid or substantially lessen each of the significant environmental effects identified in the FEIR. The significant effects (impacts) and mitigation measures are stated fully in the FEIR. The following section identifies all issue areas in the FEIR for which changes or alterations (mitigation measures) have been required in, or incorporated into, the Project which avoid or substantially lessen each of the significant environmental effects as identified in the FEIR. The rationale for this finding follows each impact and mitigation summary and are supported by substantial evidence in the record of proceedings.

To the extent these findings conclude that mitigation measures identified in the FEIR are feasible, the County hereby binds itself to implement those measures. These findings are not merely informational but constitute a binding set of obligations upon the County, Project applicant, and responsible agencies that take effect upon the County's adoption of the resolutions certifying the FEIR and approving the Proposed Project.

A. Aesthetics

- 1) Significant Effect - Impact AE-1:** Potential for significant change in visual character and quality from removal of agricultural groves along the Project frontage adjacent to SR-76.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-AE-1: To mitigate for impacts to the visual character of SR-76 along the Project boundary, a 100-foot wide easement shall be placed along the Project frontage with SR-76. The easement will be located on lots 5, 6, 15, 16 and 30. The specific purpose of the easement will be to maintain agricultural groves and oak trees to screen residences from view for travelers on SR-76.

Rationale: Based upon the analysis in FEIR Section 2.2, if the groves adjacent to SR-76 along the Project frontage are removed, there will be a significant change in the visual character and quality from two Key Views (drivers on SR76). Implementation of mitigation measure M-AE-1 will require the retention of a 100-foot buffer of grove and other trees along the Project frontage on SR-76. They will be placed into an easement and maintained in perpetuity. Retention of this grove, as well as the existing oaks along the Project frontage will maintain the current visual condition to travelers along SR-76 and will also provide screening from future residences proposed by the Project. Implementation of mitigation measure M-AE-1 will reduce this impact to below a level of significance.

Reference: FEIR Chapter S.0, Section S.2, Table S-1, Subchapter 2.2, Chapter 7, and Appendix A, Visual Resources Impact Report

B. Biological Resources

- 1) **Significant Effect - Impacts BI-1:** The site is considered potentially occupied by Least Bell's Vireo, a state and federally-listed Endangered Species, and Southwestern Willow Flycatcher, which is listed as federally endangered. Least Bell's Vireo and Southwestern Willow Flycatcher are not expected in any of the areas proposed for development, but they could potentially be indirectly impacted by the noise associated with construction in the absence of seasonal restrictions on noise-generating activities. Other nesting or migratory birds could nest on the site.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-BI-1: Brushing, grading or construction generating noise levels in excess of 60 decibels shall not be permitted within 300 feet of LBV, SWWF, or other nesting migratory birds during the breeding season of these species (March 15th to September 15th), in order to avoid impacts to potentially nesting vireos, flycatchers, and/or other riparian obligate songbirds. There shall be no brushing, clearing, and/or grading within 500 feet of any active raptor nests during the breeding season of these species (February 1 through September 1st). The restrictions may be waived by the director of Planning and Development Services, with written concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, if surveys indicate nesting or breeding bird activity is not occurring. Survey's will be carried out by a County-approved biologist and will include all areas within 300 feet of the proposed activity for the LBV, SWWF, or other nesting riparian obligate songbirds, or within 500 feet of the proposed activity of nesting raptors. The results of these surveys should be provided in a report to the Director of Planning & Development Services for concurrence with the conclusions and recommendations. The biologist shall coordinate with the on-site acoustician in determining noise levels on the site, unless it is determined by directed surveys that the nesting birds are not present. These restrictions will pertain for the duration of brushing, clearing, grading, or construction.

Rationale: Mitigation measure M-BI-1 limits grading and construction noise levels during the breeding and nesting season for these species, or requires a preconstruction survey to ensure there are no by Least Bell's vireo or Southwestern Willow Flycatcher or nests within 300 feet of the proposed construction area, and within 500 feet of active raptor nests. This mitigation reduces the impact, as it ensures that these sensitive species will not be subject to excessive sound levels that could potentially impact their breeding and nesting activity. Mitigation measure M-BI-1 reduces this impact to below a level of significance.

- 2) **Significant Effect - Impacts BI-2 and BI-6:** The Project could increase human access or predation or competition from domestic animals, pests, or exotic species to levels that would adversely affect sensitive species and/or habitats.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-BI-2: In order to protect sensitive habitats and species, a 91.3-acre biological open space easement (BOSE) shall be granted over the areas shown on

FEIR Figure 2-4-3, “Open Space and Fencing Plan,” and TM 5223RPL3. The onsite BOSE shall preclude the removal of vegetation or placement of accessory structures. A Resource Management Plan (RMP) shall be implemented and approved by the Director of Planning and Development Services for the BOSE.

The RMP shall:

- Contain provisions to ensure long-term viability of the onsite habitat and the site’s resident sensitive species;
- Specify remediation as necessary, in perpetuity, to maintain habitat viability within the onsite BOSE.
- Include provisions to erect permanent fencing, vehicular and human access barriers, and other measures to minimize edge effects. The onsite BOSE is intended to preclude the removal or addition of structures and vegetation. The management of the BOSE shall conform to the guidelines set out in the approved RMP. In order to prevent fire clearing impacts to the BOSE, suitable LBZs are required. These easements shall extend outward towards development from the BOSE boundaries and shall prohibit the construction of houses, barns, or other habitable structures that would require fire clearing into the BOSE.
- Signage shall be included along the open space easement with the following language:

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, Department of Planning and Development Services Reference: (TM 5223)

Rationale: Based upon the analysis presented in FEIR Section 2.4, the Project could increase human access or predation or competition from domestic animals, pests or exotic species to levels that would adversely affect sensitive species. Preserving significant habitats in large, connected open spaces is conducive to the health of the local wildlife. The Project proposes an RMP that will govern the maintenance and perpetual health of the habitats protected in open space. The Limited Building Zones (LBZs) create protective buffered spaces between the natural open space and the Project’s development area. The width of the LBZs has been determined by the County of San Diego to be adequate to create enough distance between the development and the open space. A protective fencing and signage plan, as called for in the RMP, will further serve to protect the open spaces, creating a barrier to human encroachment and other edge effects. These measures reduce the potential for increased human access or predation from domestic animals, pests, or exotic species and would reduce the impact to below a level of significance.

- 3) **Significant Effect - Impact BI-3:** The Project could impact nesting success of sensitive animals through grading, clearing, modification, and/or noise generating activities such as construction.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-BI-1: This mitigation measure is the same as stated above under B(1).

Rationale: Based upon the analysis in Section 2.4 of the FEIR, the site is considered potentially occupied by Least Bell's vireo and Southwestern Willow Flycatcher which could be indirectly impacted by construction related noise. Mitigation measure M-BI-1 limits grading and construction noise levels during the breeding and nesting season for these species, or requires a preconstruction survey to ensure there are no Least Bell's vireo, Southwestern Willow Flycatcher, or other nesting riparian songbirds within 300 feet of the proposed construction area, or within 500 feet of active raptor nests. This mitigation ensures that these sensitive species will not be subject to excessive sound levels that could potentially impact their breeding and nesting activity. Mitigation measure M-BI-1 reduces this impact to below a level of significance.

- 4) **Significant Effect - Impact BI-4:** Project-related future construction, grading, clearing, or other activities will result in impacts to Riparian Habitat and jurisdictional wetlands as defined by ACOE and CDFW. These impacts will consist of the construction of three drainage crossings associated with the required road improvements. These improvements will impact approximately 0.015 acres (258 lineal feet) of state wetland and state and federal "waters."

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure BI-3: The County requires mitigation for impacts to "non-wetland waters of the U.S" at a 1-to-1 ratio. According the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements – Biological Resources* (September 2010), mitigation for impacts to non-wetland waters may include onsite or offsite improvements or enhancement of water resources. The Project proposes that mitigation for impacts to non-wetland water of the U.S. take place onsite, via restoration and enhancement of wetland functions and values associated with Frey Creek, which will be protected by a conservation easement. Wetland mitigation activities will require the preparation and implementation of an approved Wetland Mitigation Plan. Native riparian species will be emphasized and no invasive plant species will be planted anywhere on the site.

Because the Project will impact state wetlands and state and federal "waters," it will likely be necessary to obtain certain Regulatory Agency permits. To that end, it is recommended that the applicant provide to the Director of Planning & Development Services proof of notification of the ACOE and the California Regional Water Quality Control Board

(CRWQCB) regarding Clean Water Act Section 404/401 Permits, or evidence that such notification is not required. Also recommended prior to recordation of the Final Map shall be proof provided to the Director that the applicant has obtained a 1600-series Streambed Alteration Agreement with the CDFW, or proof that such an agreement is not required. The details of any additional mitigation for impacts to jurisdictional wetlands and waterways will be established through the permitting process required to obtain 404-401 and 1600-series documents from the regulatory agencies.

Rationale: Mitigation measure M-BI-4 requires that the Project mitigate for impacts to non-wetland water of the U.S. on the Project site, via restoration and enhancement of wetland functions and values associated with Frey Creek. Wetland mitigation activities will require the preparation and implementation of an approved Wetland Mitigation Plan. Further, this mitigation measure requires the Project applicant to provide to the Director of the Department of Planning and Land Use proof of notification of the ACOE and the California Regional Water Quality Control Board (CRWQCB) regarding Clean Water Act Section 404/401 Permits, or evidence that such notification is not required. Implementation of this mitigation measure will restore and enhance the function and value of wetlands onsite to make up for the impact to 0.02 acres/344 lineal feet of state wetlands and state and federal “waters.” Impacts will be reduced to below a level of significance.

- 5) **Significant Effect – Impact BI-5:** Project-related construction, grading, clearing, or other activities will permanently remove sensitive native or naturalized habitat on the Project site. The Project will directly impact 0.5 acre of F/P, 1.2 acres of CSS and 4.1 acres of CLOW. Unauthorized clearing that resulted in an additional loss of 2.3 acres of CSS and 0.14 of CLOW is also considered a Project impact.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure BI-4: Impacts to F/P shall be mitigated at a 0.5-to-1 ratio, or 0.30 acres. The F/P mitigation shall be preserved offsite in a County-approved location, unless out of kind mitigation is accepted for impacts to this habitat type, in which case the mitigation can be achieved within the proposed biological open space easement on the Project site. The onsite F/P provides value only insofar as it provides some limited potential raptor foraging habitat, and therefore habitats that provide similar functions and values as the F/P would be suitable for such mitigation. For example, CSS or NNG will provide similar open-land raptor foraging habitat and could therefore be considered for mitigation to F/P. Offsite mitigation will take place at the Daley Ranch Conservation Bank, the Red Mountain Conservation Bank, or other County-approved location.

Impacts to 1.2 acre of CSS shall be mitigated at a 2-to-1 ratio. The unauthorized clearing of 2.3 acres of CSS shall be mitigated at a 3-to-1 ratio. So total mitigation requirement for CSS is 9.3 acres. The onsite biological open space easement includes 25 acres of CSS that are available for use as mitigation for Project impacts. The Project will therefore be able to accomplish all mitigation for impacts to CSS onsite as these acreages are in excess of the County’s minimal requirements.

Impacts to 3.0 acre of CLOW shall be mitigated at a 3-to-1 ratio. The unauthorized clearing of 0.14 acres of CLOW shall be mitigated at a 4-to-1 ratio. Thus, total mitigation requirement for CLOW is 9.6 acres. The onsite biological open space easement includes 7.5 acres of CLOW that are available for use as mitigation for Project impacts. An additional 2.1 acres of CLOW shall be secured off site in a County-approved location.

Rationale: Mitigation at ratios usually higher than 1:1 further contributes to the survival of sensitive species by preserving their habitat in larger blocks to compensate for edge effects that often accompany direct impacts. Mitigation either onsite in a protected open space easement that is fenced, monitored and maintained, or offsite in a managed mitigation bank further protects the integrity of the habitat and hence the species using it.

- 6) Significant Effect – Impact BI-7:** The Project will impact habitats that are identified as Sensitive Habitat Lands (SHL), as defined by the RPO. The Project will directly impact 1.2 acres of CSS and 3.0 acres of CLOW. Unauthorized clearing that resulted in an additional loss of 2.3 acres of CSS and 0.14 of CLOW is also considered a Project impact.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure BI-4: This mitigation measure is the same as stated above under B(5).

Rationale: Mitigation at ratios usually higher than 1:1 further contributes to the survival of sensitive species by preserving their habitat in larger blocks to compensate for edge effects that often accompany direct impacts. Mitigation either onsite in a protected open space easement that is fenced, monitored and maintained, or offsite in a managed mitigation bank further protects the integrity of the habitat and hence the species using it.

- 7) Significant Effect – Impact BI-8:** The project could result in the killing of migratory birds or destruction of active migratory bird nests and/or eggs (Migratory Bird Treaty Act) due to grading on or near nesting habitats.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-BI-1: This mitigation measure is the same as stated above under B(1).

Rationale: Based upon the analysis in Section 2.4 of the FEIR, the site is considered potentially occupied by Least Bell's vireo and Southwestern Willow Flycatcher which could be indirectly impacted by construction related noise. Mitigation measure M-BI-1 limits grading and construction noise levels during the breeding and nesting season for these species and other migratory birds, or requires a preconstruction survey to ensure there are no by Least Bell's vireo or Southwestern Willow Flycatcher or other nesting migratory birds within 300 feet of the proposed construction area, or within 500 feet of active raptor nests. This mitigation ensures that these sensitive species will not be subject to excessive

sound levels that could potentially impact their breeding and nesting activity. Mitigation measure M-BI-1 reduces this impact to below a level of significance.

Reference: FEIR Chapter S.0, Section S.2 and Table S-1, Subchapter 2.4, Chapter 7, and FEIR Appendix C, Current Status of Biological Resources and Biological Resources Report for Shadow Run Ranch

C. Cultural Resources

- 1) **Significant Effect - Impact CR-1:** Five archaeological sites (SDI-246, -266, -714, -731, and -9906) were identified, and because significance testing was not conducted, these five sites are assumed to be significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-CR-1a: Sites SDI-246, -266, -714, -731, and -9906 shall be placed in protected open space.

Mitigation Measure M-CR-1b: A temporary fencing plan for the protection of archaeological sites CA-SDI-246, CA-SDI-266, CA-SDI-714, CA-SDI-731, and CA-SDI-9906, will be prepared and implemented during any grading activities within one hundred feet (100') of any archaeological site within open space as shown on the site plan exhibit of the archaeological study dated December 16, 2013. The fencing plan shall be prepared in consultation with a County approved archaeologist, to the satisfaction of the Director of PDS. The fenced area should include a buffer sufficient to protect the archaeological sites. The fence shall be installed under the supervision of the approved archaeologist prior to commencement of grading or brushing and be removed only after grading operations have been completed. A Native American monitor shall be present during the installation of the fencing.

Rationale: Based upon the analysis presented in Section 2.5, five archaeological sites on the project are assumed to be significant and will be preserved in an open space easement. There is also a potential for indirect impacts to these resources during project construction. Implementation of mitigation measure M-CR-1a will protect these resources from direct impact through their long-term preservation within an open space easement. The potential for indirect impact to these resources during construction is reduced through implementation of mitigation measure M-CR-1b, which requires temporary fencing to be installed prior to grading by a County-approved archaeologist and Native American monitor. The fence will provide a clear demarcation and barrier for construction crews and reduce the potential for indirect impacts to SDI-246, -266, -714, -731, and -9906 to below a level of significance.

- 2) **Significant Effect - Impact CR-2:** The archaeological component of SDI-9537/H was evaluated and determined to be significant pursuant to CEQA criteria. The resource is located within the development footprint and will be directly impacted by the project.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-CR-2:

Data Recovery: Direct impacts to the archaeological component of SDI-9537/H will be mitigated through data recovery excavations that implement a written research design (Refer to the Data Recovery Program, Attachment B to this DEIR and mitigation measure below). Any site destruction grading will be monitored by both a County certified archaeologist and a Native American Observer to check for the presence of unusual features and/or human remains. All artifacts recovered from the site will be analyzed and reported on, then curated at the San Diego Archaeological Center.

Data Recovery Excavations as Mitigation

Implement, to the satisfaction of the Director of PDS, the research design detailed in the archaeological extended study, Cultural Resources Survey and Evaluation of a 286-Acre Parcel in Pauma Valley, The Shadow Run Ranch, North of State Route 76, San Diego County, California prepared by Professional Archaeological Services dated June 15, 2009. The implementation of the research design constitutes mitigation for the proposed destruction of archaeological site CA-SDI-9537H. The research design includes, but is not limited to the following performance standards:

1. A County-approved archaeologist will be contracted with to implement the research design. Verification of the contract shall be presented in a letter from the Project Archaeologist to the Director of PDS and shall include the requirement of a Native American Observer.
2. Phase 1 of the fieldwork program will include mechanical trenching and a 2.5 percent hand excavated sample of the two subsurface artifact concentrations.
3. At the completion of Phase 1, a letter report will be submitted to the Director of PDS. The letter report will evaluate the issues of site integrity, data redundancy, spatial and temporal patterning, features, and other relevant topics in order to assess the adequacy of the initial 2.5 percent sample. Based on this assessment, the letter report shall recommend the need for and scope of a second phase of field investigations, not to exceed a total site hand excavated sample of 5 percent of the two subsurface artifact concentrations.
4. Implement Phase 2 of fieldwork, as necessary.
5. Artifact analysis, including lithics analysis, ceramics analysis, faunal analysis, floral analysis assemblage analysis, and radiocarbon dating will be conducted, as detailed in the archaeological extended study, "Data Recovery Research Design for Mitigation of Prehistoric Archaeological Site SDI-9537/H" prepared by Philip de Barros, dated June 15, 2009.
6. Evidence will be provided to the satisfaction of the Director PDS that all archaeological materials recovered during both the significance testing and data recovery phases have been curated according to current professional repository standards. The collections and associated records shall be transferred, including

title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

7. Final Technical Report will be completed and submitted to the satisfaction of the Director of PDS.

Rationale: Based upon the analysis presented in Section 2.5, the project will result in a direct impact to SDI-9537/H. Impacts will be reduced to below a level of significance through the implementation of a data recovery program (M-CR-2) and curation (M-CR-5 (see following discussion for Impact CR-3 below)) of recovered resources to allow for future research and the addition of cultural resources knowledge to the research community. Implementation of these mitigation measures will reduce the impact to below a level of significance.

- 3) **Significant Effect - Impact CR-3:** The Project has the potential to create direct impacts to buried archaeological resources (including human remains) during all grading/excavation activities.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-CR-3:

Grading Monitoring Program During Construction

DESCRIPTION OF REQUIREMENT: The Project Archaeologist and Luiseño 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 Luiseño 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 Luiseño Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Luiseño Native American Monitor.
- b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist or the Luiseño 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 Luiseño 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 isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Luiseño 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 (Program) is required to mitigate impacts to identified significant cultural resources. The Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in coordination with the Luiseño Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) 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. The preferred option is preservation (avoidance).

- c. If any human remains are discovered, the Property Owner or their 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 Section 5097.98, CEQA Section 15064.5 and Health & Safety Code Section 7050.5 shall be followed in the event that human remains are discovered.

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 PDS if the Project Archeologist or applicant fails to comply with this condition.

Mitigation Measure M-CR-4:

Archaeological Monitoring – Final Grading

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. County of San Diego Department of Parks and Recreation Primary and Archaeological Site forms.

- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been curated and/or repatriated as follows:
 - (1) Evidence that all prehistoric 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.
 - or
 - Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.
 - (2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. 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 archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

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:** PDS shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, PDS 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 shall inform *[PDS or DPW FISCAL]* to release the bond back to the applicant.

Mitigation Measure M-CR-5:

Custody of Archaeological Collections

Evidence will be provided to the satisfaction of the County of San Diego, Director of PDS that all archaeological materials recovered during the Professional Archaeological Services

archaeological investigations of the property, including all significance testing, data recovery, and grading monitoring activities, have been curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curating facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curating.

Rationale: Cultural resources will be protected within an open space easement (M-CR-1a and 1b). A professional archeologist and Native American monitor shall implement grading (M-CR-3 and M-CR-4) and construction (M-CR-2) monitoring program to ensure that any unknown resources are properly handled, should they be encountered during project grading, and curation (M-CR-5) of recovered resources to allow for future research and the addition of cultural resources knowledge to the research community. Implementation of these mitigation measures will reduce the impact to below a level of significance.

Reference: FEIR Chapter S.0, Section S.2 and Table S-1, Subchapter 2.5, Chapter 7, and FEIR Appendix D, Cultural Resources Survey and Evaluation

D. Hazards/Hazardous Materials

- 1) Significant Effect – Impact HAZ-1:** Potential for hazardous materials impacts if mobile homes, residences or pole-mounted transformers are demolished and they contain Asbestos Containing Materials (ACM) or Lead Based Paint (LBP).

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-HAZ-1: Should mobile homes, residences or pole-mounted transformers be demolished as part of the project, testing for ACM and LBP shall be conducted prior to demolition. If the testing confirms the presence of ACM and LBP, the materials shall be properly abated and disposed of by a state-licensed abatement contractor prior to disturbance or demolition in accordance with all federal and state requirements.

Rationale: Based upon the analysis in Section 2.5, there is a potential for hazards impacts associated with ACM and LBP if mobile homes, residences or pole-mounted transformers are demolished. Implementation of mitigation measure M-HAZ-1 would reduce this impact to below a level of significance since it required testing and abatement prior to removal of any ACM or LBP. This will reduce the potential impacts to below a level of significance.

Reference: FEIR Chapter S.0, Section S.2 and Table S-1, Subchapter 2.6, Chapter 7, Appendix E, Fire Protection Plan, FEIR Appendix F, Phase 1 Environmental Site Assessment, FEIR Appendix G, Vector Control Plan, and FEIR Appendix U, Phase II Environmental Site Assessment

E. Geologic Resources

- 1) Significant Effect - Impact GE-1:** The Elsinore fault zone has been categorized as an active earthquake fault under the State of California Alquist-Priolo Earthquake

Fault Zone Act. If a major earthquake were to occur on the onsite portion of the Elsinore fault, the land surface along the east side of the fault could experience sudden uplift. The branching fault pattern within the property suggests that future fault rupture could also branch or step within the area between nearby traces.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-GE-1: Potential adverse impacts resulting from fault rupture will be avoided with the incorporation of appropriate setbacks from active faults consistent with the Alquist-Priolo Earthquake Fault Zoning Act. The proposed residential structures will be set back at least 75 feet from active fault traces located during trenching for the fault hazard investigation (URS, 2001). Setbacks of 100 feet will be applied in areas where the fault location is approximated based on air photo interpretation, geomorphology and published geologic maps. See FEIR Figure 2-7-1, “Setback from Fault.”

Rationale: Based upon the analysis in Section 2.7, there is a potential for impacts related to the project’s location near the Elsinore faulty zone. Implementation of mitigation measure M-GE-1 will reduce this impact to below a level significance since it establishes an appropriate setback from active fault traces. By requiring the setback impacts related to fault rupture would be minimized. This will reduce the potential impacts to below a level of significance.

- 2) **Significant Effect - Impact GE-2:** Although extensive testing found the onsite irrigation reservoir to be stable, ongoing monitoring, maintenance and operational guidelines should be implemented to ensure continued safe operation of the reservoir.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-GE-2: The Operations and Maintenance Plan, Appendix I of the DEIR, should be implemented through the Major Use Permit for the project to require the effective operation and maintenance of the reservoir, as well as early detection and remediation of any changes in the structure, capacity, or retention characteristics of the reservoir.

Rationale: Based upon the analysis in Section 2.7, there is a potential for impacts related to flooding of down slope areas if the onsite reservoir is not maintained properly. Implementation of mitigation measure M-GE-2 will ensure the reservoir is properly maintained thereby reduce this impact to below a level significance since it establishes an appropriate inspection and maintenance program that would allow detection of dam stability issues early on and address issues as they arise.

Reference: FEIR Chapter S.0, Section S.2 and Table S-1, Subchapter 2.7, Chapter 7, FEIR Appendix H, Geotechnical Report, and FEIR Appendix I, Geotechnical Addendum

F. Noise

- 1) **Significant Effect - Impact N-1:** Since second floor facades of Lots 5, 6, 15, 16, and 30 are expected to experience noise levels above the County standard of 60 dBA CNEL, the interior noise levels of structures proposed for these lots could exceed the interior noise standard of 45 dBA CNEL. This represents a significant impact.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-N-1: A Noise Restriction Easement shall be placed on Lots 5, 6, 15, 16, 29, and 30, requiring a future noise analysis and implementation of subsequent mitigation if two-story homes are proposed on these lots. Upon completion of precise grading plans and architectural building design specifications for these lots, a noise analysis shall be prepared to evaluate interior noise attenuation requirements. The analysis shall be completed prior to issuance of building permits for these lots. The analysis shall identify mitigation requirements to ensure interior noise levels do not exceed 45 dBA CNEL. Such measures could include, but are not limited to, use of dual-paned windows or other architectural improvements.

Rationale: Based upon the analysis in Section 2.8, second floor facades of Lots 5, 6, 15, 16, 29, and 30 are expected to experience noise levels above the County standard of 60 dBA CNEL, thus, the interior noise levels of structures proposed for these lots could exceed the interior noise standard of 45 dBA CNEL. Implementation of mitigation measure M-N-1 requires a noise protection easement be placed on these lots to require future noise analysis and implementation of subsequent mitigation if two-story homes are proposed on these lots. It also requires identification of architectural treatments to reduce interior noise level to below 45dBA CNEL. Implementation of this mitigation measure will ensure that interior noise levels meet the County standard.

- 2) **Significant Effect - Impact N-2:** Project grading and construction activities could result in sound levels in excess of 60 dBA in sensitive habitat areas which could impact sensitive birds during their nesting or breeding season. This represents a significant impact.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-N-2: Because the project site is considered potentially occupied by Least Bell's Vireo and Southwestern Willow Flycatcher, grading or construction noise in excess of 60 dBA shall not be permitted during the breeding season of these species (mid-March to mid-September), in order to avoid impacts to potentially nesting vireos, flycatchers, and/or other riparian obligate songbirds. This restriction may be waived if directed surveys for these two species are conducted on all areas within 300 feet of proposed grading or construction activity and it is found the birds are not present. The results of these surveys should be provided in a report to the Director of Planning and Development Services and the Wildlife Agencies for concurrence with the conclusions and recommendations. An acoustician shall be present on site to monitor noise levels during

grading that takes place within the above noted period unless it is determined by directed surveys by the biologist that the birds are not present. This mitigation measure shall reflect the biology section of the DEIR, 2.4.5, mitigation measure M-BI-1.

Rationale: Based upon the analysis presented in FEIR Section 2.8, if grading or construction activity occurs during the breeding season for Least Bell's vireo or Southwest willow flycatcher, there is a potential for noise to exceed 60 dBA and impact the species if they have nests within 300 feet of proposed work areas. Implementation of mitigation measure M-N-2 prohibits these activities during the breeding season unless preconstruction surveys for these species are conducted and a report including conclusions and recommendations receives concurrence from the Director PDS and Wildlife Agencies.

Reference: FEIR Chapter S.0, Section S.2 and Table S-1, Subchapter 2.8, Chapter 7, and FEIR Appendix J, Acoustical Analysis Report

G. Paleontology

- 1) **Significant Effect - Impact PA-1:** The project could have a direct impact on paleontological resources that might be present in onsite formations of Moderate and Low Sensitivity during grading and excavation operations.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-PA-1: APPROVAL OF MAP: The following condition shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to approval of any plans, and issuance of any grading or other permits as specified):

PALEO GRADING MONITORING: DESCRIPTION OF REQUIREMENT: A County approved Paleontologist "Project Paleontologist" shall be contracted to perform paleontological resource monitoring and a fossil recovery program if significant paleontological resources are encountered during all grading, trenching, or other excavation. The following shall be completed:

- a. A County approved Paleontologist ("Project Paleontologist") shall perform the monitoring duties pursuant to the most current version of the *County of San Diego Guidelines for Determining Significance for Paleontological Resources*, and this permit. The contract provided to the county shall include an agreement that the grading/ trenching/excavation monitoring will be completed, and a Memorandum of Understanding (MOU) between the approved Paleontologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.

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

TIMING: Prior to the approval of the map for 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, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate shall be forwarded to [DPW, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

Mitigation Measure M-PA-2: PRE-CONSTRUCTION MEETING: The following action will occur prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances:

PALEONTOLOGICAL MONITORING: DESCRIPTION OF REQUIREMENT: The County approved Project Paleontologist, and the PDS Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Paleontologist shall monitor during the original cutting of previously undisturbed deposits for the project, both on and off site, the Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with *the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources*. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed.

MONITORING: The [DPW, PDCI] shall invite the [PDS, PCC] to the preconstruction conference to coordinate the Paleontological Resource Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Paleontologist.

Mitigation Measure M-PA -3. DURING CONSTRUCTION: The following actions shall occur throughout the duration of the grading construction:

PALEONTOLOGICAL MONITORING: DESCRIPTION OF REQUIREMENT: The Project Paleontologist shall monitor during the original cutting of previously undisturbed deposits for the project, both on and off site. The Qualified Paleontological Resources Monitor shall be on-site to monitor as determined necessary by the Qualified Paleontologist. The grading monitoring program shall comply with the following requirements during grading:

- a. If paleontological resources are encountered during grading/excavation, the following shall be completed:
 - 1. The Qualified Paleontological Resources Monitor shall have the authority to direct, divert, or halt any grading/excavation activity until such time that the

sensitivity of the resource can be determined and the appropriate salvage implemented.

2. The Qualified Monitor shall immediately contact the Qualified Paleontologist.
3. The Qualified Paleontologist shall contact the County's Permit Compliance Coordinator immediately.
4. The Qualified Paleontologist shall determine if the discovered resource is significant. If it is not significant, grading/excavation shall resume."
- b. If the paleontological resource is significant or potentially significant, the Qualified Paleontologist or Qualified Paleontological Resources Monitor, under the supervision of the Qualified Paleontologist, shall complete the following tasks in the field:
 1. Salvage unearthed fossil remains, including simple excavation of exposed specimens or, if necessary, plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits;
 2. Record stratigraphic and geologic data to provide a context for the recovered fossil remains, typically including a detailed description of all paleontological localities within the project site, as well as the lithology of fossil-bearing strata within the measured stratigraphic section, if feasible, and photographic documentation of the geologic setting; and
 3. Transport the collected specimens to a laboratory for processing (cleaning, curation, cataloging, etc.).

TIMING: The following actions shall occur throughout the duration of the grading construction. **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 Paleontologist or applicant fails to comply with this condition.

Mitigation Measure M-PA-4: ROUGH GRADING: The following actions shall occur prior to rough grading approval and issuance of any building permit:

PALEONTOLOGICAL MONITORING: DESCRIPTION OF REQUIREMENT: The Project Paleontologist shall prepare one of the following letters upon completion of the grading activities that require monitoring:

- a. If no paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to the [PDS, PCC] stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources.
- b. If Paleontological resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed,

and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

TIMING: Upon completion of all grading activities, and prior to Rough Grading final Inspection (Grading Ordinance § 87.421(a)(2)), the letter report shall be completed.

MONITORING: The [PDS, PCC] shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

Mitigation Measure M-PA-5: FINAL GRADING RELEASE: The following actions shall occur prior to any occupancy, final grading release, or use of the premises in reliance of this permit:

PALEONTOLOGICAL MONITORING: DESCRIPTION OF REQUIREMENT: The Project Paleontologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program if resources were encountered during grading. The report shall include the following:

- a. If paleontological resources were discovered, the Following tasks shall be completed by or under the supervision of the Project Paleontologist:
 1. Prepare collected fossil remains for curation, to include cleaning the fossils by removing the enclosing rock material, stabilizing fragile specimens using glues and other hardeners, if necessary, and repairing broken specimens;
 2. Curate, catalog and identify all fossil remains to the lowest taxon possible, inventory specimens, assigning catalog numbers, and enter the appropriate specimen and locality data into a collection database;
 3. Submit a detailed report prepared by the Project Paleontologist in the format provided in Appendix D of the County of San Diego's Guidelines for Determining Significance for Paleontological Resources and identifying which accredited institution has agreed to accept the curated fossils. Submit TWO hard copies of the final Paleontological Resources Mitigation Report to the Director of PDS for final approval of the mitigation, and submit an electronic copy of the complete report in Microsoft Word on a CD. In addition, submit one copy of the report to the San Diego Natural History Museum and one copy to the institution that received the fossils.
 4. Transfer the cataloged fossil remains and copies of relevant field notes, maps, stratigraphic sections, and photographs to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display, and submit Proof of Transfer of Paleontological Resources, in the form of a letter, from the director of the paleontology department of the accredited institution to the Director of PDS verifying that the curated fossils from the project site have been received by the institution."
- b. If no resources were discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Development Services by the Project Paleontologist.

TIMING: Prior to the Final Grading Release (Grading Ordinance § 87.421(a)(3)), the final report shall be completed. **MONITORING:** The [*PDS*, *PCC*] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

Rationale: Based upon the analysis in Section 2.9, there is a potential for impacts to undiscovered paleontological resources of Moderate Sensitivity during project grading. Implementation of mitigation measures M-PA-1 through M-PA-5, which require a paleontological monitoring program for ground-disturbing activities, will reduce the potential impact to below a level of significance because they specify the presence of experts during grading activities, provide a mechanism for dealing with any resources found, and provide for a reporting program to that compliance can be monitored.

Reference: FEIR Chapter S.0, Section S.2 and Table S-1, Subchapter 2.9, Chapter 7, and FEIR Appendix K, Paleontological Report.

H. Traffic

1) Significant Effect - Impact TR-1: The project may contribute to a cumulative impact.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect.

Mitigation Measure M-TR-1: Prior to the issuance of building permits, the Project shall participate in the County's Transportation Impact Fee (TIF) program by paying applicable transportation impact fees.

Rationale: By paying the TIF, the project's contribution to the cumulative impact can be rendered less than cumulatively considerable because funds will be used to improve road facilities where the Project contributes to cumulative traffic.

Reference: FEIR Chapter S.0, Section S.2 and Table S-1, Subchapter 2.10, Chapter 7, and FEIR Appendix L, Traffic Impact Analysis and Addenda

VI. FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." CEQA Guidelines Section 15364 defines feasibility as being "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

Four alternatives to the Project were evaluated:

- No Project Alternative
- Legal Lot Alternative

- Reduced Cultural Impact Alternative
- Reduced Visual Impact Alternative

The following section provides a summary of each of the four alternatives evaluated in Chapter 4.0 of the FEIR, compares their impacts with those of the Project, and reviews their ability to meet the objectives of the Project. The objectives of the Proposed Project objectives are to the following:

1. Create a residential development that will provide high quality living amenities in a rural setting that will be compatible with the environment,
2. Provide needed housing for the community,
3. Preserve the site's agricultural resources by providing an ongoing agricultural use,
4. Preserve the site's natural beauty, landforms, and biological resources, and
5. Preserve the community character of the area with a design that is consistent with the Pala/Pauma Subregional Plan.

A. **No Project Alternative**

1) No Project Alternative Description:

The No Project Alternative (NPA) provides an analysis of the site were no development to be pursued. The land would remain in agricultural production, continuing to produce citrus, avocados, and persimmons for sale. The site would continue to provide a caretaker's residence. Existing storage and maintenance outbuildings would remain. The NPA would not conflict with current land use designations and zoning, and would be consistent with the General Plan. The mineral resource beneath the groves would remain intact. The project site would not be annexed to the YMWD for either water or fire service. Existing on-site wells would continue to be used for potable and non-potable water needs. Fire service would continue to be provided by CSA 135. No residential development, resource and agricultural open space, or recreation facilities would be created.

2) Impact Comparison –Project and NPA

No significant effects would result from the NPA. This alternative would reduce significant effects in all areas when compared to the Project. This alternative would not meet any of the applicant's goals for the project such as providing needed housing. Objectives 1 and 2 would not be met as the proposed residential development with amenities that provides housing for future growth would not occur. Objectives 3 and 4 would not be met as the proposed biological and agricultural open space easements would not be implemented to protect these areas in perpetuity. Objective 5 would not be met as no project with any type of design would be approved. The NPA is the environmentally preferred project.

3) Findings:

The County finds that this alternative would avoid all significant environmental impacts identified in the FEIR. Accordingly, this alternative would be environmentally superior to all other alternatives considered (CEQA Guidelines § 15126.6(e)(2)). The County finds

that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make this alternative infeasible (PRC § 21081(a)(3), Guidelines § 15091(a)(3)). The County finds that each of the following reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible because it would fail to meet Project objectives to provide residential housing (Objectives 1 and 2).
- The County finds that this alternative is infeasible because it would fail to provide biological resources open space protections and agricultural open space (Objectives 3 and 4).
- The County finds that this alternative is infeasible because it would fail to provide a comprehensive well-planned project that would conform to the goals and objectives of the Pala/Pauma Subregional Plan (Objective 5).

4) Facts in Support of the Finding

The NPA would not have any significant environmental impacts. However, this alternative would fail to meet most of the Project objectives. Therefore, the No Project Alternative is rejected because it fails to feasibly attain any of the five objectives of the Project.

B. Legal Lot Alternative

1) Legal Lot Alternative Description

The Legal Lots Alternative (LLA) provides an analysis of environmental impacts if the project were not to go forward and the four legal lots on the site were sold and developed with single family dwellings. The lots range in area from 8.23 to 185.03 acres. Each lot has ample room for a residence and continued agricultural activity. Access and utilities would be provided in accordance with current County of San Diego ordinances. The LLA would not conflict with current land use designations and zoning because development of individual legal lots is allowed by right. The LLA would not annex to the MWD, CWA, or YMWD for water service. Lot owners would drill their own wells or could apply to annex to YMWD as individuals. The LLA would not annex to the YMWD for fire service but fire protection services would be provided by CSA 135.

Residences have not been sited because lot owners would be free to make pad location decisions. Assuming two acres of impact per lot for large pads, outbuildings, and amenities, total project impact area is estimated to be 8 acres. While room for agricultural activity will be available on each lot, the decision to continue agriculture would remain with individual owners.

This alternative would not meet any of the applicant's goals for the project. Objectives 1 and 2 would not be met as the proposed residential development with amenities that provides additional housing for future growth would not occur. Objectives 3 and 4 would not be met as the proposed biological and agricultural open space easements would not be implemented to protect these areas in perpetuity. Objective 5 would not be met as no

design limits would be applied. The LLA is the environmentally superior project after the No Project Alternative.

2) Impact Comparison – Project and LLA

The LLA has significant effects to six areas. These are mineral resources, cultural resources, hazards (toxic substances), geology, paleontology, and traffic. The LLA does not reduce the one significant and unmitigable effect- to mineral resources. In total, eight effects are reduced from project_levels (aesthetics, biology, cultural resources, hazards (fire), geology, noise, paleontology, and traffic).

The LLA would result in four residential lots. Assuming these lots would be sold and developed, it would preclude exploitation of the on-site mineral resource because of a range of environmental factors associated with mining, such as noise and dust, that require setbacks from residential areas. Residences could be scattered throughout the area, and as such the setbacks could occur in numerous locations. The structural integrity of the onsite reservoir would require on-going monitoring given that residences could be built below it. Protections for cultural sites and paleontological resources would be needed if extensive grading is proposed. These would have to be provided on a case-by-case basis. In contrast, the Project would provide for these measures as part of unified design and implementation. Protections would be built into the conditions for the Project, assuring they are carried out.

While CEQA Section 15303(a) generally exempts single family residences from environmental review, some actions such as a grading permit may trigger review. It is assumed that some level of review will be triggered by the grading permits required to create pads on each lot. Significant effects would be addressed under this scenario, but only on a lot-by-lot basis. There would be no over-arching review which is afforded by analysis of a single project over the entire site. No offsite road improvements would likely occur. No coherent open space design would be implemented under this alternative. Removal of agricultural activity from Frey Creek would not occur. If open space were required of individual owners, it would be created in piecemeal fashion as lots are sold and developed.

For the purpose of this analysis it is assumed agricultural activity would continue. However, the extent of the activity cannot be predicted. No visual buffer along SR-76 would be required, so if agricultural activity was to cease in this area, the character of the community along this stretch of SR-76 would be altered. The Project preserves the agricultural character of this area with a visual buffer where trees will be maintained.

The LLA would not result in the annexation of the site into the MWD, CWA, and YMWD. There is currently no potable water service to the site and current residents in the manager's housing use bottled water. Annexation is an expensive process, currently costing approximately \$8,300 per acre and requiring many months of processing. It is plausible that annexation would be difficult to justify financially for a single family home. Continued use of bottled water-type services would therefore likely continue. The Project in contrast would annex its residential area to the water agencies and potable water for each residence would be assured.

3) Finding

The County finds that this alternative would not avoid all significant environmental impacts identified in the FEIR, but would reduce eight effects (aesthetics, biology, cultural resources, hazards (fire), geology, noise, paleontology, and traffic). Impacts related to improvements on SR-76 at the Project entrance would not occur. Similar to the Project, the LLA would have significant and unmitigable effects in one area: mineral resources. The LLA would have significant and mitigable effects in five areas: cultural resources, hazards (toxic substances such as asbestos and lead), geology, paleontology, and traffic.

The County finds the following specific economic, legal, social, technological or other considerations make this alternative infeasible (PRC § 21081(a)(3), Guidelines § 15091(a)(3)). The County finds that each of the following reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible because it would fail to meet Project objectives to provide residential housing with high quality, agricultural-oriented facilities (Objectives 1, 2, and 3).
- The County finds that this alternative is infeasible because it would fail to meet Project objectives to provide an agricultural preserve and establish and upgrade biological resources in and around Frey Creek (Objectives 3 and 4).
- The County finds that this alternative is infeasible because it would fail to meet Project objectives to provide amenities that contribute to the community character and design such as high quality housing, road improvements, protections for agriculture, recreational facilities, and biological open space (Objectives 1 and 5).

4) Facts in Support of the Finding

The LLA would be expected to result in some impacts similar to the Project, in that this alternative would include significant or potentially significant impacts related to mineral resources, cultural resources, hazards (toxic substances), geology, paleontology, and traffic. Overall, however, the alternative would have fewer impacts than the Project.

This alternative would not meet all or parts of the five Project objectives related to providing high quality housing, protected agricultural and biological preserves, conservation-oriented design, and recreational amenities. Improvements to SR-76 for site access would not be made.

Therefore, the LLA is rejected because it fails to meet all the Project objectives and fails to provide the significant public benefits associated with implementation of the Project.

C. Reduced Cultural Resources Impact Alternative

1) Description of Reduced Cultural Resources Impact Alternative

The Reduced Cultural Resources Impact Alternative (RCRIA) proposes 38 residential lots, and is focused on reducing cultural resource impacts. Six residential lots in the southwest corner of the site are eliminated to provide an expanded protection for sensitive cultural resources. All other aspects of the project are the same as the Project.

This alternative was selected to provide an understanding of the environmental effects of a project with reduced impacts to cultural resources and more open space. Biological open space would increase to 109.47 acres from 91.3 acres for the Project. Agricultural open space would remain at 39.1 acres. Annexation requirements would be similar to those of the Project. However the residential area to be annexed would include 38 lots and would be reduced by 18.17 acres. Annexation of off-site lots would not change in detail.

2) Impact Comparison –Project and RCRIA

The RCRIA has impacts to nine areas, as does the Project. These are mineral resources, aesthetics, biological resources, cultural resources, hazards/hazardous materials, geologic resources, noise, paleontology, and traffic. Impacts would be similar to the Project in these areas. The RCRIA reduces one impact, cultural resources, by removing construction from an area where cultural resources were found during the cultural investigation. The recovery plan prepared for this area under the Project plan could be used to provide protections to the area. This could include fencing, signage, and other actions to discourage intrusions. Biological resource impacts are reduced somewhat because 18.17 more acres would be added to the biological resources open space easement; however, most of that area is agricultural grove, not native habitat.

3) Finding

The County finds that the RCRIA would not avoid all significant environmental impacts identified in the FEIR, but would reduce impacts to cultural resources. The County also finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible. The County finds that each of the following reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible because it would remove six lots from the Project design thereby reducing the economic viability of the Project and the ability of the Project to provide needed housing for the community (Objective 2)
- The County finds that this alternative is infeasible because it would not trigger recovery and documentation of archaeological resources that may be found during grading. Due to the lack of resource recovery, documentation and recording, resources may be vulnerable to impacts from the casual collection of artifacts. The Project, in contrast, implements a full recovery program for the area of concern (Objective 4).

Based on the foregoing and pursuant to CEQA Guidelines Section 15091(a)(3), the County finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible and less desirable than the Proposed Project.

4) Facts in Support of the Finding

The RCRIA would be expected to result in impacts generally similar to the Project with the exception of a lesser impact to cultural resources and providing more resource open space.

The RCRIA would not fully meet objective two of the Project objectives. This alternative would not accommodate forecasted growth to the extent the Proposed Project would and would provide fewer job opportunities related to residential construction.

D. Reduced Visual Impacts Alternative

1) Reduced Visual Impacts Alternative Description

The Reduced Visual Impacts Alternative (RVIA) proposes 39 residential lots, using a similar residential design as the Project. The RVIA eliminates five residential lots along SR-76 and replaces them with a 19.14-acre agricultural open space lot along the north side of SR-76. Other aspects of the alternative are the same as the Project, presented in Chapter 1.

This alternative was selected to provide an understanding of the environmental effects of a project with no visual impacts. Biological open space would remain at 91.3 acres. Agricultural areas would increase from approximately 43 acres for the Proposed Project to 58.24 acres on two separate lots for this alternative. The agricultural lot of 19.14 acres replaces the five residential lots and the visual buffer that would have been adjacent to SR-76. The annexation as proposed for the project would remain, although the configuration of the residential area that would receive potable water would be reduced by 19.14 acres. Annexation details for the lots outside the subdivision area would not change.

2) Impact Comparison –Project and RVIA

The RVIA has impacts to seven areas. These are mineral resources, biological resources, cultural resources, hazards/hazardous materials, geologic resources, paleontology, and traffic. Impacts would be similar to the Project in these areas. The Proposed Project has additional impacts to aesthetics and noise. The RVIA reduces effects in these two categories. Visual impacts due to the presence of houses along SR-76 are eliminated by converting lots along the roadway from residential use to agricultural open space. This deepens the buffer that will exist between residences and the road, so that the agricultural appearance of the site will be preserved. The removal of residential lots from closer proximity to SR-76 will also eliminate a potential noise impact to the second story of residences, if two-story residences were proposed. The Project places residences within a noise contour where noise shielding such as double paned windows for second stories would be required.

3) Finding

The County finds that the RVIA would not avoid all significant environmental impacts identified in the FEIR, but would reduce impacts to aesthetics and noise. The County also finds that specific economic, legal, social, technological, or other considerations, including considerations make this alternative infeasible. The County finds that each of the following reasons, standing alone, renders this alternative infeasible:

- The County finds that this alternative is infeasible because it would remove five lots from the Project design, thereby reducing the economic viability of the Project and reduces the ability of the Project to provide needed housing for the community (Objective 2).

- The County finds that this alternative is infeasible because it would provide limited benefits to aesthetic screening over and above what the Project proposes

Based on the foregoing and pursuant to CEQA Guidelines Section 15091(a)(3), the County finds that specific economic, legal, social, technological, or other considerations, make this alternative infeasible and less desirable than the Proposed Project.

4) Facts in Support of the Finding

The RVIA would be expected to result in similar impacts as those described for the Project, except for aesthetics and noise. Therefore, this alternative would result in significant and unmitigable impacts to mineral resources and significant but mitigable impacts to biological resources, cultural resources, hazards/hazardous materials, geologic resources, paleontology, and traffic. However due to a larger visual buffer along SR-76, impacts to aesthetics and noise would be reduced compared to the Project.

The RVIA would not fully meet two of the Project objectives. This alternative would not accommodate forecasted growth to the extent the Proposed Project would and would provide fewer job opportunities related to residential construction.

E. Conclusion

As explained in the Chapter 4 of the FEIR, the No Project Alternative would be environmentally superior to the Project, based on the reduction of impacts of the Project's environmental impacts. However, the No Project Alternative does not meet the project objectives. Additionally, CEQA Guidelines Section 15126.6(e)(2) require that, if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. The Legal Lot Alternative is identified as the environmentally superior alternative.

The LLA has the fewest significant environmental impacts among the alternatives discussed above. It would result in significant and unmitigable effects in one area, mineral resources, and mitigable effects in five areas: cultural resources, hazards (toxic substances), geology, paleontology, and traffic. It would avoid or reduce significant but mitigable effects in relation to aesthetics, biological resources, and noise. Neither the NPA nor the LLA meet any of the applicant's objectives because a comprehensive well-planned residential community development would not be built and needed housing for the community would not be provided to meet forecasted demand.

VII. NO RECIRCULATION REQUIRED

The San Diego County Planning Commission hereby finds that the responses to comments made on the Draft EIR, and revisions reflected in the FEIR clarify and amplify the analysis presented in the documents and do not trigger the need to recirculate the EIR under CEQA Guidelines Section 15088.5(b), which provides that “[r]ecirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

Pursuant to CEQA Guidelines Section 15088.5(a), “[a] lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. . . . New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.” “Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

Each of these findings that represent “significant new information” as specified in the CEQA Guidelines are addressed below.

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

No new significant environmental impacts would result or were identified since circulation of the DEIR. In addition, no new mitigation measures that have been proposed would result in significant environmental impacts since circulation of the DEIR. The following changes have occurred.

Mitigation measure M-BI-1 concerning protections for nesting, breeding and migratory birds was replaced with a more comprehensive and restrictive mitigation measure that reflects current science and methodologies in biology. Mitigation measure M-BI-4 was revised for accuracy to reflect that the Project proposes three rather than four wetland crossings, and that overall impacts are 0.015 rather than 0.02 acres. In this case the Project impact was less than previously indicated. Mitigation measure M-BI-3 was modified to specify that native vegetation would be used in revegetation areas and invasive plants would not be used. This statement was added to emphasize

a policy that is already in place. Mitigation measure M-CR-3 was updated to reflect current policy as related to grading monitoring and curating of cultural resources. The language clarifies procedures and does not result in additional environmental impacts.

Some studies were updated or revised, but these revisions did not result in additional Project impacts. The air quality study was revised due to a change in analysis methodology adopted by the County since public review. Air Quality emissions modeling was done with the URBEMIS software for the report that was circulated for public review; however, the CalEEMod software has replaced URBEMIS as the methodology supported by California Air Districts. The revised modeling done with CalEEMod resulted in the previously identified potentially significant but mitigated impacts for PM₁₀ emissions to no longer be identified. South Coast Air Quality Management District that developed both models acknowledges that use of CalEEMod may result in lower estimates of fugitive dust emissions compared to URBEMIS; however, CalEEMod is the preferred model for conducting air quality and greenhouse gas analysis for CEQA documents. The mitigation previously identified in the DEIR are standard dust and particulate emissions reduction measures that are required for all project grading and construction activities for ordinance compliance pursuant to the County's Grading Ordinance and will still be implemented through that mechanism instead of as a mitigation measure. Methodologies for conducting an air quality analysis changed since after public review. The resulting revised air quality report found there were no new significant air quality impacts. The greenhouse gas analysis for the Project was revised in response to changes in County policies. This resulted in the determination that the Project complies with the County's Climate Action Plan which was adopted on February 14, 2018 and the inclusion of rooftop solar systems on all residences as a project design feature. The revisions did not change the conclusions of an earlier study that the Project had less than significant greenhouse gas impacts. Traffic counts for the Project were updated after public review in 2015 and 2019 but the resulting analysis did not reveal any new Project impacts. As a result, the mitigation for cumulative Project impacts, consisting of payment of Traffic Impact Fees, did not change.

Additional details in regard to the Project's proposed annexation for water service came to light following public review. the number of agencies involved in the annexation increased to include the Metropolitan Water District and the County Water Authority. The annexation area was refined to include only the onsite area proposed for residential use, approximately 17 acres consisting of parcels A, C, and D of the Project boundary adjustment, and three additional parcels totaling just over 13 acres adjacent to the Project site's eastern boundary. The additional off-site areas were included to avoid "islands" and "windows," of non-annexed land which are not permitted by the annexing authorities. This change in annexation details clarified the areal extent of annexation in the DEIR.

One project was added and analyzed for cumulative effects after public review. Tentative Map 5545, Pauma Estates, was a 22-acre 16-unit development approved in 2010. Inclusion of the project resulted in a minor modification to the biological resources discussion. The addition of the project did not change any of the conclusions of the cumulative analysis and no new impacts were identified.

In summary the above changes did not result in new impacts. No new mitigation was required as

a result of these changes. The changes were made primarily to update existing data and clarify discussions.

- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

As previously discussed under the first finding, the FEIR includes revisions to four mitigation measures related to biological resources; however, these changes clarified requirements or reflected a lower level of impact. In another instance, where air quality impacts were no longer significant, the previous mitigation would still be implemented as those measures are required pursuant to the County's Grading Ordinance. Therefore, the County finds that the project would not result in a substantial increase in the severity of an environmental impact.

- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

A range of feasible alternatives was considered during the process of preparing the EIR. This includes alternative locations and a range of housing units. Proposals for 54 and 45 residential units were contemplated in the early history of the Project but were rejected as too impactful. The Project design for 44 units was deemed to allow for the maximum number of residential units while allowing for lot sizes in conformance with the General Plan, Pala/Pauma Subregional Plan, and community character. The alternatives proposed evaluate a range of lesser residential units, consisting of 39, 38, 4, and no residential units. No additional alternatives have been proposed or contemplated that would further reduce impacts in a significantly different way.

As previously discussed, the FEIR includes revisions to four mitigation measures. These changes were made to clarify requirements or improve the effectiveness of the mitigation measure. To this extent they reflect the applicant's willingness to adopt better mitigation when available. Additional mitigation measures aside from the changes already reflected in the EIR have not been called for in the course of Project processing. Therefore, the County finds that no alternatives or mitigation measure have been proposed that the proponent has declined to accept and adopt. Therefore, the Project would not require recirculation pursuant to this finding.

- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

The County finds that the DEIR, which includes approximately 245 pages of analysis, supported by 20 technical reports and expert opinion, is not inadequate or conclusory such that the public was deprived of a meaningful opportunity to review and comment on the DEIR.

The County recognizes that new information has been added to the DEIR since circulation of the DSEIR, but the new information serves simply to clarify or amplify information already found in the DSEIR or improve the Project and its protection of the environment. It does not rise to the level of "significant new information" as defined by CEQA at the beginning of this section.

Other changes and revisions to the DEIR that are not specifically described above were also found

not to amount to “significant new information” requiring recirculation. None of the new information added to the FEIR raises important new issues about significant adverse effects on the environment. The ultimate conclusions about the project’s significant impacts do not change in light of any new information added to the DEIR. Therefore, the County finds that recirculation is not required pursuant to Section 15088.5(b) of the CEQA Guidelines.

VIII. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (CEQA GUIDELINES § 15090)

The San Diego County Planning Commission certifies that the Final EIR, dated January 2020, on file with the Department of Planning & Development Services, as Log No. PDS2000-3910-0002035 (ER), has been completed in compliance with CEQA and the State CEQA Guidelines, that the EIR was presented to the San Diego County Planning Commission, and that the San Diego County Planning Commissions reviewed and considered the information contained therein before approving the Project, and that the EIR reflects the independent judgment and analysis of the San Diego County Planning Commission. (CEQA Guidelines § 15090.)

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

As explained above, significant impact MR-1 (Mineral Resources) remains significant and unavoidable for the Project as there are no feasible mitigation measures.

Pursuant to the County’s Mineral Resources significance guidelines, the only mitigation measures for the project would be to wait and develop the project until after the resources are extracted and the land reclaimed or, avoid the mineral resources. Neither of these are feasible as the housing would not be built for many years while the mine is permitted (if it could be permitted) and operated. Similarly, avoidance is not possible due to the areal extent of the potential mineral resources on the site, which would also result in the housing not being constructed.

Pursuant to Public Resources Code Section 21081(b) and State CEQA Guidelines Section 15093(a) and (b), the County is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed Project against its unavoidable environmental risks when determining whether to approve the Project. If the specific economic, legal, social, technological or other benefits of the Project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable.” (CEQA Guidelines § 15093 (a).) CEQA requires the agency to identify, in writing, the specific reasons for considering a Project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record. (CEQA Guidelines §15093(b).)

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, and implementation of an agency’s economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs, See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v.*

Redevelopment Agency (1985) 173 Cal App. 3d 1029; *City of Poway v City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656.

The County finds that all feasible mitigation measures identified in the FEIR that are within the purview of the County would be implemented with the Project, and that the remaining significant unavoidable effect is outweighed and found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits, based upon the facts set forth in these Findings, the Final EIR, and the record.

A. Overriding Benefits Resulting from the Project

The County finds that the Project would have the economic, legal, social, technological, or other overriding benefits, including region-wide or statewide environmental benefits listed below. Each of the benefits cited below constitutes a separate and independent basis that justifies approval of the Project and outweighs the unavoidable adverse environmental effects of approving the Project and thus makes the adverse environmental effects acceptable. Thus, even in the absence of one or more of the reasons set forth below, the County has determined that each remaining reason, or any combinations of reasons, is a sufficient basis for approving the Project, notwithstanding any significant and unavoidable impacts that may occur.

- 1) Balanced Land Use Benefits:** The Project has been designed to accommodate existing, planned, and future growth in north-central San Diego County by providing housing opportunities in the Pala/Pauma community. The Project provides additional housing stock in a region that is growing. The Project proposes be high quality housing in an agricultural setting that would reflect the goals and objectives of the Pala/Pauma Subregional Plan.

The Project would support a mix of uses that benefit the community and surrounding areas. Residential development would provide homes. The continuation of agriculture would support the agricultural economy and provide employment. Extensive resource open space would protect important habitats and cultural resources for future generations. The Project would provide roadway improvements to SR-76 at the Project entrance that would include queuing lanes for right and left turns so through traffic can move past the Project site unobstructed by slowed or stopped vehicles. It would also include a public trail along SR-76 that would be improved to County standards. The Project would strike a balance between housing, conservation of sensitive natural resources, agricultural use, and transportation considerations. Importantly, the Project would provide much needed housing in San Diego County in accordance with the County General Plan.

- 2) Benefits of Sustainable Design:** The Project would create an environmentally sustainable neighborhood and reduce greenhouse gas (GHG) emissions that contribute to global climate change by adopting a variety of planning design features and mitigation measures. These include installing a minimum 2.85-Kilowatt solar system on each residence, as well as building and water conservation measures. Following CEC's 2016 Residential Compliance Manual (CEC 2015c), all single-family homes constructed as part of the Project would be designed with pre-plumbing for solar water

heaters and solar and/or wind renewable energy systems. In general, single-family homes built to the 2016 standards are anticipated to use about 28% less energy for lighting, heating, cooling, ventilation, and water heating than those built to the 2013 standards.

The Project would feature walkable and bicycle-friendly tree-lined streets; a recreation area for residents that would include a picnic area and recreational courts. A system of trails would allow walking throughout the site and a segment of public trail would be added along the Project frontage. A bus stop at SR-76 and Adams Drive would be improved to facilitate public transportation.

- 3) **Connected Neighborhoods and Community Development Benefits:** The Project creates a neighborhood that is consistent with the neighborhood east of Adams Drive. Similarities include lot sizes, a minimum of two acres in the case of the Project, and retention of an agricultural component on each lot. The second access onto Adams Drive provides a connection to this area. The Project would not be gated, so the roadway links between the communities would not be impeded. Improvements to SR-76 will provide efficient operation of the Project's entry intersection without impeding other traffic. A public trail along the Project frontage will be available to the adjoining area. An improved public bus stop at the SR-76 and Adams Drive intersection will serve both neighborhoods. And the quality of the proposed neighborhood will support the existing rural estate residential character of the area.
- 4) **Benefits from Biological Resource Preservation:** The Project would preserve substantial open space (91.3 acres) encompassing the most sensitive habitats on the site, including Frey Creek and mature oak groves. The Project would permanently dedicate and provide funding for management of open space to protect multiple special-status species and their habitats. Open space easements would also provide fencing and signage as needed. Buffers of 200 feet along Frey Creek are incorporated to further limit open space intrusions. These protections will also extend to cultural resources on the site. The Project would thereby enhance native habitat conservation and natural community conservation planning in north-central San Diego County.
- 5) **Benefits from Cultural Resource Preservation:** The Project would provide a recovery program for the cultural resources that occur within the development area. The program calls for curation and/or repatriation of any resources found, to be determined by on-site archaeologists and Native American representatives during the recovery program and grading activities. Therefore, the Project could add to the understanding of the Native American presence in the area while respecting the desires current Native Americans living in the area. The open space protections noted above would extend to cultural resources within the 91.3-acre biological open space preserve.
- 6) **Multi-Modal Transportation Benefits:** The Project is designed to support vehicular, mass transit, bicycle, and pedestrian activity. The Project would improve SR-76 at the Project entrance to include right- and left-hand turn pockets that would allow through traffic to pass the site unimpeded. The Project would enhance connectivity with the public transport system by improving a bus stop on SR-76 near Adams Drive. A ramada and seating are to be provided where a dirt shoulder currently serves the bus

system. The Project's neighborhood would be connected by an internal road system that includes tree-lined streets and improved trails, so that pedestrian and bicycle activity would be encouraged. A segment of the public trail along SR-76, as envisioned by the County's Community Trails Master Plan (2005), would be constructed by the Project.

- 7) **Public Service Benefits:** The Project would construct public facilities without burden or cost to the public. These include improvements to SR-76 at the Project entrance noted above, improvements to Adams Drive at the Project's second access point and at SR-76, an improved bus stop on SR-76 at Adams Drive, open space protections and removal of agriculture from Frey Creek, and preservation of a portion of the site for on-going agriculture. The Project is conditioned to require delivery, construction and/or funding of these improvements.
- 8) **Recreational Benefits:** The Project would provide a 7.9-acre recreation area that would include a park area and recreation courts such as volleyball or badminton. Streets would be walkable and tree-lined to encourage pedestrian activity. Internal trails would connect the residential and recreation areas. A connection would also be provided with a public trail to be constructed by the Project along SR-76. This trail will be located to facilitate connection with the larger anticipated public trail network in the region.
- 9) **Energy Conservation:** The Project would include energy conservation measures to reduce greenhouse gas emissions. Primarily the Project would provide a minimum 2.85-Kilowatt solar system on each residence. All single-family homes constructed as part of the Project would be designed with pre-plumbing for solar water heaters and solar and/or wind renewable energy systems. In general, single-family homes built to the 2016 standards are anticipated to use about 28% less energy for lighting, heating, cooling, ventilation, and water heating than those built to the 2013 standards. The project implements feasible methods to reduce the consumption of non-renewable energy sources by encouraging public transit with an improved bus stop, building design and orientation to take advantage of natural light and heat patterns, recycling, water conservation measures, and planning measures such as clustering to avoid sprawl.
- 10) **Water Conservation:** The Project would implement water conservation planning that emphasizes efficiency measures internal to the residences such as low flow toilets, and water efficient faucets and shower heads. The irrigation systems would employ technology that would be sensitive to weather conditions and would be professionally maintained so that maintenance would be consistent and effective. The project complies with County's Climate Action Plan and Water Conservation in Landscaping Ordinance.
- 11) **Benefits from Development of Housing in Proximity to Jobs and Services:** The Project site is well situated near existing and planned employment opportunities. Specifically, the Project is located approximately two miles from the Pauma Casino, and four miles from the Pala Casino, both sources of employment in the region. It is located nine miles from the SR-76/I-15 intersection, which has been designated by the

County as a densifying development node in its General Plan. Major Caltrans roadway projects have been undertaken east and west of this intersection to meet anticipated increased travel demand. An 82-acre community college campus, commercial and extensive residential development, and a school are being developed at this intersection, creating a range of employment opportunities. A full range of commercial services will be available in a town center in this location to serve the Project.

12) Fiscal Benefits: The Project would contribute the following fiscal benefits:

- Pay the County Transportation Impact Fee (TIF) to help fund regional transportation improvements;
- Fund the construction of the SR-76/Project entry improvements which includes improvements to SR-76;
- Fund the construction of improvements to Adams Drive at the Haas View Way entry and at the intersection with SR-76;
- Pay annexation fees in excess of \$800,000 to Metropolitan Water District, County Water Authority and Yuima Municipal Water District;
- Fund extension of YMWD water lines along the south side of SR-76 to the Project entry;
- Fund the establishment of a 39-acre agricultural preserve that will continue to generate agricultural products and employment for the local economy;
- Fund and construct a public trail along SR-76;
- Pay school fees; and
- The Project would generate additional annual revenue to the General Fund primarily through increased property taxes and property taxes in-lieu of vehicle license fees.

13) Economic Benefits: The Project encourages economic growth and diversity within the County of San Diego. The number of dwelling units on the Project site increases tax revenues from residential uses and supports employment of construction workers. Additionally, permanent jobs would be maintained by the on-going agricultural use.

B. Conclusion

In light of the foregoing, and the information contained within the Final EIR and other portions of the Project record, the County concludes that implementation of the Shadow Run Ranch Project would result in the development of a beneficial Project as outlined above. The County also finds that the benefits identified above outweigh and make acceptable the significant, unavoidable environmental impact associated with the Shadow Run Ranch Project, specifically as related to mineral resources, and, accordingly, adopts this Statement of Overriding Considerations.

**STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS OR OTHER
MATERIALS THAT CONSTITUTE A RECORD OF PROCEEDINGS**

May 15, 2020

Project Name:

Shadow Run Ranch

Reference Case Numbers:

PDS2000-3300-00-030 (MUP)

PDS2001-3100-5223 (TM)

PDS2000-3710-00-0205(BA)

Log No. PDS2000-3910-0002035 (ER)

SCH No. 2002061066

CEQA Section 21081.6(a)(2) requires that the lead agency (in this case the County of San Diego) specify the location and custodian of the documents or other material that constitute the record of proceedings upon which its decision is based. It is the purpose of this statement to satisfy this requirement.

Location of Documents and Other Materials That Constitute the Record of Proceedings:

County of San Diego, Planning & Development Services
Project Processing Center
5510 Overland Avenue, Suite 110
San Diego, California 92123

Custodian:

County of San Diego, Planning & Development Services
Project Processing Center
5510 Overland Avenue, Suite 110
San Diego, California 92123

Attachment E – Environmental Documentation

The Environmental Impact Report
and all Technical Appendices for
Shadow Run Ranch
are available online at:

<https://www.sandiegocounty.gov/pds/ceqa/ShadowRunRanch.html>

Attachment F – Service Availability Forms



County of San Diego, Planning & Development Services
PROJECT FACILITY AVAILABILITY - FIRE
ZONING DIVISION

Please type or use pen

Sherrill A. Schoepe 760-742-3097

Owner's Name Phone

PO Box 1249

Owner's Mailing Address Street

Pauma Valley CA 92061

City State Zip

ORG _____

ACCT _____

ACT _____

TASK _____

DATE _____

AMT \$ _____

DISTRICT CASHIER'S USE ONLY

F

SECTION 1. PROJECT DESCRIPTION

TO BE COMPLETED BY APPLICANT

- A. ☒ Major Subdivision (TM) ☐ Specific Plan or Specific Plan Amendment
☐ Minor Subdivision (TPM) ☐ Certificate of Compliance: _____
☐ Boundary Adjustment
☐ Rezone (Reclassification) from _____ to _____ zone.
☒ Major Use Permit (MUP), purpose: PRD
☐ Time Extension... Case No. _____
☐ Expired Map... Case No. _____
☐ Other _____

Assessor's Parcel Number(s)
 (Add extra if necessary)

111-070-12,13	111-080-7,8,9
111-080-10,14	111-080-18,19
111-080-21	111-080-16,17
111-080-20	

- B. ☒ Residential Total number of dwelling units 44
☐ Commercial Gross floor area _____
☐ Industrial Gross floor area _____
☐ Other Gross floor area _____

- C. Total Project acreage 248 Total lots 47 Smallest proposed lot 2 acres

Thomas Guide, Page 409 Grid E6

14504 Highway 76

Project address Street

Pala/Pauma 92061

Community Planning Area/Subregion Zip

OWNER/APPLICANT AGREES TO COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: Sherrill A. Schoepe Date: 3/16/20

Address: 2335 Terrace View Drive, Eugene, OR 97405

Phone: 619-306-6920

(On completion of above, present to the district that provides fire protection to complete Section 2 and 3 below.)

SECTION 2: FACILITY AVAILABILITY

TO BE COMPLETED BY DISTRICT

District Name: Yuima Municipal Water District- Fire Protection

Indicate the location and distance of the primary fire station that will serve the proposed project:

16971 Hwy 76, 4.75 miles

- A. ☒ Project is in the District and eligible for service.
☐ Project is not in the District but is within its Sphere of Influence boundary, owner must apply for annexation.
☐ Project is not in the District and not within its Sphere of Influence boundary.
☐ Project is not located entirely within the District and a potential boundary issue exists with the _____ District.
B. ☒ Based on the capacity and capability of the District's existing and planned facilities, fire protection facilities are currently adequate or will be adequate to serve the proposed project. The expected emergency travel time to the proposed project is 8.7 minutes.
☐ Fire protection facilities are not expected to be adequate to serve the proposed development within the next five years.
C. ☒ District conditions are attached. Number of sheets attached: already submitted
☐ District will submit conditions at a later date.

SECTION 3. FUELBREAK REQUIREMENTS

Note: The fuelbreak requirements prescribed by the fire district for the proposed project do not authorize any clearing prior to project approval by Planning & Development Services.

- ☒ Within the proposed project 100 feet of clearing will be required around all structures.
☐ The proposed project is located in a hazardous wildland fire area, and additional fuelbreak requirements may apply. Environmental mitigation requirements should be coordinated with the fire district to ensure that these requirements will not pose fire hazards.

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized Signature: Herman Reddick

Print Name and Title: Herman Reddick, Director

Phone: 619-474-5413 Date: 3-27-20

On completion of Section 2 and 3 by the District, applicant is to submit this form with application to:
 Planning & Development Services - Zoning Counter, 5510 Overland Ave, Suite 110, San Diego, CA 92123





4-185

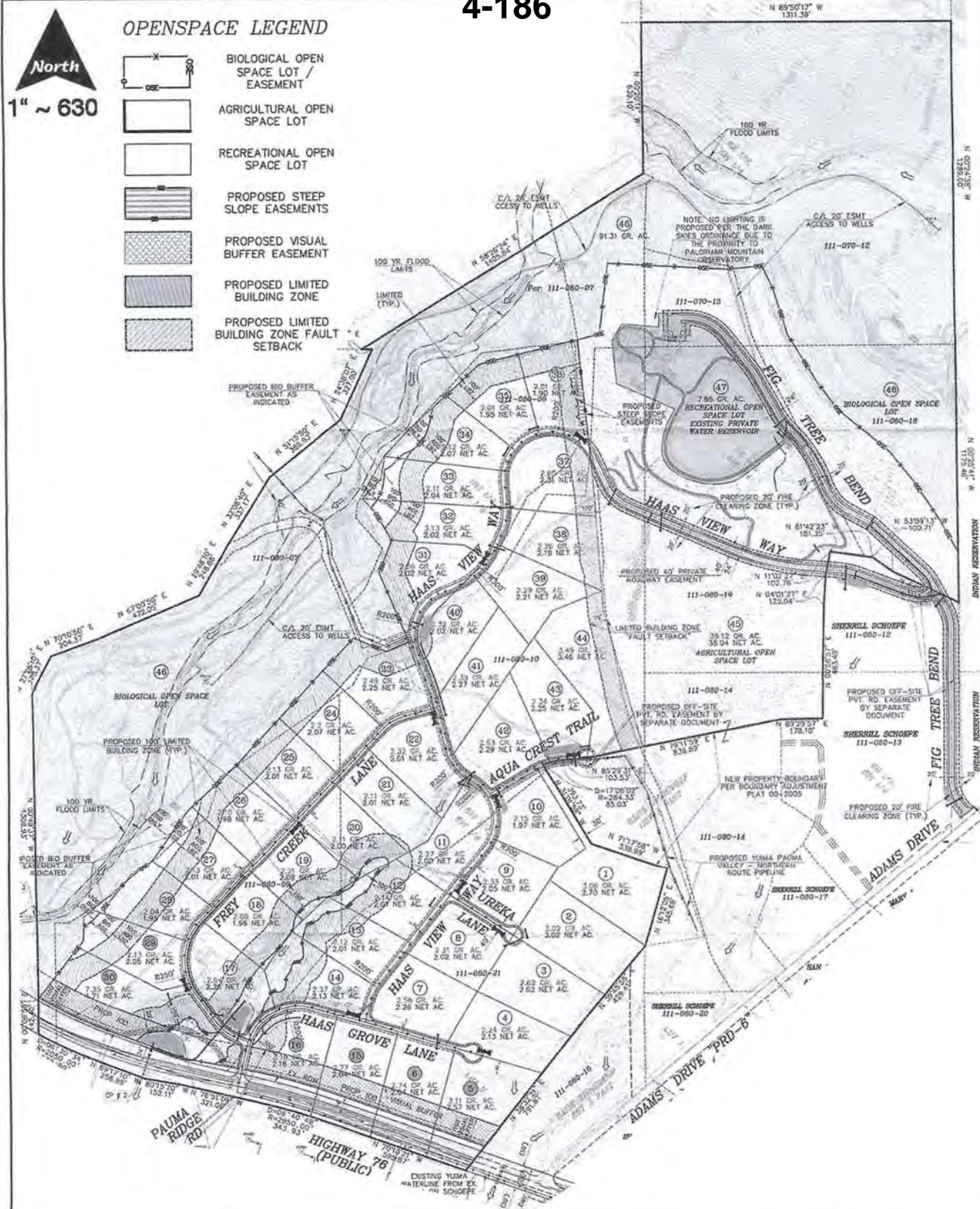
County of San Diego, Planning & Development Services

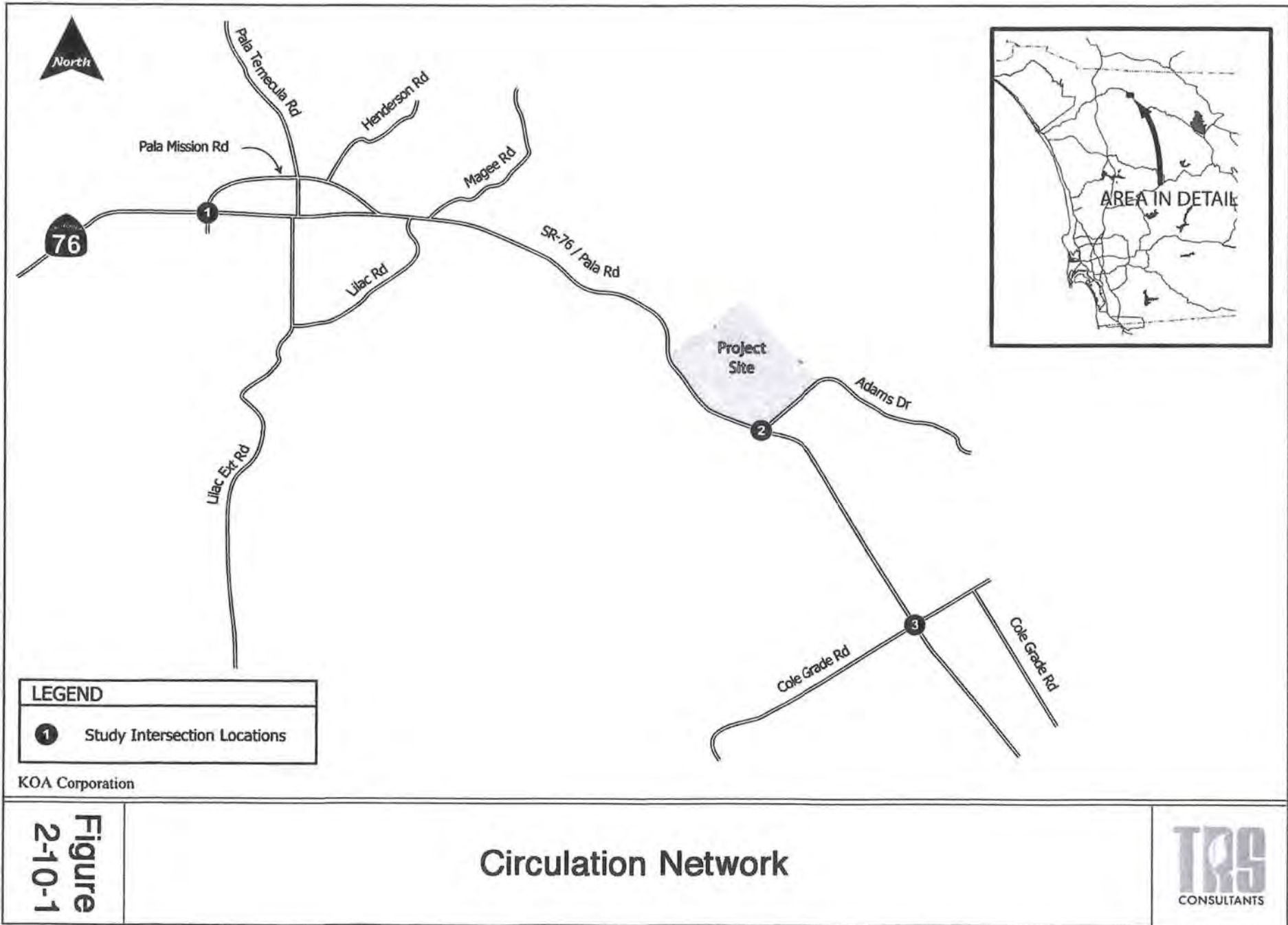
**PROJECT FACILITY AVAILABILITY - SCHOOL
ZONING DIVISION**

<i>Please type or use pen</i> (Two forms are needed if project is to be served by separate school districts)		Sc								
Sherrill A. Schoepe Trust Owner's Name _____ Phone _____ PO Box 1249 Owner's Mailing Address _____ Street _____ Pauma Valley CA 92061 City _____ State _____ Zip _____	ORG _____ ACCT _____ ACT _____ TASK _____ DATE _____ ELEMENTARY _____ HIGH SCHOOL _____ UNIFIED _____									
DISTRICT CASHIER'S USE ONLY										
SECTION 1. PROJECT DESCRIPTION TO BE COMPLETED BY APPLICANT										
<div style="display: flex; justify-content: space-between;"><div style="width: 50%;"><p>A. LEGISLATIVE ACT</p><p><input checked="" type="checkbox"/> Rezones changing Use Regulations or Development Regulations</p><p><input type="checkbox"/> General Plan Amendment</p><p><input type="checkbox"/> Specific Plan</p><p><input type="checkbox"/> Specific Plan Amendment</p><p>B. DEVELOPMENT PROJECT</p><p><input type="checkbox"/> Rezones changing Special Area or Neighborhood Regulations</p><p><input type="checkbox"/> Major Subdivision (TM)</p><p><input type="checkbox"/> Minor Subdivision (TPM)</p><p><input type="checkbox"/> Boundary Adjustment</p><p><input checked="" type="checkbox"/> Major Use Permit (MUP), purpose: <u>Planned Residential Development</u></p><p><input type="checkbox"/> Time Extension...Case No. _____</p><p><input type="checkbox"/> Expired Map...Case No. _____</p><p><input type="checkbox"/> Other _____</p><p>C. <input checked="" type="checkbox"/> Residential Total number of dwelling units <u>44</u></p><p><input type="checkbox"/> Commercial Gross floor area _____</p><p><input type="checkbox"/> Industrial Gross floor area _____</p><p><input type="checkbox"/> Other Gross floor area _____</p><p>D. <input checked="" type="checkbox"/> Total Project acreage <u>248</u> Total number lots <u>47</u></p></div><div style="width: 45%;"><p style="text-align: center;">Assessor's Parcel Number(s) (Add extra if necessary)</p><table border="1" style="width: 100%; height: 100px;"><tr><td style="width: 50%;"></td><td style="width: 50%;"></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table><p>Thomas Guide Page <u>409</u> Grid <u>E6</u></p><p>14504 Highway 76 Project address _____ Street _____</p><p>Pauma/Pala _____ 92061 Community Planning Area/Subregion _____ Zip _____</p></div></div> <p>Applicant's Signature: <u>Mark H. Thompson</u> Date: <u>3-03-20</u></p> <p>Address: <u>2335 Terrace View Drive, Eugene, OR 97405</u> Phone: <u>619-306-6920</u></p> <p style="text-align: center;">(On completion of above, present to the district that provides school protection to complete Section 2 below.)</p>										
SECTION 2: FACILITY AVAILABILITY TO BE COMPLETED BY DISTRICT										
<p><u>Valley Center-Pauma Unified School District</u> <u>28751 Cole Grade Road</u> District Name: <u>Valley Center, CA 92082</u></p> <p>If not in a unified district, which elementary or high school district must also fill out a form?</p>										
<p>Indicate the location and distance of proposed schools of attendance.</p> <p>Elementary: <u>Pauma School - 33158 Cole Grade Road, Pauma Valley, CA 92061</u> miles: <u>2.4</u></p> <p>Junior/Middle: <u>Pauma School - 33158 Cole Grade Road, Pauma Valley, CA 92061</u> miles: <u>2.4</u></p> <p>High school: <u>Valley Center High School - 31322 Cole Grade Road, Valley Center, CA 92082</u> miles: <u>6.3</u></p> <p><input type="checkbox"/> This project will result in the overcrowding of the <input type="checkbox"/> elementary <input type="checkbox"/> junior/school <input type="checkbox"/> high school. (Check)</p> <p><input checked="" type="checkbox"/> Fees will be levied or land will be dedicated in accordance with Education Code Section 17620 prior to the issuance of building permits.</p> <p><input checked="" type="checkbox"/> Project is located entirely within the district and is eligible for service.</p> <p><input type="checkbox"/> The project is not located entirely within the district and a potential boundary issue may exist with the _____ school district.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 45%;"><p><u>[Signature]</u> Authorized Signature</p><p><u>VCPUSD Superintendent</u> Print Title</p></div><div style="width: 45%;"><p><u>Ron McCowan</u> Print Name</p><p><u>(760) 749-0464</u> Phone</p></div></div>										
On completion of Section 2 by the district, applicant is to submit this form with application to: Planning & Development Services, Zoning Counter, 5510 Overland Ave. Suite 110 San Diego, CA 92123										



PDS-399SC (Rev. 09/21/2012)







4-188

County of San Diego, Planning & Development Services

PROJECT FACILITY AVAILABILITY - WATER
ZONING DIVISION

Please type or use pen

Sherril A. Schope Trust

Owner's Name

Phone

PO Box 1249

Owner's Mailing Address

Street

Pauma Valley CA92061

City

State

Zip

ORG _____

ACCT _____

ACT _____

TASK _____

DATE _____

AMT \$ _____

W

DISTRICT CASHIER'S USE ONLY

SECTION 1. PROJECT DESCRIPTION

TO BE COMPLETED BY APPLICANT

- A. ☒ Major Subdivision (TM) ☐ Specific Plan or Specific Plan Amendment
☐ Minor Subdivision (TPM) ☐ Certificate of Compliance: _____
☐ Boundary Adjustment
☐ Rezone (Reclassification) from _____ to _____ zone.
☒ Major Use Permit (MUP), purpose: Planned Residential Development
☐ Time Extension... Case No. _____
☐ Expired Map... Case No. _____
☐ Other _____

Assessor's Parcel Number(s)
(Add extra if necessary)

111-070-12,13

111-080-7 to 10, 14 to 16 18,19

- B. ☒ Residential Total number of dwelling units 44
☐ Commercial Gross floor area _____
☐ Industrial Gross floor area _____
☐ Other Gross floor area _____

- C. ☐ Total Project acreage 248 Total number of lots 47

- D. Is the project proposing the use of groundwater? ☐ Yes ☒ No
 Is the project proposing the use of reclaimed water? ☐ Yes ☒ No

Thomas Guide Page 409 Grid E6

North side of SR76 just west of Adams Drive

Project address _____ Street _____

Pala-Pauma 92061

Community Planning Area/Subregion _____ Zip _____

Owner/Applicant agrees to pay all necessary construction costs, dedicate all district required easements to extend service to the project and
 COMPLETE ALL CONDITIONS REQUIRED BY THE DISTRICT.

Applicant's Signature: M. A. ThompsonDate: 5-19-16Address: 12409 Rabbit Blud Pauma CA 92064Phone: 619-306-6920

(On completion of above, present to the district that provides water protection to complete Section 2 below.)

SECTION 2: FACILITY AVAILABILITY

TO BE COMPLETED BY DISTRICT

District Name Yuima Municipal Water District Service area Pauma Valley

- A. ☐ Project is in the district.
☒ Project is not in the district but is within its Sphere of Influence boundary, owner must apply for annexation.
☐ Project is not in the district and is not within its Sphere of Influence boundary.
☐ The project is not located entirely within the district and a potential boundary issue exists with the _____ District.
- B. ☒ Facilities to serve the project ☒ ARE ☐ ARE NOT reasonably expected to be available within the next 5 years based on the capital facility plans of the district. Explain in space below or on attached _____. (Number of sheets) _____
☐ Project will not be served for the following reason(s): _____
- C. ☐ District conditions are attached. Number of sheets attached: _____
☐ District has specific water reclamation conditions which are attached. Number of sheets attached: _____
☒ District will submit conditions at a later date.
- D. ☐ How far will the pipeline(s) have to be extended to serve the project? _____

This Project Facility Availability Form is valid until final discretionary action is taken pursuant to the application for the proposed project or until it is withdrawn, unless a shorter expiration date is otherwise noted.

Authorized Signature: [Signature] Print Name Lori A. JohnsonPrint Title General Manager Phone (760) 742-3704 Date May 28, 2016

NOTE: THIS DOCUMENT IS NOT A COMMITMENT OF SERVICE OR FACILITIES BY THE DISTRICT

On completion of Section 2 and 3 by the District, applicant is to submit this form with application to:
 Planning & Development Services - Zoning Counter, 5510 Overland Ave, Suite 110, San Diego, CA 92123

Attachment G – Public Documentation



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

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



October 7, 2014

Mr. Robert Hingtgen
 County of San Diego
 Planning & Development Services (PDS)
 5510 Overland Avenue, Suite 310
 San Diego, California 92123
Robert.Hingtgen@sdcounty.ca.gov

Subject: Comments on the Draft Environmental Impact Report and Draft Habitat Loss Permit for the Shadow Run Ranch Project, County of San Diego (SHADOW RUN RANCH; PDS2001-3100-5223, PDS2000-3300-00-030, PDS2000-3710-00-0205, LOG NO. PDS2000-3910-0002035; SCH#2002061066), California

Dear Mr. Hingtgen:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced draft environmental impact report (EIR) and draft Habitat Loss Permit (HLP) for the Shadow Run Ranch Project (SCH# 2002061066) dated March 2014. The comments provided herein are based upon information provided in the draft EIR (and associated reference materials including the Biological Resources Survey Report for the Shadow Run Ranch Project Prepared by Vincent N. Scheidt, Final March 2014), our knowledge of sensitive and declining vegetation communities, and ongoing regional habitat conservation planning in the County of San Diego (County).

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State of California's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA, Fish and Game Code §2050 et seq.) and other sections of the Fish and Game Code. The Department is also responsible for the administration of the Lake and Stream Alteration Agreement Program (Fish and Game Code §1600 et seq.). The Department also administers the Natural Community Conservation Planning (NCCP) program (NCCP, Fish and Game Code §2800 et. seq). The County is a participant in the NCCP program. Currently, the County is actively pursuing its draft North County Multiple Species Conservation Program (NC-MSCP) which, although not yet completed, has undergone substantial negotiation and is anticipated to receive approvals in the next one to two years (County of San Diego, 2013). The Project site is located within unincorporated San Diego County within the boundaries of the NC-MSCP. Within the NC-MSCP, the site is located in the Upper San Luis Rey (Planning Unit 20) and entirely within the draft Pre-Approved Mitigation Area (PAMA). One of the main goals for Planning Unit 20 is to maintain/improve connectivity along the San Luis Rey River between the Pala Reservation and Hellhole Canyon Open Space Preserve, which includes maintaining linkages through natural and agricultural lands for wildlife movement of large and medium-sized mammals between San Luis Rey River and Palomar Mountain (County of San Diego, 2009).

Mr. Robert Hingtgen
 County of San Diego
 October 7, 2014
 Page 2 of 3

The Shadow Run Ranch property is located on the north side of State Route (SR) 76 just west of the intersection with Adams Drive within the unincorporated community of Pala/Pauma in north San Diego County. The Project proposes a major subdivision (TM 5223RPL4) of 44 residential lots on 248.2 acres (APNs 111-080-07, -08, -09, -10, -18, & -19, APN 111-070-12 & -13, and portions of APN 111-080-14, -15, & -16). The proposal includes a Major Use Permit (MUP 00-030) for a Planned Residential Development, which would cluster the residential lots on 2-acre minimum lots in order to maximize the overall open space of the project. Forty-seven lots are proposed on the 248.2-acre site, consisting of 44 residential lots ranging in size from 2.01 to 7.35 acres, one biological open space lot (91.31 acres), one agricultural lot (39.12 acres), and one recreation lot (7.96 acres). The project's main access will be directly off SR-76 approximately 1,400 feet west of Adams Drive. A secondary access is proposed to connect with Adams Drive. On-site circulation will utilize proposed private roads. Annexation to the Yuima Municipal Water District is also proposed for potable water and fire services. The residential lots will have on-site wastewater treatment systems.

Elevations on the property range between approximately 770-feet MSL at the site's southwestern corner and 1,620 feet MSL at the site's highpoint near the northeastern corner. Existing land uses on-site include active agriculture (154 acres of crops), which covers the majority of the property, several trailers and single-family homes, which are located on the southern portion of the site, a reservoir located near the northeastern property corner, and various dirt roads that cross the property. Areas of native upland vegetation are found on the northeastern and western portions of the site. The site is situated on the southern flanks of Palomar Mountain, and the native vegetation on the northern and western portions of the site is continuous with the large block of habitat associated with Palomar Mountain and the Cleveland National Forest. Frey Creek runs along the western property boundary. Several other drainages cross the property in a north-south direction, all of which are tributaries to the San Luis Rey River located just south of the project site across Highway 76. Land uses on surrounding parcels include active agriculture (to the west and southeast), scattered homes (to the southeast), and undisturbed areas to the north, south, and southwest. All adjoining lands are under private ownership. No preserved lands adjoin or are contiguous with the project site. The Pauma Indian Reservation is located immediately to the east of the site, and the Pala Indian Reservation adjoins part of the western property and the Cleveland National Forest is located a short distance to the north of the property.

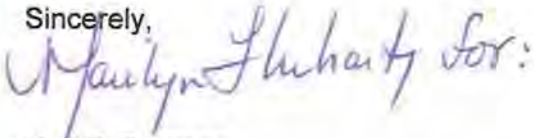
The Shadow Run Ranch property contains developed as well as native upland/wetland habitats and agricultural-related and developed uses. The Project proposes to directly impact 1.2 acres of coastal sage scrub (CSS) and 3.0 acres of coast live oak woodland (CLOW) habitats and mitigate at a 2:1 and 3:1 mitigation to impact ratio, respectively. Previous impacts 2.3 acres of CSS and 0.14 acre of CLOW are proposed to be mitigated at a 3:1 and 4:1 ratio, respectively. Impacts to upland and wetland habitats are proposed to be mitigated on-site (total mitigation of 9.4 acres of CSS and 9.6 acres of CLOW).

The Department offers the following comments and recommendations in the enclosure to assist the County in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources, and to ensure that the Project is consistent with ongoing regional habitat conservation planning efforts (i.e., that it would not preclude the preserve assembly or prevent the achievement of the biological goals anticipated under the North County MSCP). We appreciate the opportunity to comment on this draft EIR/HLP and look forward to further coordination among the County and Department to discuss and resolve the issues associated

Mr. Robert Hingtgen
County of San Diego
October 7, 2014
Page 3 of 3

with the Project, including those raised in this letter. If you have questions regarding our comments on the Project, please contact Randy Rodriguez (858) 637-7100 or Randy.Rodriguez@wildlife.ca.gov.

Sincerely,

A handwritten signature in purple ink, appearing to read "Gail K. Sevens for:", is written over the typed name.

Gail K. Sevens
Environmental Program Manager
South Coast Region

cc: State Clearinghouse, Sacramento
Michelle Moreno, U.S. Fish and Wildlife Service

Enclosure

ENCLOSURE

Comments/Recommendations
Shadow Run Ranch Project Draft EIR/HLP

1. The draft EIR and biology report indicate that there is an existing riparian corridor along the site associated with Frey Creek that runs in a northeast-southwest direction along the western property boundary. There are also several other drainages that cross the property in a north-south direction, all of which are tributaries to the San Luis Rey River located just south of the Project site across SR 76. Based on the information provided in the draft EIR, the Project would impact State jurisdictional wetland areas, which is proposed to be mitigated on-site.
 - a. The Department has responsibility for the conservation of wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. The Department opposes any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent or perennial, should be retained and provided with substantial setbacks to preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife and plant populations. Mitigation measures to compensate for impacts to mature riparian corridors should be included in the final EIR and must compensate for the loss of function and value as a wildlife corridor.
 - b. The Department has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. As a Responsible Agency under CEQA, the Department may consider the County's final EIR for the project. To minimize additional requirements by the Department pursuant to section 1600 et seq. and/or under CEQA, the final document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of an SAA.
 - c. The Project biology report indicates that wetland mitigation is proposed to occur within the conserved open space along existing on-site drainages. Mitigation, if on-site to offset the Project's impact to State jurisdictional areas, would need to be viable and managed under a conservation easement. The Project proposes a 200-foot buffer along most of the length of Frey Creek to protect on-site wetlands (page 2.48 of the draft EIR). Specifically, the Project proposed a 100-foot native vegetation buffer, a 100-foot agricultural (citrus) buffer, and a 100-foot limited building zone (LBZ) along the entire length of Frey Creek, with the exception of a pinch point on Lots 33-35 where the buffer would narrow to only 100 feet of native vegetation and a 100-foot LBZ. The Department

recommends that for all on-site jurisdictional areas, the proposed 200-foot width be maintained along the entire length of Frey Creek to best protect habitat for the CESA- and federal endangered species act (ESA)-listed least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*) and maintain local wildlife movement in the area in all areas, including from the edge of limits where any mitigation is proposed.

- d. Any proposed on-site mitigation areas should complement preserved areas on-site. For example, where breaks within the riparian corridor occur, the creation should strive to fill in these gaps to create one continuous canopy through the conserved area. To the extent possible, where native trees need to be replaced for the Project (to meet County requirements), they should be included adjacent to the on-site conserved lands to further buffer these lands from project edge effects and to maximize the overall use of open space areas by wildlife.
2. The final EIR should disclose whether any suitable habitat for cactus wren and/or southwestern pond turtle exist on-site and any potential impacts to these state species of special concern. The cactus wren (*Campylorhynchus brunneicapillus*) has been known to occur in the area southeast of the Project site and the biology report (Table 4-Observed Species List-Flora) notes the presence of *Opuntia* (cactus) species on-site but does not discuss its potential to provide nesting and foraging habitat for cactus wren. The southwestern pond turtle (*Emys marmorata*) is the state's only native freshwater turtle and can occur in streams, ponds and other small bodies of water and lake habitat, all of which exist on-site.
 3. To increase potential habitat and functionality of on-site riparian areas/corridors, the Department recommends that any Project-graded slopes and fuel clearing areas be planted with compatible, low-fuel natives (e.g., cacti and other succulents) to minimize the potential for invasive species to spread into the proposed on-site mitigation/open space areas and into adjacent natural lands. In addition, we recommend that native plants (endemic to the local area) be used to the greatest extent feasible in landscaped areas adjacent to and/or near mitigation/open space areas and/or wetland/riparian areas to avoid degradation of native habitats. The California Invasive Plant Council provides a list of exotic plants species (Invasive Plant Inventory [Cal-IPC; <http://www.cal-ipc.org/>]) that should be avoided in landscaped areas. We recommend this measure be incorporated into the final EIR or that the final EIR identify other measures to address the potential degradation of native habitats from the use of invasive species in the landscaped areas.
 4. All areas on-site proposed for mitigation must demonstrate that they would be viable over time and not impacted from the edge effects from project development. Some open space areas proposed on-site (e.g., open space adjacent to Lots 14-20) may not be acceptable for mitigation due to their proximity to development on multiple sides, lack of connectivity to other conserved lands, or overall small size compared to the developed area of the site. The final EIR/HLP should clearly identify which areas on-site are proposed for mitigation and would be managed under the resource management plan for the Project.
 5. Federal ESA- and CESA-listed endangered species are known or have the potential to occur within the Project site (i.e., least Bell's vireo, southwestern willow flycatcher, and arroyo toad). Section 1.3 of the draft EIR assumes presence for the least Bell's vireo and southwestern willow flycatcher, both of which are listed as endangered under ESA and CESA. Therefore, based on the potential direct and indirect impacts that may occur to these listed species and/or designated critical habitats as a result of the proposed Project, it may be necessary for the applicant to obtain federal "take" authorization for these species/critical habitats through a Section 7 consultation (if a federal nexus exists, such as through

involvement of the U.S. Army Corps of Engineers). For ESA listed species, if a federal nexus is not involved, it may be necessary for the applicant to obtain "take" authorization for the species alone through development of a Habitat Conservation Plan, pursuant to section 10 of the ESA.

6. Since the NC-MSCP has not yet been completed, any take authorization for impacts to CESA-listed species including the least Bell's vireo, southwestern willow flycatcher, and California yellow-billed cuckoo (*Coccyzus americanus occidentalis*) would have to be achieved through CESA (see Fish and Game Code, §§ 2080, 2085). If the applicant intends to have take of any CESA-listed species addressed through a 2080.1 consistency determination (CD; least Bell's vireo, southwestern willow flycatcher, and potentially yellow-billed cuckoo), it is important that the final EIR and supporting documentation contain a mitigation program that would fully mitigate for impacts to those state-listed species. Moreover, for the Department to evaluate and potentially issue a CD, it is important that the federal biological opinion for the project contain measures to clearly demonstrate that the state take would be fully mitigated under CESA. As part of the mitigation required under CESA, a biological conservation easement over the protected lands would be required along with adequate secured funding to ensure that the mitigation land would be managed, maintained, and monitored for listed species in perpetuity by qualified personnel.
7. As a condition of any CESA take authorization for the Project, the land manager and entity that would hold conservation easements for any mitigation area would need to be approved by the Department. This review and approval process may occur when the 2081(b) CESA application (or 2080.1 CD request) is provided to the Department. The Department is not currently interested in managing the conserved lands associated with this Project. For purposes of CESA compliance, ownership of the conserved lands by a home owner's association would not be appropriate. For purposes of CESA compliance (where there is not adopted NCCP), a biological conservation easement (held by a bona fide conservation entity) would be required over the on- and off-site mitigation lands regardless of who ultimately would have fee title.
8. A final site-specific resource management plan (RMP) should be developed and implemented for the proposed on- and off-site mitigation areas as a condition of HLP approval to ensure the long-term conservation of the mitigation sites. The final RMP should provide measures and demonstrate that adequate funding would be provided to protect and manage the resources on the on-site and off-site mitigation lands in perpetuity. The RMP should include biological goals, management objectives, and specific tasks to achieve the objectives, provisions to monitor populations of sensitive and/or listed species, control for invasive plants, provide adequate fencing, limit public access, and address any other relevant land/species management issues (e.g., potential for cowbirds to impact nests of riparian birds on-site and the need for potential trapping). The RMP for the on- and off-site mitigation lands would require approval by the Department and the U.S. Fish and Wildlife Service (Service) as part of the County's HLP process.
9. The draft EIR and biology technical report document the use of Frey Creek onsite as wildlife connection through the site down to the San Luis Rey River. The Project is proposed to provide a 200-foot buffer along the majority of Frey Creek (see measure 4.1E on page 34). The biological technical report (page 28) also notes that many species of wildlife are dependent on the ecological functions provided by the Shadow Run Ranch site. Numerous large mammals occur on-site, such as mountain lion (*Felis concolor*), mule deer (*Odocoileus hemionus*), bobcat (*Lynx rufus*), coyote (*Canis latrans*), and gray fox (*Urocyon cinereoargenteus*). All of these species are expected to utilize the wildlife corridor provided by Frey Creek. Various rodents and lagomorphs, scores of riparian and other birds, reptiles, and amphibians are also known to use resources found on the Project site.

The final EIR should provide an analysis of the pre- and post-project width and functionality of the Frey Creek wildlife corridor, including identifying any potential project features that may constrict wildlife movement, and how the proposed Project would help achieve NC-MSCP goals for the Upper San Luis Rey River Linkage and connect with areas to the east that are included as part of the County's East County MSCP (County of San Diego, 2009 and 2013).

10. The Department recommends that the Service be contacted to discuss potential impacts to the ESA-listed endangered arroyo toad (*Anaxyrus californicus*), including the potential to impact any aestivation areas.
11. The final EIR should discuss the potential for the CESA-listed endangered California yellow-billed cuckoo to occur on-site. If suitable habitat exists on-site, the Department recommends that protocol surveys for this species be conducted in all areas of suitable habitat within and adjacent to the project site and the results of these surveys included in the final EIR and supporting documents. If it is determined that the area is occupied by yellow-billed cuckoo, all impacts to occupied habitat should be mitigated with in-kind habitat at appropriate ratios. Any take of yellow-billed cuckoo that results from the Project is prohibited, except as authorized by state law (see Fish and Game Code, §§ 2080, 2085).
12. The biological technical report notes (page 28) that the entire Shadow Run Ranch property provides foraging habitat for raptors, including Cooper's hawk (*Accipiter cooperii*), red-shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), and white-tailed kite (*Elanus leucurus*), a state fully-protected species. The report concludes that any of the tall trees on-site could support raptor nesting activities. The Department recommends that measures be incorporated into the final EIR to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5, and 3513 of the Fish and Game Code prohibit take of all native bird species and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed Project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, we recommend surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

References

County of San Diego, 2009. Preliminary Public Review Draft. Multiple Species Conservation Program: North County Plan. Volume I. Prepared by Technology Associates International Corporation. February 2009.

County of San Diego. 2013. Planning Agreement By and Among the County of San Diego, the California Department of Fish and Wildlife, and the United States Fish and Wildlife Office Regarding the North and East County Multiple Species Conservation Plans: Natural Community Conservation Program Plans and Habitat Conservation Plans. November 15, 2013.

Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. Nongame-Heritage Program, State of California, Department of Fish and Wildlife, Sacramento. 156 pp.

Oberbauer, Thomas. 2008. Terrestrial Vegetation Communities in San Diego County Based on Holland's Descriptions. Revised from 1996 and 2005. July 2008.

Saunders, D. A., R. J. Hobbs, and C. R. Margules. 1991. Biological consequences of ecosystem fragmentation: A review. *Conservation Biology* 5(1). Pp. 18-32.

Scheidt, 2014. A Biological Resources Survey Report for the Shadow Run Ranch Project [3100-5223 (TM) RPL#3, 3300-00-030 (MUP), 3710-00-0205 (BC), Environmental Log No. 3910-00-02-035], Pauma Valley, County of San Diego. Prepared for Shadow Run Ranch, LLC by Vincent N. Scheidt. Final March 2014.

Sproul, F., T. Keeler-Wolf, P. Gordon-Reedy, J. Dunn, A. Klein, and K. Harper. 2011. Vegetation classification manual for Western San Diego County. Prepared by AECOM, California Department of Fish and Game, Vegetation Classification and Mapping Program, and Conservation Biology Institute. Prepared for San Diego Association of Governments. Five sections + appendices and figures.

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, DIVISION OF PLANNING

4050 TAYLOR ST, M.S. 240

SAN DIEGO, CA 92110

PHONE (619) 688-6960

FAX (619) 688-4299

TTY 711

www.dot.ca.gov

*Flex your power!
Be energy efficient!*

October 6, 2014

11-SD-76

PM 27.9

DEIR August 2014

Mr. Larry Hofreiter
County of San Diego, DPLU
5510 Overland Avenue
San Diego, CA 92123

Dear Mr. Hofreiter:

The California Department of Transportation (Caltrans) reviewed the Draft Environmental Impact Report (DEIR) dated August 2014 for the Shadow Run Ranch project to be located north of State Route 76 (SR-76) and Adams Drive. Caltrans would like to make the following comments:

Traffic Operations:

- Synchro files are needed for complete review. Queue length analysis/calculations are needed for each of the proposed left turn pockets at the new project entrance.
- This segment of SR-76 does not have the center median. All proposed left turns on this highway segment need to have proper approach/bay taper according to HDM Sect. 405.2 (b).
- Appendix H, Conceptual Layout shows 4ft for outside shoulder. Standard 8ft outside shoulders are required for all new widening in this area.

Hydraulics General Comments:

- Caltrans will not be held liable for any damages that may occur due to changes that may be made to the design after approval of the Shadow Run Ranch development. Grading for this proposed project which would modify existing drainage and increase runoff to State facilities will not be allowed.

Hydraulics Specific Comments:

- Identify the existing bridge as "Frey Bridge" in the report.
- Include equations used.
- Include discussion of assumptions and justifications.
- Provide an enlarged view of the Pre-Development Hydrology Map of Basins 1 and 2 (similar to Exhibit B).
- Provide map showing sub-areas delineated for each soil group (A_i) as back-up for "Decimal fraction soil group..." inputs and CN calculations.
- Provide a printout of the HEC-HMS Input information. These are typically available in the .met, .basin, etc files.
- Exhibit B: The Basin boundaries are unclear. Provide colored maps.
- Please provide a table that lists which sub basins belong in Post_Development Basin 1, Basin 2, and Basin 3

- Please provide a signed copy of the Final Drainage Report with full sized map exhibits along with the DEIR CD for our records.

Noise:

- Noise easement is relying on the vegetation providing noise attenuation, studies have shown that the vegetation has to be sufficiently dense and FHWA/Caltrans does not suggest using vegetation as a noise attenuation measure.
- Caltrans will not be held responsible for any noise impacts to this development. If there is a noise impact, the developer has the responsibility to provide mitigation.

Biology:

- Impacts to waters of the U.S. and state within Caltrans Right of Way (R/W) are anticipated. The applicant will be required to apply for 404/401 permits and 1600 streambed alteration agreement prior to Encroachment Permit approval.
- Biological impacts anticipated within Caltrans R/W include impacts to coast live oak woodlands, coastal sage scrub, and field/pasture. Proposed mitigation for these impacts appears to be sufficient.

Cultural Resources:

- Cultural or paleontological resources are not expected within Caltrans right of way. During the Encroachment Permit review, a Screened Undertaking would be prepared to address impacts within the Caltrans right of way.

Encroachment Permit General Comments:

Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits. Encroachment permit submittals that are incomplete can result in significant delays in permit approval.

Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional engineer registered in the State of California. Caltrans Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

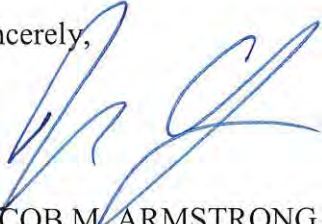
Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits.

Mr. Larry Hofreiter
October 6, 2014
Page 3

4-200

If you have any questions, or require further information, please contact Trent Clark, at (619) 688-3140 or email at Trent_Clark@dot.ca.gov.

Sincerely,



JACOB M. ARMSTRONG, Chief
Development Review Branch



9335 Hazard Way • Suite 200 • San Diego, CA 92123
(858) 614-7755 • FAX (858) 614-7766

San Diego Local Agency Formation Commission
www.sdlafco.org

Website:

Chairman

September 17, 2014

Andrew Vanderlaan
Public Member

Vice Chairman

John Ingalls
Santa Fe
Irrigation District

TO: Robert Hingtgen (O650)
Department of Planning and Development Services

FROM: Chief, Governmental Services (O216)
Local Agency Formation Commission

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County Board of
Supervisors

Dianne Jacob
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City of Carlsbad

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Public Member

Executive Officer

Michael D. Ott

Counsel

Thomas Bosworth

SUBJECT: Draft Environmental Impact Report: Shadow Run Ranch;
PDS2001-3100-5223, PDS2000-3300-00-030, PDS2000-
3710-00-0205, LOG NO. PDS2000-3910-0002035; SCH
NO. 2002061066

Thank you for the opportunity to provide additional information associated with this project. LAFCO submitted comments on June 25, 2002 when the Notice of Preparation for the Schoepe (Shadow Run Ranch) Tentative Map and Draft Environmental Impact Report (EIR) was initially circulated. To summarize, LAFCO's concerns focused on the conversion of prime agricultural land to other uses, the provision of sewer service, and the adequacy of structural fire protection. Because circumstances may have changed over the last 12 years, these issues should be discussed and addressed in the context of current conditions and incorporated into the environmental document.

At this time, the development plan includes subdividing 248 acres into 44 clustered residential parcels on two-acre minimum size lots, one biological open space lot of 91± acres, an agricultural open space lot of 39± acres, and one recreational open space lot of approximately 8 acres. Also, four parcels totaling about 12 acres under the same ownership will be added to the project area. A copy of LAFCO's previous letter is attached for reference. In addition, we offer the following remarks.

Agriculture

As discussed in our previous letter, the area proposed for development contains extensive acreage designated as Unique Farmland and is adjacent to land that was in agricultural production. LAFCO's definition of "prime agricultural land" differs from that used by the County. For your convenience, a copy of the definition contained in the Cortese-Knox-Hertzberg Act has been included with this letter. Moreover, San Diego LAFCO's Policy L-101 specifically discourages conversion of open space

and prime agricultural land to other uses. Thus, if conditions have remained consistent, the EIR must address preservation of open space and prime agricultural land in the context of both LAFCO's definition of prime agricultural land as well as Policy L-101, a copy of which is attached.

Public Services

The proposed project involves annexation to the Yuima Municipal Water District (MWD) for provision of water and fire protection services. Access to imported water in San Diego County is restricted to member agencies of the San Diego County Water Authority (CWA), which purchases water from the Metropolitan Water District of Southern California (MET). Consequently, to receive that water, property must be located in the boundary of a CWA member. At this time, none of the Shadow Run Ranch plan area is in the boundary of a member agency and thus is not eligible to obtain imported water. Therefore, water service provision is contingent upon the following actions: (1) annexation to Yuima MWD, which is a CWA member; (2) concurrent annexation to CWA and MET; and (3) amendments to include the territory in all three agencies' spheres of influence. Moreover, current drought conditions require that the EIR evaluate the District's ability to provide an adequate water supply to the project as well as addressing potential impacts to existing customers and resources resulting from distributing water to additional territory.

At this time, the project proposes that subsurface sewage disposal systems be installed on the residential lots. Provision of sewer service for the recreational open space lot was not mentioned and should be discussed and addressed. Utilizing septic systems appears to be the most feasible method of wastewater disposal since Yuima MWD does not have infrastructure in place to provide sewer service, and does not have authorization to do so. Extensive construction, numerous permits and approvals as well as activation of latent powers from LAFCO would be required for Yuima MWD to become a sewer service provider. Thus, annexation to Yuima MWD for wastewater service would not be a viable alternative.

Provision of structural fire protection and emergency medical services in San Diego County has changed dramatically over the last several years. LAFCO's previous letter questioned the adequacy of service provision to the increased population associated with residential development given the terms contained in Yuima's contract for fire services with the State. The current contract with information pertaining to response time and staffing levels should be examined and discussed in the environmental document. Specifically, the projected response times and the number of new staff members that would be hired to address the addition of at least 44 new residential units.

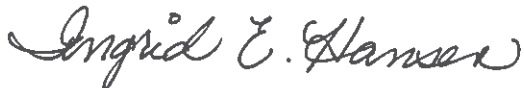
Sphere of Influence

Prior to or concurrent with consideration of the proposed annexation to Yuima MWD and the associated sphere of influence amendment, LAFCO needs to conduct a Municipal Service Review and Sphere of Influence Update Study. This type of report periodically evaluates service provision by each special district and includes

recommendations for any potential sphere changes. Yuima, Mootamai, and Pala MWDs would be reviewed together based on their geographic location.

LAFCO will be a responsible agency for environmental review for this project because the jurisdictional changes including annexations to Yuima MWD, San Diego CWA, and MET as well as amendments to their spheres of influence are proposed. To satisfy our requirements, the EIR should: (1) discuss the project's agricultural implications as they relate to Government Code Section 56064 (definition of prime agricultural land) and LAFCO's Policy L-101; (2) identify proposed changes of organization (sphere amendments and annexations); and (3) evaluate the fire services contract to ensure that an adequate level of fire protection will be available.

Should you have any questions, or if LAFCO can provide additional assistance, please contact me either by e-mail at ingrid.hansen@sdcounty.ca.gov or by phone at 858/614-7755.



INGRID E. HANSEN
Chief of Governmental Services

IEH:ih

Attachments: June 25, 2002 LAFCO Letter
 LAFCO Policy L-101
 Government Code Section 56064



1600 Pacific Highway • Room 452
San Diego, CA 92101 • (619) 531-5400

San Diego Local Agency Formation Commission

Website: www.sdlafco.com

Chairman

June 25, 2002

Ronald W. Wootton
Vista Fire Protection District

Vice Chairwoman

Dianne Jacob
County Board of
Supervisors

TO: Joseph DeStefano II, Project Manager
Department of Planning and Land Use (O650)

FROM: Local Governmental Analyst
Local Agency Formation Commission (A216)

Members

SUBJECT: TM 5223RPL; P00-030, Log No. 00-02-035; Schoepe
Tentative Map

Bill Horn
County Board of
Supervisors

Patty Davis
Councilmember,
City of Chula Vista

Jill D. Greer
Councilmember,
City of Lemon Grove

Byron Wear
Councilmember,
City of San Diego

Andrew L. Vanderlaan
Public Member

Bud Pocklington
South Bay Irrigation District

Thank you for the opportunity to provide comments for the Environmental Impact Report (EIR) that is being prepared for the above-referenced project. As you know, LAFCO is responsible for encouraging the efficient provision of public services and has purview over changes to local government organization and any associated sphere of influence actions. All planning and environmental documents pertaining to this project should contain a discussion of the conversion of agricultural land to other uses, and how public services are proposed to be provided to the project area. We offer the following comments:

Agriculture

Alternate Members

Greg Cox
County Board of
Supervisors

Julianne Nygaard
Councilmember,
City of Carlsbad

Donna Frye
Councilmember,
City of San Diego

Andrew J. Menshek
Padre Dam
Municipal Water District

Harry Mathis
Public Member

Executive Officer

Michael D. Ott

Counsel

William D. Smith

The proposed project encompasses approximately 263 acres classified as Unique Farmland and is surrounded by existing agricultural operations. Development of the site would involve subdividing the area into 47 residential lots and one open space lot of approximately 91 acres. In addition, two large agricultural estates would remain in agricultural use.

Of particular concern to LAFCO is the conversion of prime agricultural land to other uses as well as the potential adverse effect of development on agricultural soil. The Notice states that "... the development of the project site will result in a potentially significant impact to agricultural resources ...". Therefore, the EIR needs to contain a thorough discussion of the location and impacts to prime agricultural land, as defined in Government Code Section 56064. To assist the Commission in guiding development away from prime agricultural lands and open space, the San Diego LAFCO has adopted an Open Space and Agricultural Land Preservation Policy (Policy L-101). A copy of this policy is attached. One component of the policy discourages proposals that would convert prime agricultural or open space lands to other uses unless such an action would be contrary to the planned,

Joseph DeStefano II
Page 2
June 25, 2002

orderly, efficient development of an area. While the project as proposed would preserve some existing open space by retaining continued agricultural production on two large estates, the project would still result in the conversion of agricultural land to residential use. Therefore, the EIR needs to address the preservation of agricultural and open space lands in accordance with Policy L-101.

Public Services

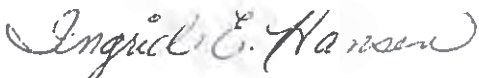
- The document states that annexation to the Yuima Municipal Water District (MWD) would be necessary to obtain water service for the project area. In addition, it acknowledges that since the property is not within the District's sphere of influence, an amendment to the existing sphere must be adopted prior to annexation. The EIR should list these two jurisdictional changes as discretionary actions, discuss potential impacts resulting from those changes, analyze the MWD's ability to provide an adequate level of service to the project, and evaluate potential impacts to existing customers associated with the increased demand of this project on district resources.
- The Notice also indicates that the project area is not in a sewer district nor in any sewer district's sphere of influence. According to the document, Yuima MWD has stated that the District would not be able to provide sewer service to the project site within the next five years. Despite this disclosure, the Notice asserts that sewer service could be obtained through annexation to the Yuima MWD. This District never has provided sewer service, is currently not authorized to provide sewer service, and has no infrastructure in place to do so. Since implementing a sewage disposal system involves extensive construction and numerous permitting processes, the EIR should indicate whether the MWD has plans to undertake the provision of sewer service beyond the five-year timeframe. Therefore, environmental review should suggest and explore alternative methods of sewage disposal, including whether the installation of septic systems is a feasible means to providing sewer service.
- The Notice further states that fire service provision to the project site would be supplied by the California Department of Forestry and Fire Protection (CDF). Although the document claims that fire protection facilities will be adequate to serve the proposed project, it is our understanding that the agency provides wild land fire suppression rather than structural fire protection. Moreover, CDF does not provide a consistent level of service throughout the year. According to the Yuima MWD, while CDF provides fire suppression service in the area during the months specifically designated as the fire season, the CDF station is closed the remainder of the year. For that reason, Yuima MWD has joined with two other water districts and contracts with CDF to provide fire protection within their service areas when the CDF station would otherwise be closed. However, only a minimum staffing level is maintained. If the project area was annexed to Yuima MWD for water provision, fire service also would be available, but having only minimal staffing during part of the year may be inadequate considering the increased permanent population associated with a residential development.

Joseph DeStefano II
Page 3
June 25, 2002

Of additional concern is not only CDF's estimated 12-minute response time to the proposed project, but also the project's location in a "hazardous wild land fire area." Therefore, the EIR should discuss the ability of CDF to provide a sufficient level of service throughout the year. To ensure satisfactory fire protection services, it might be necessary to increase the number of personnel as well as their level of training. The EIR should specifically address how the increased demands of a larger permanent population would be met. To satisfy this request, a formal staffing level plan outlining how many new staff members would be hired and the threshold that would trigger their employment could be incorporated into the environmental document.

Since changes to local government organization are associated with this project, LAFCO will be a responsible agency for environmental review. Therefore, we would appreciate receiving all documents related to both the planning and environmental analyses. To be adequate for our purposes, the EIR must: (1) evaluate and discuss the proposed project in the context of San Diego LAFCO's Agricultural and Open Space Preservation Policy; (2) propose how sewer service will be provided; (3) identify all proposed jurisdictional changes in the project description, list them as discretionary actions, and discuss potential impacts resulting from those changes; (4) discuss the ability of CDF to provide an adequate level of fire protection services; and (5) discuss the ability of the Yuima MWD to provide an adequate level of both water and fire protection services to the proposed annexation area.

Should you have any questions, or if LAFCO may be of any further assistance, please contact me at 531-5400.



INGRID E. HANSEN
Local Governmental Analyst

IEH:jb

Attachment

cc: Susan Collins, General Manager, Yuima Municipal Water District

Subject

PRESERVATION OF OPEN SPACE AND AGRICULTURAL LANDS

Purpose

To further the policies and priorities of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding the preservation of open space and prime agricultural lands.

Background

The State Legislature has instructed Local Agency Formation Commissions to establish policies that address the preservation of open space (Govt. Codes § 56300 and 56377). LAFCOs are required to consider how spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands. Commissions are directed to guide development away from prime agricultural lands – unless that action would not promote the planned, orderly and efficient development of an area – and to encourage development of existing vacant or non-prime agricultural lands within a jurisdiction before approving any proposal that would allow development of open-space lands outside of an agency's boundary (Govt. Code § 56377). Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands (Govt. Code § 56668).

Policy

It is the policy of the San Diego Local Agency Formation Commission to:

1. Discourage proposals that would convert prime agricultural or open space lands to other uses unless such an action would not promote the planned, orderly, efficient development of an area *or* the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural lands for agricultural use;
2. Require rezoning of territory (city only) to identify areas subject to agricultural/preservation and planned development;

L-101 LEGISLATIVE POLICY

3. Follow San Diego LAFCO's adopted procedures to define agricultural and open space lands and to determine when a proposal may adversely affect such lands.

Adopted: November 6, 1978
Amended: June 4, 1990
Amended: May 4, 1998
Technically Updated January 1, 2001

Cross-reference:

SAN DIEGO LAFCO PROCEDURES:
-Open Space and Agricultural Preservation

"Prime agricultural land" 56064. "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use 12

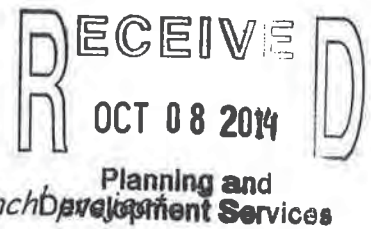
capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual bases from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.

(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.



Pala Pauma Community Sponsor Group ("PPCSG")

Comments regarding the DEIR for the proposed Shadow Run Ranch project

I. Demand for the Project

As stated at § 4-2² "[t]he NPA is the environmentally preferred project" and at § 4.6 "[t]he LLA is the environmentally superior alternative after the NPA ..." Yet the DEIR discounts these two alternatives on the basis that they do not meet the project objectives set forth at § 1.1 which, among other things, include "providing needed housing for the community." However there is no justification in the DEIR that there is a requirement for housing of the type and at the anticipated initial and subsequent monthly cost level levels indicated by the nature the accommodations proposed in the Project. The Project does nothing to address an apparent need in the community for low cost housing compatible with local income levels. Correspondingly, PPCSG recommends that the Applicant:

- i be required to submit to the decision making process a justification of this demand assumption taking into account projects in the pipeline and clearly demonstrating the source and timing of the demand and the benefits to the community (not just financially to the Applicant) of the demand being fulfilled (neither under- nor over-subscribed).
- ii not be permitted to use the term "enhanced amenities" as a decision factor of the decision making body as proposed at § S.4 as the Project provides no enhanced amenities to the community other than a minimum private park and meeting facility.
- iii be required to include in the DEIR a section addressing how the Project will be maintained in the period between street and infrastructure completion and sell out (estimated by the DEIR to be five years) so that the unsold lots do not become a detriment within the Project or to the community and that before permit issuance there be required a demonstration of financial capacity to so maintain the Project.
- iv as a condition of any approval of the Project be required to contribute meaningfully to the community need for low cost housing.

II. Applicable Pala Pauma Subregional Plan ("SRP")

At § 3.1.5.2 the DEIR quotes what its maintained to be the applicable version of the SRP as calling for "orderly planned growth as need arises and essential services such as water, sewer, are made available." The view of PCSG is that the Project does not meet that requirement because:

- i it is the opportunistic development of an island of residences disconnected from the villages of both Pala and Pauma, far removed from shopping and entertainment facilities, providing few community facilities, and situated such that it is improbable that it can become the nucleus of, or maybe even adjacent to, future development.
- ii as set forth above, it is not clear that the need has yet arisen particularly as significant other housing projects in and adjacent to the Pala Pauma corridor have not progressed as anticipated because of lack of demand for the proposed class of housing.
- iii essential services such as sewer and mains gas are not available; resulting in on-lot provision of those facilities by propane tanks and septic systems that ill represent the concept of an orderly, planned development.

¹ Unless otherwise stated abbreviations, capitalized terms and definitions have the same meaning as in the DEIR document

² Unless otherwise stated paragraph figure and table numbers refer to those of the DEIR

III. Water supply

The DEIR states that the Project will use less water than the present land use. However there is an absence of clarity on many of the statements in the DEIR concerning the supply, use and permitting of potable and non-potable water supply to and in the Project, were it to be approved. Consequently PPCSG recommends that the DEIR be amended to clarify the following apparent issues:

1. Together § 3.1.3.1 and § 3.1.3.2 compare the present 616 AFY to the anticipated 424.AFY implying a reduction in water intensity. This statement masks the facts that potable water demand will increase by 21 AFY while non-potable demand will decrease by 196 AFY. The Project proposes to annex into YMWD for the supply of this potable water, a commodity delivered from SDCWA and already in short supply. PPCSG therefore recommends that the DEIR be modified to:
 - i consider and possibly propose the provision of an on-Project water treatment facility that will convert the excess non-potable water to potable water thereby eliminating the otherwise additional demand on SDCWA, especially since § 3.1.3.1 states that groundwater is currently used for potable water and irrigation.
 - ii otherwise identify a valuable use for the potentially future amount of available groundwater for non-potable use in a community where there is an acute shortage of such affordable groundwater and valuable agricultural assets are being destroyed because of that shortage.
2. § 3.1.3.1 states that wells PV2 thru PV4 on the Project property (which presumably are non-potable wells) are managed and pumped by YMWD. § 3.1.5.2 states that YMWD purchases groundwater from the Property so the questions arise to be answered in the DEIR:
 - i where and to what extent is water from wells PV2 thru PV4 and the groundwater purchased by YMWD counted in the water analysis for present and projected usage.
 - ii at what point does this purchased water enter the YMWD system which, anecdotally, is a potable system, and how is such non-potable water converted to potable water for delivery by YMWD to its customers.
 - iii whether or not there is a requirement for an encroachment permit from Caltrans for a water line to cross SR-76 to serve potable water to the Project from the point identified as being south of SR-76 adjacent to Adams as in Figure 1-3 as such permit is not clearly included in the matrix of approvals and permits at § 1.5.1.
3. Given that the DEIR states that it will be used by LAFCO in considering annexation and as at § 1.8 the DEIR states the "[p]roposed water line extension will be sized only to serve the Project..." so as to avoid growth inducing impacts, PPCSG recommends that:
 - i the true purpose to the annexation by YMWD of the two additional parcels (111-080-16 and -17 of 10.46 acres) as set forth at § 3.1.3.2 should be identified in the DEIR. Otherwise once the additional parcels, disconnected with the Project, are annexed the reality of avoiding growth inducement will be lost.
 - ii further consideration be given to the previous recommendation of PPCSG that these lots (between the project and Adams Road and across which an easement has to be granted to provide a second access to the Project) be incorporated into the Project.
 - iii the DEIR, which is a Project DEIR, should justify the legal and regulatory basis for including in it proposals that have no direct connection with the Project, presumably so that such can be considered by LAFCO in its use of the DEIR.

4. The DEIR at § 2.6.2.2, and as set forth in the Fire Protection in Appendix E, defines the required fire flow as being 2,500 gpm of water, PPCSG suggests that this be clarified to:
 - i identify whether this requirement will be fulfilled from potable or non-potable water source.
 - ii consider whether this supply from potable would be consistent with the statement set forth in para. 3 above, as potable water supply for domestic use for 44 homes would require only a flow of around a few hundred gpm.
 - iii consider whether this fire flow can be met by gravity feed of non-potable water from the reservoir with the presently existing reservoir piping structure or whether additional supply piping is required.
5. The DEIR sets forth at page 3-52 the YMWD position that "SDWCA and Met annexation is not required" as part of the annexation into YMWD following LAFCO approval, yet the Groundwater Exhibit P shows annexation process and costs. Correspondingly, PPCSG recommends that:
 - i the assertion of YMWD be confirmed, or otherwise, by the inclusion in the DEIR of correspondence from both SDCWA and Met clearly stating their position in this regard.

IV. Traffic

The statement at § 2.10.8 that "adherence to the forgoing mitigation [the payment of TIF] will reduce project traffic impacts to below significance" is misleading. It is not the payment of a TIF amount that mitigates, but rather the construction of a highway having capacity to handle the projected traffic. Within that framework::

1. The data of Existing Conditions included in the Traffic Study Appendix L at page 16 was collected in June 2009, October 2009 and November 2010 between the hours of 7:00 and 9:00 in the morning and from 4:00 to 6:00 in the afternoon. Over the past five years traffic on SR-76 has grown significantly, largely as an outcome of the expansion of casinos on Indian lands, and the configuration of SR-76 has changed with improvements at the interchange with I-15, the signalization at Pauma Reservation Road, etc. Consequently, PPCSG recommends that:
 - i the basis for the Traffic Study be reestablished with a present day data collection including the examination of other EIRs, and similar documents, recently published on SR-76 traffic.
 - ii that the revised Traffic Study reflects that the busy hour on SR-76 is not that of traditional timing but one that reflects weekend casino traffic and weekend desert related traffic.
2. The Traffic Study projects traffic passing the proposed Project at the rate of 9,456 ADT existing and 25,326 ADT with Cumulative Effects. The stated capacity of SR-76 at that point is 22,900 at LOS E (itself undesirable congestion) resulting in a LOS F. (extreme congestion). Figure 4.7 of Appendix L projects a Cumulative Effect 950 vehicle one way busy hour (one vehicle every 3.5 seconds). According to the ADT San Diego County LOS table set forth in Appendix L, steady to stable flow of 25,000+ could be provided by a 4-lane collector road configuration. In that light PPCSG recommends that steps be taken now to ensure that projected traffic flow can be eventually satisfactorily accommodated by:
 - i initially providing a deceleration lane for westbound traffic entering, and an acceleration lane for eastbound traffic exiting, the Project so as to maximize safety and minimize the

impact of Project on steady flow on SR-76, especially in the busy hour, as traffic builds toward the eventual Cumulative Effect level³.

- ii including in the DEIR a review of the Project frontage design along SR-76 to ensure that there can be a future provision of pavement and intersection design adequate to carry the Cumulative Effect traffic at steady to stable flow as and when the 25,000+ ADT becomes reality.

3. Road segments of SR-76 to the west of the Project are set forth in Table 8-1 of Appendix L generally indicate a deterioration from LOS C to LOS F from Horse Ranch Creek Road to Lilac Road. Indeed, the LOS deterioration is likely to occur well before the totality of the Cumulative Effects because the theoretical capacity of the road type grossly overstates the actual capacity of the road segments as the sharp radius curves and restricted sight lines result in traffic speeds inconsistent with the theoretical capacity of the road category. While this Project plays a small cumulative effect the totality of the impact would be significant upon residents of the Project, if it were to be approved, people accessing other projects in development and contemplation, and existing road segment users. Consequently, PPCSG recommends that:

- i the DEIR should consider the impact of public safety in the event of a need for an emergency evacuation along SR-76 including the effect of traffic from Valley Center traversing Cole Grade Road as the emergency exits for Valley Center may well have insufficient capacity for emergency conditions. the
- ii the County of San Diego should immediately consider placing a moratorium on approving further development projects that will develop traffic volumes on SR-76 until such time as a plan has been formulated and funding sources committed and in place that would provide for at least a LOS D on SR-76 from its intersection with I-15 to Valley Center Road.

V. Fire Protection Plan

§ 4.2 of the Fire Protection Plan Appendix E of the DEIR postulates the availability of three Project access roads whereas the Tentative Map at Figure 1-1 clearly shows only two Project access points. Accordingly PPCSG recommends that:

- i the Fire Protection Plan be reviewed and rewritten to both ensure that it aligns with the Tentative Map and that the plan of only two access points has no effect on fire safety.

VI. Noise

The conclusion on page 16 of Noise Assessment Appendix J that "the exterior noise levels will meet the County of San Diego 60 dBA CNEL standard" is not consistent with the data set forth in Table 2-4 of that Exhibit nor with Figure 2-8-2. That figure clearly shows that shows a projected 60 dba CNEL at first floor level at lots 5,6,15 and 16 abutting and covering building pads and within the 100' visual buffer. Such noise level will most probably adversely impact the quiet enjoyment of their property by future homeowners. Therefore PPCSG recommends:

³ PPCSG has repeatedly made this recommendation and has yet to receive a full response to reconcile the statement of the representatives of the Applicant at the July 1 PPCSG meeting that Caltrans would not permit the provision of such lanes with the statement of Caltrans, by Ms. Berman the Director of District 11, in its letter dated March 7 to PPCSD noting that "Caltrans made a recommendation for the inclusion of a westbound deceleration lane and an eastbound acceleration lane."

- i the DEIR should be revised to contemplate the initial mitigation of noise at ground level on lots immediately adjacent to SR-76 either by the provision of denser screening or the erection of an aesthetically acceptable sound barrier, so as to make the rear parts of such lots desirable and safe from the point of view of a homeowner.

VII. Cumulative Projects

It appears that TM 5545 Pauma Estates, a development of residential units adjacent to Pauma Village, has been omitted from the list of Cumulative Projects considered as set forth in Figure 1-6 and Table 1-1. Consequently PPCSG recommends:

- i The DEIR be amended to incorporate TM 5545 and its effects.

VIII. Potentially Unaddressed Environmental Issues

1. Proposed Yuima Pipeline

§ 1.2.2.2 briefly mentions the potential of the construction of a large water pipeline through and across the Project referring to the associated EIR. Other than that mention, it is not clear that the DEIR considers the implications of such a pipeline being constructed subsequent to the start of Project grading. In that context, PPCSG suggests that the DEIR should be modified to include:

- i an analysis of the environmental impacts should construction of the at pipeline begin subsequent to Project grading and, in particular, subsequent to the construction of streets and homes within the Project,
- ii an assessment of the impact of the Project contemplated by the DEIR on the assumptions and findings of the EIR certified for the pipeline, especially with regard to rights of way.

2. Tree removal

Referenced is made throughout the DEIR regarding the intent to reduce agricultural activity by the removal of existing crop bearing tree. However it is not clear that the DEIR has analyzed the environmental impact of the removal and destruction of such trees. Therefore PPCSG recommends that:

- i the DEIR be modified to include a discussion of the method of removal and disposal of the crop bearing trees and environmental impacts therefore arising, if any.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

14 September 2014

To: Mr. Robert Hingtgen
 Department of Planning and Development Services
 County of San Diego
 5510 Overland Avenue, Suite 310
 San Diego, California 92123

Subject: Draft Environmental Impact Report
 Shadow Run Ranch
 PDS2001-3100-5223, PDS2000-3300-00-030, PDS2000-3710-00-0205
 Log No. PDS-2000-3910-0002035

Dear Mr. Hingtgen:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its Appendix D, we have the following comments:

1. The copy of Appendix D posted on the County's website includes site locational information, in the form of site maps. Examples include Figures 5, 6 and 7, but there are more. This is a violation of the prohibition of site location disclosure. Those maps should have been removed from the public review copy. The County must take immediate action to correct this error.
2. The treatment of cultural resources in Appendix D is comprehensive and we concur with its significance assessment of the various sites.
3. We also concur with cultural resources mitigation measures M-CR-1, M-CR-2, M-CR-3 and M-CR-4 as included in Section 2.5 of the DEIR, though the mitigation measures should note the process to be followed should any human remains be encountered.
4. We note that the testing collections from site SDI-9357/H have already been curated, as have a few recovered artifacts from SDI-266, SDI-714 and SDI-731. The mitigation measures will, as required by the Register of Professional Archaeologists' *Standards of Research Performance and Code of Conduct*, provide for the curation of the collections that result, other than any human remains and associated burial goods.

Thank you for providing SDCAS this opportunity to review and comment upon this project's environmental documents.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Professional Archaeological Services
SDCAS President
File

Hingtgen, Robert J

From: Dan Silver <dsilverla@me.com>
Sent: Thursday, August 28, 2014 1:17 PM
To: Hingtgen, Robert J
Cc: Wardlaw, Mark; Gretler, Darren M; Snyder, Todd; Real, Sami; Fogg, Mindy
Subject: Shadow Run Ranch

August 28, 2014

Robert Hingtgen
Dept of Planning and Development Services
5510 Overland Ave., Ste 110
San Diego, CA 92123

RE: SHADOW RUN RANCH; PDS2001-3100-5223, PDS2000-3300-00-030, PDS2000-3710-00-0205, LOG NO. PDS2000-3910-0002035; SCH NO. 2002061066

Dear Mr Hingtgen:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on the DEIR for this proposed project on 244 acres. Shadow Run Ranch would insert dozens of residential estate lots into the Pauma Valley, a still largely intact farmland and habitat area. Due to its distance from infrastructure and services, to reduce GHG emissions from long distance commuters, and to protect natural resources, the property was properly designated as Rural 1:40 in the General Plan Update. However, according to the DEIR, the project is allowed to proceed at 10 times that density under the outmoded old General Plan due to "pipelining." The result is sprawl.

According to the biased LARA model that the County uses despite criticism, the site is, predictably, deemed "unimportant" farmland.

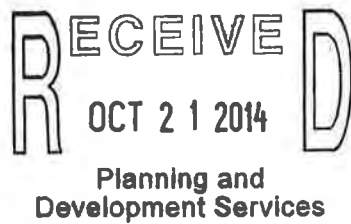
Given the unfortunate circumstance of pipelining, it is nonetheless commendable that the project was redesigned as a PRD on 2-acre minimum lots that at least preserves the most sensitive areas as biological open space. Thus, riparian connectivity and associated coastal sage scrub uplands are conserved, maintaining compatibility with a future North County MSCP. There is also a lot for limited continued agriculture.

In conclusion, EHL *concurs* with and appreciates the use of the proposed open space design to mitigate the impacts as feasible given the pipelined 1:4 density.

Yours truly,
Dan Silver

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
www.ehleague.org



4-218

**PALA TRIBAL HISTORIC
PRESERVATION OFFICE**

PMB 50, 35008 Pala Temecula Road
Pala, CA 92059
760-891-3510 Office | 760-742-3189 Fax



October 21, 2014

Robert Hingtgen, Project Manager
County of San Diego Planning & Development Services
5510 Overland Ave, Suite 310
San Diego, CA 92123

LATE

Re: Shadow Run Ranch; PDS2001-3100-5223, PDS2000-3300-00-030, PDS2000-3710-00-0205, Log No. PDS2000-3910-0002035; SCH No. 2002061066

Dear Mr. Hingtgen,

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman. We are aware that this correspondence is dated after the comment deadline for reviewing the draft EIR but request that our comments be included in the record.

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. It is, however, within the boundaries of the territory that the tribe considers its Traditional Use Area (TUA) and located in immediate proximity to reservation boundaries. Therefore, we request to be kept in the information loop as the project progresses and would appreciate being maintained on the receiving list for project updates, reports of investigations, and/or any documentation that might be generated regarding previously reported or newly discovered sites.

This project has the potential to impact multiple cultural sites both documented and potentially undiscovered. While we largely agree with the mitigation measures proposed in the draft EIR, we would like to request further consultation with the County to discuss the possibility of avoidance of sites within areas proposed for development. Specifically, we are concerned about impacts to site SDI-9537/H. Recorded information for this site indicates that it has a high level of potential for containing Native American human remains. We do not feel that data recovery is the appropriate mitigation strategy for impacts to this site and that avoidance should be considered and added to the EIR. Furthermore, if data recovery is undertaken for this site, we prefer that any artifacts be recorded but then reinterred on-site, rather than collected for curation. Data can be collected via site forms, artifact inventories, and photographs, rendering curation unnecessary.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at sgaughen@palatribe.com.

Sincerely,

Shasta C. Gaughen, Ph.D.
Tribal Historic Preservation Officer
Pala Band of Mission Indians



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814

PHONE: 916 / 322-1082 • FAX: 916 / 445-0738 • TDD: 916 / 324-2555 • INTERNET: conservation.ca.gov/smgb

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February 11, 2015

Mr. Mark Wardlaw, Director
Planning & Development Services. County of San Diego
5510 Overland Avenue, Suite 310
San Diego, California 92123

RECEIVED
FEB 17 2015
PDS-DIRECTORS OFFICE

Re: Notice of Pubic Review – Statement of Reasons to Permit Proposed Use and Extinguish Access to Mineral Resources of Statewide Significance Findings Pursuant to Section 2762 of the California Public Resources Code, Shadow Run Ranch (SCH No. 20020610066)

Dear Mr. Wardlaw:

On behalf of the State Mining and Geology Board (SMGB), I have reviewed the County of San Diego's Notice of Public Review and Statement of Reasons to permit the proposed use and extinguish access to mineral resources of statewide significance findings pursuant to Public Resources Code (PRC) Section 2762, dated December 18, 2014. The SMGB works closely with the California Geological Survey (CGS), to establish policy for the conservation and development of mineral resources throughout the state. Pursuant to Division 2, Chapter 9, Article 4, PRC Sections 2763(a) and 2763(b), if an area is designated by the SMGB as an area of regional or statewide significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to subdivision (a) of Section 2762, or otherwise has not yet acted pursuant to subdivision (a) of Section 2762, then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in subdivision (d) of Section 2762. Lead agency land use decisions involving areas designated as being of regional or statewide significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to the lead agency's area of jurisdiction.

PRC section 2762(d) further states that prior to permitting a use which would threaten the potential to extract minerals in the proposed project area, the lead agency shall prepare, in conjunction with preparing any environmental document required by Division 13 if required, a statement specifying its reasons for permitting the proposed use, and shall forward a copy to the State Geologist and the SMGB for review. In this context, the following discussion and comments are offered for your consideration.

Proposed Project Description

The proposed project under review is referred to as the Shadow Run Ranch (PDS2000-3100-5223, PDS2000-3300-00-030, PDS2000-3700-00-0205, LOG No. PDS2000-3910-00-02-035; SCH. No. 20020610066). Proposed is a major subdivision of 248 acres that will be subdivided into 44 residential lots, one biological open space lot (91.31 acres), one agricultural open space lot (39.12 acres), and one recreational open space lot (7.96 acres). A major Use Permit filed concurrently for a Planned Residential Development (PRO) would cluster the residential lots on two acre minimum lots to maximize the overall open space for the project. A boundary adjustment totaling 260 net acres is also included. The project's main access will be directly off SR-76. The Draft Environmental Impact Report and Draft Habitat Loss Permit for this project were made available for public review and comment from August 21, 2014 to October 17, 2014. As part of this proposed project, approximately 110 acres of the 248-acre project has been previously designated by the SMGB as an area that contains mineral resources of regional significance (i.e., Mineral Resources Zone 2; MRZ-2). The proposed project would effectively eliminate access for mineral extraction to these designated areas.

Classification and Designation of Mineral Lands

Classification is the process of identifying lands containing significant mineral deposits. The proposed project is situated in an area that was, in part, classified by CGS (formerly the Division of Mines and Geology). Designation is the formal recognition by the SMGB, after consulting with lead agencies and other interested parties, of areas containing mineral deposits of regional or statewide significance.

Classification of MRZ-2 lands was published in 1982 by CGS as Special Report 153 titled "Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region. In 1985, the SMGB subsequently designated certain mineral resources lands as published in the Designation Report 4 titled "*Designation of Regionally Significant Construction Aggregate Resource Areas in the Western San Diego County Production-Consumption Region*". A large portion of the proposed project (approximately 110 acres) is situated within a portion of Sector E which has been designated by the SMGB. Section D which has also been designated by the SMGB borders the proposed project to the southwest. Sector D and Sector E are described as follows:

Sector D – Alluvial deposits of the upper San Luis Rey River, extending discontinuously from the Interstate 15 bridge upstream to the community of Rincon in Pauma Valley.

Sector E – A hillside alluvial fan deposit located northeast of the San Luis Rey River, extending from the community of Pala to Pauma Valley.

Comments and Recommendations

In recognition that the proposed project will diminish an important mineral resource area, the SMGB offers the following comments and recommendations:

Comment No. 1 – Clarification Regarding Statewide versus Regional Significance: The mineral aggregate resources have been historically and continue to be designated as being of regional significance, not statewide significance.

Comment No. 2 – Clarification Regarding Classification versus Designation: The distinction between classified mineral resources lands that have been classified (i.e., MRZ-2) by CGS and those that have been designated by the SMGB, are not accurately noted in the Statement of Reasons.

Comment No. 3 – Aggregate Sustainability Projections: The justification for the regional loss of these mineral resources is important since the potential loss of available, permitted PCC aggregate resources from the designated area may have a strong deleterious effect on the northern San Diego County and southern Riverside County areas. In its most recent and comprehensive study of *Aggregate Sustainability in California, Map Sheet 52*, CGS (Updated 2012) reported that only about 16 percent of the projected construction aggregate demand over the next 50 years for the areas will be met by currently permitted resources 167 million tons permitted; whereas, the 50-year demand is on the order of 1,014 million tons). This estimate indicates that fewer than 10 years of permitted aggregate reserves within the western San Diego County's Production-Consumption region remains.

Comment No. 4 – Lack of Clarity in Description of Acreage: The Notice points out that the potential reasons why the County may permit the loss of potential resources as a result of the subject proposed project being implemented, is 1) the presence of single-family residences within a quarter mile of the project site which are incompatible with the future extraction of mineral resources (i.e., significant increase in noise, air quality, traffic, among other adverse impacts), 2) the proposed project would conserve 91.31 acres of biologically valuable habitat, and 3) the proposed project would conserve 39.2 acres of existing onsite agriculture in a dedicated open space easement. It is unclear as to whether the "Site" boundary provided on the accompanying map incorporates all 248 acres, or simply the area planned for residential development; a map showing the areas for residential development, biological, agricultural and recreational areas relative to areas that have been designated by the SMGB would be helpful. Should this proposed project be implemented, it could be inferred that a minimum one-quarter mile buffer would also be established

(i.e., one-quarter mile at minimum) and further preclude the future extraction of mineral resources in the region.

Comment No. 5 – Consistency with the County’s Mineral Resources

Management Policies (MRMP): The Purpose and scope of the County’s Conservation and Open Space Policies is to “*manage the remaining mineral deposits while striving to ensure that adequate resources are available to support the economic prosperity of future generations of San Diego County residents.*” Three specific policies are:

*“COS-10.1 **Siting of Development.** Encourage the conservation (i.e., protection from incompatible land uses) of areas designated as having substantial potential for mineral extraction. Discourage development that would substantially preclude the future development of mining facilities in these areas. Design development or uses to minimize the potential conflict with existing or potential future mining facilities. For purposes of this policy, incompatible land uses are defined by SMARA Section 3675.*

*COS-10.2 **Protection of State-Classified or Designated Lands.** Discourage development or the establishment of other incompatible land uses on or adjacent to areas classified or designated by the State of California as having important mineral resources (MRZ-2), as well as potential mineral lands identified by other government agencies. The potential for the extraction of substantial mineral resources from lands classified by the State of California as areas that contain mineral resources (MRZ-3) shall be considered by the County in making land use decisions.*

*COS-10.9 **Overlay Zones.** Provide zoning overlays for MRZ-2 designated lands and a 1,500-foot-wide buffer area adjacent to such lands. Within these overlay zones, the potential effects of proposed land use actions on potential future extraction of mineral resources shall be considered by the decision-makers.”*

It is unclear how the County has discouraged the development or balanced the needs of the proposed project with the future needs for aggregate for the San Diego County production-consumption region and maintained adhered to its MRMP.

Comment No. 6 - Loss of Aggregate Justification: The Notice and Statement of Reasons provides inadequate justification, since it fails to consider the importance of these minerals to their market region, as a whole, and not just their importance to the lead agency's area of jurisdiction. For example, the potential loss of aggregate from this proposed project could reach close to one-third of the estimated reserves currently permitted. Thus, how does the County plan to recover the loss of aggregate resources should the proposed project be implemented when the County already has limited supply of permitted reserves (projected to be less than 10 years)? Prior to proceeding with this proposed project, it is recommended that the Notice address the

justification for the loss of this mineral resource as required by State law under PRC Sections 2762 and 2763, and how the County plans to make up the loss of available aggregate should the project move forward, including, but not limited to, identifying specific areas that are both accessible and will make up the resource loss if the County chooses to proceed with the proposed project

-oOo-

The SMGB appreciates the opportunity to review and provide comments on the Notice, and would appreciate being included on future notices or notice of public hearings concerning this matter. Should you have any questions regarding the contents of this correspondence, or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Stephen M. Testa
Executive Officer

cc: Dr. John G. Parrish, State Geologist and Director of the California Geological Survey
John Clinkenbeard, Senior Engineering Geologist, California Geological Survey



DEPARTMENT OF CONSERVATION

CALIFORNIA GEOLOGICAL SURVEY

801 K STREET • MS 12-30 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 445-1825 • FAX 916 / 445-5718 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

RECEIVED
FEB 17 2015
PDS-DIRECTOR'S OFFICE

February 10, 2015

Mark Wardlaw, Director
County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

RE: Notice of Public Review – Statement of Reasons to Permit Proposed Use and Extinguish Access to Mineral Resources of Statewide Significance Findings Pursuant to Section 2762 of the California Public Resources Code. Shadow Run Ranch; PDS2000-3100-5223, PDS2000-3300-00-030, PDS2000-3700-00-0205, LOG No. PDS2000-3910-00-02-035; SCH No. 20020610066

Dear Director Wardlaw:

This letter is in response to the Notice of Public Review (Notice) by the County of San Diego's Planning and Development Services dated December 18, 2014. The proposed development project is described as the Shadow Run Ranch which is in the upper San Luis Rey River area. The following comments apply to the Background Information and Project Description sections of the Statement of Reasons.

Background Information:

The Statement of Reasons confuses the process of Mineral Land Classification with the process of Mineral Resource Designation. These are two separate processes, the first performed by the State Geologist and the second performed by the State Mining and Geology Board (Board).

Mineral Land Classification is the process of identifying lands containing economically significant mineral deposits, based solely on geologic factors, and without regard to present land use or ownership. Mineral Land Classification is performed by the State Geologist.

Mineral Resource Designation is the formal recognition by the Board, after consultation with lead agencies and other interested parties, of areas containing mineral deposits of regional or statewide economic significance, and based on the Mineral Land Classification performed by the State Geologist.

The area in question originally was classified MRZ-2 by the State Geologist in Special Report 153 - *Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region* (1982).

Subsequent to the Classification by the State Geologist, portions of the classified area were Designated to be regionally significant by the State Mining and Geology Board in *SMARA*

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Designation Report 4 – Designation of Regionally Significant Construction Aggregate Resource Areas in the Western San Diego County Production-Consumption Region, April 1985. Those regionally significant areas near the proposed project are:

Sector D – Alluvial deposits of the upper San Luis Rey River, extending discontinuously from the Interstate 15 bridge upstream to the community of Rincon in Pauma Valley; and,

Sector E – A hillside alluvial fan deposit located northeast of the San Luis Rey River, extending from the community of Pala to Pauma Valley.

The Statement of Reasons indicates that the area is designated to be of statewide economic significance when it is actually designated to be of regional economic significance.

The lead agency requirements for action prior to permitting a use which would threaten the potential to extract minerals in an area classified or designated differ somewhat depending on the classification or designation of the area. For areas classified MRZ-2 (Mineral Resource Zone 2 – Economic), those requirements are found in Public Resources Code (PRC), Division 2, Chapter 9, Article 1, Section 2762. For areas designated by the Board as having mineral resources to be of regional or statewide economic significance, those requirements are found in PRC, Division 2, Chapter 9, Article 1, Section 2763. Lead agency land use decisions involving areas designated as being of regional economic significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to the lead agency's area of jurisdiction.

Project Description:

The project description states that approximately 110 acres of the 248 acre site have been designated by the State Mining and Geology Board as an area that contains mineral resources of regional significance. The figure included with the Notice shows only the project boundary and not the areas classified by the State Geologist or designated by the Board. It appears that approximately 75 to 80 percent of the project area overlaps with the classified and designated areas. This would be more than the 110 acres indicated in the document, possibly as much as 180-200 acres. The 110 acres may represent the footprint of just the residential development on the project site, but the document indicates that future access to the MRZ-2 lands for mineral extraction would not be allowed on the biological open space, agricultural open space, or recreational open space portions of the project site in addition to the residential development area.

In addition, one of the reasons given for project approval is that there are single family residences within a quarter mile of the project site, which are incompatible with future extraction of mineral resources within the MRZ-2 area of the project site. If the presence of single family residences is seen as an incompatible land use, then the construction of additional residences on the project site could prevent future extraction of mineral resources in MRZ-2 and designated areas beyond the project boundary. If the future extraction of mineral resources within a quarter mile buffer around the project site were also precluded by the development, then an additional 200-300 acres of classified and designated mineral resources would be unavailable for exploitation.

The total loss of classified and designated mineral resources could be as much as 400 to 500 acres and not the 110 acres indicated in the Statement of Reasons. This could impact as much as 50 million to 60 million tons of aggregate resources.

Summary of Issues:

The Statement of Reasons does not recognize the distinction between Classified and Designated mineral resources. In addition, the Statement of Reasons does not appear to accurately describe the overlap between the project area and the classified/designated mineral resources nor does it fully consider the potential impact of the proposed project to the mineral resources.

The construction and paving industries consume large quantities of aggregate and future demand for this commodity is expected to increase throughout California. Aggregate materials are essential to modern society, both to maintain the existing infrastructure and to provide for new construction. Therefore, aggregate materials are a resource of great importance to the economy of any area. Because aggregate is a low unit-value, high bulk weight commodity, it must be obtained from nearby sources to minimize economic and environmental costs associated with its transportation. If nearby sources do not exist, then transportation costs can quickly exceed the value of the aggregate. Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, air pollution, traffic congestion, and road maintenance. Land-use planners and decision makers in California are faced with balancing a wide variety of needs. Increasingly, as existing permitted aggregate supplies are depleted, local land-use decisions regarding aggregate resources can have regional impacts that go beyond local jurisdictional boundaries.

According to California Geological Survey Map Sheet 52 (2012), the projected 50-year demand for construction aggregate in the Western San Diego County region is more than 1,000 million tons for the period January 1, 2011 through December 2060. The estimated aggregate reserves (currently permitted resources) as of January 2011 is 167 million tons with an expected life of less than ten years.

We respectfully request that the County thoroughly weigh its considerations regarding the availability of its locally obtainable aggregate resources when planning developments that may adversely impact the local and regional environment, and remove those resources from local and regional public consumption. Thank you for allowing us to comment on this matter.

Sincerely,

A handwritten signature in black ink, reading "John G. Parrish". The signature is fluid and cursive, with a large, sweeping initial "J" and "P".

John G. Parrish, Ph. D., PG
State Geologist

Hingtgen, Robert J

From: dsdardon@aol.com
Sent: Monday, October 27, 2014 11:31 AM
To: Hingtgen, Robert J
Subject: Fwd: Shadow Run Ranch proposal

LATE

One more time; apparently I like to add "e" to the end of an email address.

Darlene V. Shiley

-----Original Message-----

From: dsdardon <dsdardon@aol.com>
To: Robert.Hingtgen <Robert.Hingtgen@sdcounty.ca.gov>
Sent: Mon, Oct 27, 2014 11:28 am
Subject: Shadow Run Ranch proposal

Mr. Hingtgen,

I apologize for missing the comment period deadline regarding the Shadow Run Ranch proposal, but I was on a planned trip out of the country from September to late October.

While I have technically missed the deadline, I submit a resounding "No, don't do this" that I suspect you have heard from others, and that this email will confirm. How the County could possibly consider such a large scale development in this area, with the incredibly serious water deficiencies, is inconceivable to me and many.

The County should, in fact, declare a moratorium on any multiple building developments until the area's drought situation has been alleviated.

I will forward my comments to our area Supervisor Bill Horn and to Chair of the Board of Supervisors, Dianne Jacob, and anyone else I determine should act on this.

Thank you for your attention and hoped for action on this subject project. I look forward to your early response.

Darlene

Darlene V. Shiley

Hingtgen, Robert J

From: Thomas Cerruti <tcerruti@findtofund.com>
Sent: Monday, October 27, 2014 12:43 PM
To: Hingtgen, Robert J
Subject: Shadow Ridge



Dear Mr. Hingtgen,

Please consider this a comment concerning the proposed Shadow Ridge project. I am strongly opposed to this, and any other large scale development project, until our water situation improves dramatically.

Sincerely,

Thomas E. K. Cerruti
P. O. Box 615
Pauma Valley, CA 92061
(619) 887-1900 (mobile)
tcerruti@findtofund.com



**COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND DEVELOPMENT
SERVICES: Zoning
COMMUNITY PLANNING OR SPONSOR GROUP
PROJECT RECOMMENDATION**

PROJECT NAME: SHADOW RUN Ranch - Tent. Tract 5223

PROJECT CASE NUMBER(s): _____

PLANNING / SPONSOR GROUP NAME: Palu Pauuma CSG

Results of Planning / Sponsor Group Review

Meeting Date: 8/6/19

A. Comments made by the group on the proposed project.

B. **Advisory Vote:** The Group ☒ Did or ☐ Did Not make a formal recommendation, approval or denial on the project at this time.

If a formal recommendation was made, please check the appropriate box below:

MOTION:

- ☐ Approve without conditions
☒ Approve with recommended conditions
☐ Deny
☐ Continue

VOTE: 6 Yes 0 No — Abstain

C. Recommended conditions of approval:

Recommend that staff include as strong conditions
as possible to try to have all groves PROFESSIONALLY
maintained. Largest "at risk" trees will be those
on individual home lots.

Reported by: Bradley Amst Position: Chair Date: 8/7/19

Please email recommendations to BOTH EMAILS; Project Manager listed in email (in this format):
Firstname.Lastname@sdcounty.ca.gov and to CommunityGroups.LUEG@sdcounty.ca.gov.

PDS-534 PDS-534 (01/12)



County of San Diego, Planning & Development Services

**COMMUNITY PLANNING OR SPONSOR
GROUP PROJECT RECOMMENDATION
ZONING DIVISION**
Record ID(s): PDS2001-3100-5223Project Name: SHADOW RUN RANCH, LLCPlanning/Sponsor Group: Pala-Pauma

Results of Planning/Sponsor Group Review

Meeting Date: July 1 2014

A. Comments made by the group on the proposed project.

See attached

B. **Advisory Vote:** The Group ☒ **Did** ☐ **Did Not** make a formal recommendation, approval or denial on the project at this time.

If a formal recommendation was made, please check the appropriate box below:

MOTION:

- ☐ Approve without conditions
☒ Approve with recommended conditions
☐ Deny
☐ Continue

VOTE: 5 Yes 0 No 1 Abstain 1 Vacant/Absent

C. Recommended conditions of approval:

See attached

Reported by: John Mathews Position: Chair Date: 7/5/14

Please email recommendations to BOTH EMAILS;

Project Manager listed in email (in this format): Firstname.Lastname@sdcounty.ca.gov and to CommunityGroups.LUEG@sdcounty.ca.gov

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<http://www.sdcounty.ca.gov/pds>

Pala Pauma Valley Sponsor Group (PPCSG)

Third Comments of PPCSG on Shadow Run Ranch development proposals..

The below recommendations summarize the viewpoints of PPCSG developed during a meeting with representatives of the Applicant for the Shadow Run Ranch development at the public meeting held July 1, 2014.

PPCSG voted to approve the project with the previously made comments noted. The previously made comments that have not been addressed or resolved are:

- I. **Project Access.** *PPCSG recommends that the intersection of SR-76 and Haas Grove Lane (the development main entrance) include a deceleration lane for west bound traffic entering the development and an acceleration lane for traffic exiting the development to be eastbound.* Caltrans, by Ms. Berman the Director of District 11, in its letter dated March 7 to PPCSD noted that "Caltrans made a recommendation for the inclusion of a westbound deceleration lane and an eastbound acceleration lane." To the contrary, the representatives of the Applicant stated at the July 1 meeting that Caltrans would not permit the provision of such lanes. The conflict demands resolution. If indeed the recommendation of Caltrans is as set forth above then PPCSG is of the view that such acceleration and deceleration lanes be provided to improve traffic and public safety for safety as the rapidly increasing traffic volumes having atypical busy hours worsen the level of service on SR-76.
- II. **Maintenance of avocational agriculture.** *PPCSG strongly recommends that there be a recorded obligation running with the lots to maintain avocational agriculture, including the obligation to provide professional management, required agricultural care, and replacement of trees of greater than productive age or not in productive condition.* Promotion of avocational agriculture is a feature of the PPCSG Subregional plan. The Project Summary sets a high tone for the development to: "Preserve the site's agricultural resources ... preserve the sit's natural beauty ... and to preserve the community character of the area with a design that is consistent with the Pala/Pauma Subregional Plan." Not to so provide for the maintenance of those objectives long after the completion of the project is to provide for a deterioration of the milieu that the development seeks to establish; one that is consistent with the character of the area.
- III. **Inclusion in development of land under common ownership.** *PPCSG recommends that the Project alternatives analyzed include the alternative of including in the Project the land under the Applicants ownership located between the Project and Adams Drive.* On the basis of land use controls limiting this land to be developed for no more than three homes, this recommendation originally made for all such land has been varied to only apply to the land that will underlay the alternate access to the project. It is far more preferable for such land to be owned by the Homeowners Association that to be the subject to an easement burdening the land under the future control of some now unknown owner. The unanticipated difficulties and disputes that arise from development and housing access over easements are legion and can now be prevented from being a problem of any nature for future owners.

PALA - PAUMA COMMUNITY SPONSOR GROUP

P.O. Box 1273

Pauma Valley, CA 92061

Phone: 760-742-0426

**REGULAR MEETING, JULY 1, 2014,
APPROVED MINUTES**

Page 1 of 3

Date: July 1, 2014

Scheduled start time: 7:00 PM

Place: Pauma Valley Community Center
16650 Hwy. 76
Pauma Valley, Ca. 92061

1. CALL TO ORDER: 7:04 PM.

- a. Roll Call and quorum established: 6 members were present. Andy Mathews, Chairman; Brad Smith, Vice Chairman; Fritz Stumpges, Secretary; Ron Barbanell; Ben Brooks; and Robert Smith. Stephanie Spencer was absent.

2. APPROVAL OF PREVIOUS MINUTES:

- a. The minutes for the March 4 and May 6 meetings had been corrected and distributed before the meeting for final review. There were no further additions so Ben moved to approval them both, Brad gave the second and they were approved 6-0.

3. PUBLIC COMMUNICATION, OPEN FORUM:

- a. There were no comments from the public.

4. ACTION ITEMS:

- a. First on the agenda we heard from three representatives of the proposed Shadow Run Ranch Development off of Highway 76 and north of Adams Drive. Mark Thompson is the Project Engineer, Dan Masson is the Project Manager for the developer, and Ron Deutschendorf is the Project Manager Representative for the owner, Sherrill Schoepe. We reviewed the latest site plans and reviewed their responses to our previous comments. We discussed the noise requirements along the highway, and the 24 foot fire road requirements for Adams Drive. We then returned to the Highway 76 access intersection. Andy pressed them on their claims that Caltrans had wanted to not include west bound deceleration and exit acceleration lanes whereas his conversation with Laurie Berman, District 11 Director at Caltrans, said that they had proposed them but there were no set traffic thresholds that require them. Dan and Mark reiterated their claim that Jacob Armstrong and Karen Jewel, Caltrans design engineers who told them what was required and approved the plans, had asked to remove the lanes from their initial proposals because they didn't want to include anything that wasn't justified by traffic studies and code requirements. Andy stated his concern for failure to address forecasts of 26,000 ADT's on the highway between Interstate 15 and Cole Grade Road in the near future and that we would be pressing the county to consider this accumulation of new development impacts.

Ron then questioned them on the global picture of the project and the need for their 44 new homes. He questioned the stated study showing 153 needed here in addition to the 800 home Warner Ranch development and the maybe 2400 or more homes proposed near the Interstate. They replied that they believed that there would be a need for these higher end homes and that this need was unrelated to the other tract homes proposed elsewhere. Ron then questioned the

transition from active agriculture that has been there since the 60's, to a homeowner's association and 44 individual lots with active grove still encouraged, but not required. How will the HOA take over as this is seen as a slowly developing project? They replied that typically the developer will manage the association with shared responsibility until around 50% of the lots are sold. Ron and other's are concerned about insuring the survival of the proposed groves and want some guarantees that this important aspect of the HOA plan remains a documented requirement with binding specificity. We don't like that this important aspect be left as an option where, "homeowners have the opportunity to retain agriculture and have it managed by the HOA". Ron emphasized that none of this nice sounding agriculturally sensitive project need be there after a few years with no written requirements. They responded that they were doing the best they could to design and sell it like that but you cannot make it a requirement for agriculture to work on each individual's property. They will retain a guaranteed 39 acre grove and the buffers as part of the HOA. They will still retain the inexpensive private water supply and the connection to a larger operation which will help the owners retain viable small groves.

There was then a comment that the local school district may now be Valley Center Pauma and not Fallbrook as mentioned in one of their documents.

Andy then asked if they would consider making their proposed private park a public one. This would help the community with our shortage of parklands and mitigate their requirement to support parks through alternative PLDO county fees. They responded that they had not considered that but that they would take a look at it.

Andy then brought up his contention that the secondary access onto Adams Drive is made by easement through a separate property owned by the same developer of the project. He brought up the many problems which arise with separate access easements and suggested instead that the land be included in the project, by simple boundary adjustment or some other means. They responded that there was no way that they could begin a new boundary adjustment at this stage because the county would require a complete restart and that currently both they and the county just want this proposal to be done with! They offered that if the county, in final engineering, were to allow Sherrill to do a simple boundary adjustment, they could see no reason not to as this is what everyone would like, but the past 11 years of negotiations on this agreed plan will not currently permit it. After some final discussions about approval, Brad moved to approve this project, noting a couple of the issues that we've raised in the past and only those that have not been addressed positively. Fritz gave the second and Andy then raised one more problem area. That was the inclusion of 3 additional lots on the east side of the development, owned also by Sherrill Schoepe but not a part of this development, that are included in the annexation application into Yuima water district. He feels that this is additionally growth inducing. They responded that these 3 legal lots are permitted one house each, with one already having a home. That only leaves the two remaining lots allowed one home each and one of them the subject of possible boundary adjustment to allow the access road to be fully included in the development. Everyone was satisfied and the vote was to approve with 4 yes, 0 no, 2 absent, and 1 abstention.

- b. We next considered Initial Study / Draft Environmental Assessment documents from Caltrans. These are for the proposed intersection improvement at Highway 76 (State) and Valley Center Road (County). Fritz and Brad attended Caltrans open house public review on July 7th, 2014 here at this community center. Brad summed up their comments. First, Caltrans is offering 3 proposals: Do Nothing, A Roundabout Intersection, and A Signalized Intersection. Brad noted that both intersection improvement plans importantly eliminate the first curve into the intersection from the east and this corrects the most severe problem there; that being the limited sight distance to the east and the final sharp curve into the intersection. But, Caltrans fails to straighten the next curve east which is also not rated for the speed, being over twice as sharp as required for the speed there. It could be straightened out much better, all within the current limits

of the project. Caltrans said that improvements there were limited to signage, warning of the approaching intersection. Our recommendation was to straighten this curve also, thereby eliminating the inadequate line of sight and loss of control element of accidents responsible for many accidents in the area.

Fritz and Brad stated that Caltrans did not have any documents present to document the actual accidents at the intersection. This made it very hard to evaluate the factual need for improvements, other than to rely on hearsay. Caltrans stated that the data was in the Project Study which was not available. Three Cal Fire employees were present and they are the first responders for accidents there. Unofficially, none of them could remember an accident at this intersection right where they are stationed, but they said most were further east on the grade.

We then discussed the two options for intersection upgrade. Fritz stated he favored the roundabout but with changes. Brad, who earlier opposed the roundabout, now hesitantly favored it. Ben said that he had spoken with the owner of the fruit stand at the intersection and they had never seen an accident there, only up the grade. He felt that it was not a good idea to have heavy laden trucks, which have had to use their brakes extensively coming down the long grade, now to have to slow way down or stop for roundabout or stop for a red light intersection. He felt that straightening out the road for good sight distance to the east and additional flashing yellow lights there was best and it allowed west bound traffic from Valley Center to make the turn on to Highway 76 safely. Ron stated his impression that roundabouts were used in other parts of the country and world but that here they had more accidents than signalized intersections. Brad stated that Caltrans' data says that roundabouts are much safer and especially when considering accident severity where collisions tend to be glancing sideswipes rather than head on or t-bone types. Andy added that there are benefits to roundabout's ability to handle varying traffic volume which will be important considering the projected large increase in traffic coming out of Harrah's and Valley Center to west bound Hwy 76. Fritz then added two considerations that he felt important. Westbound trucks have been braking all the way down the grade from Lake Hinshaw and need either a thru lane or a truck emergency pull out lane. He also added that the proposed roundabout is too small with turn radii too tight to permit truck passage without having to ride up on shallow curbs. Consideration should be given to larger roundabout or a two lane one to eliminate these sharp turns.

Andy then summed up our proposal to the county: We would like to see more data from Caltrans on the accidents to be able to make an informed recommendation. This being a draft proposal we will have plenty of time to comment more accurately in the future. With this in mind, we currently favor a roundabout. We want the realignment of the downhill side of the highway. We would like consideration of an escape lane for downhill trucks. We also feel that trucks should be able to go through the roundabout without going up on curbs.

5. ADMINISTRATION:

- a. The county is requesting our summary of completed Form 700 and Ethics training dates and signatures. We reviewed remaining data required.
- b. Under expenses, Fritz presented invoices from the community center for the first and second quarters of this year. He was not able to submit the first quarter until now. There are 6 months at \$35/month, whether or not we cancelled our meetings. Fritz moved that we submit them to the county for payment, Ron gave the second and they were unanimously approved 5-0.

6. ADJOURNMENT:

- a. We adjourned at 8:04

Fritz Stumpges, Secretary PPCSG

These minutes were approved at the August 5th meeting, Ben moved, Robert 2nd, approved as submitted 4-0.

PALA - PAUMA COMMUNITY SPONSOR GROUP
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REGULAR MEETING, FEBRUARY 5, 2013,
APPROVED MINUTES

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Date: February 5, 2013

Scheduled start time: 7:00 PM

Place: Pauma Valley Community Center
16650 Hwy. 76
Pauma Valley, Ca. 92061

1. **CALL TO ORDER: 7:03 PM.** Roll Call and quorum established: Five members were present: Andy Mathews, Chairman; Fritz Stumpges, Secretary; Ron Barbanell; Ben Brooks and Brad Smith. Bill Winn, Vice Chairman and Stephanie Spencer were absent.
2. **ELECTION OF OFFICERS:** First we needed to elect new Officers for this board with 4 new members, one, Fritz returning for his last 4 year term. Ron moved to nominate Andy (Charles) Mathews continue as Chair, Fritz gave a second and with no further nominations Andy was elected Chairman 5-0. Next Fritz nominated Bill Winn to Vice Chairman with Bill's previous agreement to serve if elected. Brad gave the second and Bill was elected 5-0. Lastly, Andy nominated Fritz to serve again as Secretary and Ben gave the second. The vote was again 5-0 in favor.
3. **ADMINISTRATIVE MATTERS:**
 - a. The minutes of the December 4th meeting had been circulated to all members and corrections incorporated. The minutes were re-circulated prior to the meeting. Brad then made a motion to accept these minutes as amended, and Ron gave a 2nd. With no further discussion, the minutes were approved unanimously 5-0.
4. **OPEN FORUM:**
 - a. Sue Stockton informed us that Tuesday, March 19th from 4 to 6 PM, in this hall, there will be a meeting with CalTrans for public discussion of the junction of Hwy 76 and S6, Valley Center Road. Andy asked if Department of Public Works would also be there and Murali Pasumarthi from the DPW said that they wouldn't be there formally but only if invited to be present as another commenter. The DPW will be following the development but can only make comments/suggestions since CalTrans has responsibility.
 - b. Andy then mentioned that Sol Orchards has withdrawn its application for a solar farm on El Sendero road here. They still own the 10 acres of land and may do another development in the future.
5. **DISCUSSIONS:**
 - a. Next we had a presentation and discussion on the Proposed new development, Shadow Run Ranch. This is a proposed 44 home development on the NW corner of the intersection of HWY 76 and Adams Drive. The 248 acre development is proposed as consisting of 102 acres for the homes, approximately 47 acres preserved as it is currently in groves and the remaining 91 acres dedicated as RPO Wetland, Impact Neutral, Biological Open Space. Ron Duchendorf is Sheryl Schoepe's representative (Owner) and he told us of their desire to retain as much grove as possible there. Each lot is approximately 2.3 acres and will start with all of the existing grove here intact. The Homeowner's CCR's when completed will encourage maintenance of their

individual trees but allow changes as long as it remains irrigated landscape as required by fire regulations. Mark (?) showed topo and aerial maps with the development and adjacent roads. Brad asked if the CC&Rs would prohibit in-home businesses and what would be the limits if they were allowed? Ben asked if there were any proposed restrictions on minimum size, types and designs? The owner would be required by the county to provide streets, services and drainage. The drainage control will be specified under new hi impact storm water requirements for Hydro Modification Ponds. Ron then asked about visibility from adjacent roads. Mark replied that along Hwy 76 there is a required 100 ft. buffer with trees to maintain the agricultural appearance. It is about 8 ft. higher than the highway and the trees screen the visibility of the homes. Andy reminded them that Hwy 76 is designated a County Scenic Highway. They were ask as to the time limits for building the project and Mark responded that they have not decided as to whether the owner, separate developer, or individual lot owners would build the project. Ron said that his concerns were the increased density and traffic and the general appearance of the valley and then asked the board why we were concerned about what the homes looked like and what were we trying to make better if we could not see them from the roads? Fritz responded that we were just trying to get a feel for what we were asked to approve. After the developer's reps were questioned, they responded that they did not know if it would be a gated community or what the price range might be, though they would be more high end. Andy then asked about the status of the proposed exit sites. Mark responded that they needed two fire exits and that the county has approved of the Adams drive exit as one but CalTrans was still reviewing the details of the Hwy 76 exit which proposes 70% westbound and 30% eastbound flows there. Also the county is still trying to force them to possibly widen Adams from its current approximate 16 feet to the required 24 feet. This is obviously a game killing requirement that must be addressed. Current residents who have paid to maintain Adams drive have enough trouble getting out on the highway than doubling the access load there. Ron then asked how they will monitor the impacts of its new development like storm water. They said that they have to meet many new control regulations like the Hydro Modification requirements. Fritz added that it was by design and not real monitoring that made it compliant. Al Savard added that any grove irrigation runoff is currently punishable by fines. Ron asked if there were new more restrictive rules than the "old grandfathered in anything goes" when it comes to what you can put into the ground. Andy then asked about the plans for Propane Tanks. They had not planned for it yet. Andy then reminded them that they needed to address any requirements from the County Scenic Highway designation in their plans; especially with west bound traffic and the groves there. They then said that both entrances were still having their final alignments determined and that they would be sure to consider this. Andy also mentioned noise requirements being established by a Thursday afternoon survey and that a Sunday evening would be much louder. Andy mentioned that if the traffic was to be moved from Adams to Hwy 76 then the study needs to be modified to reflect any changes from 100% anticipated on Adams Drive. Andy then questioned the certainty that Yuima would be able to sign off on water supply without MWD annexation. Mark then replied that since the property had water that there would be a zero net impact. Andy said that the county has stated that it did not anticipate any new development outside the MWD. Mark then said that this was a desire not a requirement. 3 of 4 should be considered in the plans. Lastly, Andy stated that there was no economic study Andy then questioned their plans for fire flow. Mark then mentioned that the fire departments will continue to use their reservoir for filling helicopters and that they will need to complete the designs for proper water pressure/flow. Next was questioned the timeline schedule for the proposed 30" Northern Pipeline right through their project development. Mark stated that the delayed pipeline, if built, will follow roads through the development. Andy said that the environmental impact would be substantial and justifying the need or benefit of a 44 home development here. In addition there are no economic plans for who would bear the burden of a slowly built or sold project leaving very high fixed costs for the HOA. It is our suggestion that there be such a study done. Brad added that we

would like to see early resolution of the vague CC&R's that will be relied upon substantially for this project. Fritz then questioned the reason for not including the strip of land bordering Adams drive and they responded that it had many restrictions, such as a creek bed, to prohibit any development. The reason it was not included as open space is that this land was acquired long after this development was planned. He also requested that the Agricultural Land within the development revert to Open Space should it fail to be viable. Ben then questioned whether or not they still felt that they would be able to address the many questions and requirements still remaining within a reasonable time period. Mark then said that it was their intention to get thru the entitlement process within 4 months and then have county/public review at the end of year. Then about 1-1/2 years more for a final map. So about 3 years. Sue Stockton then questioned the intersection proposed onto Hwy 76. Mark showed her the proposed moving it east for better sighting. Andy then asked to get a motion to have him compose a reply to the county for comments and for us to either Approve, Approve with Conditions, or Not Approve this plan for its completeness, compatibility of the design with local surroundings, the consistency within the community plan, and any specific concerns we may have. We agreed that we liked the vision of the plan but wanted a conditional approval needing many conditional details just discussed to be supplied, Ron made a motion to continue until such additional information was available and to authorize Andy to summarize the Committees discussions in a report to DPDS, Ben gave a second and it was approved unanimously 5-0. The final Report is Addendum 1, attached.

- b. Next we heard a presentation on the proposed new traffic signal at Harrahs Rincon Casino. First Ken Jones from the County Department of Public Works, Roads Division gave a presentation on the proposed project. The casino traffic study, where current volumes and turn counts were determined, was considered with projected additions from the current proposed expansion. Rincon Casino is planning to close its central main entrance and rely on the new north road and expanded parking lot there, and continued use of the south entrance with its current intersection and signal. They feel that the traffic volumes would best be served by an additional signal at the north entrance. Ken said that their traffic engineer presented his analysis to their committee and confirmed the needed new signalization of the north entrance. The county traffic advisory committee consists of CHP and Sherriff law enforcement, districts 2, 3, and 5, schools, risk management, AAA, and insurance representatives along with traffic and engineering. After hearing the details as we were also given they voted agreement with the proposed signalization and to forward this recommendation to the Board of Supervisors to consider at their March 20th meeting. Andy emphasized the communities concerns that traffic flow along VC Road be the main priority and that signalization be timed so as to facilitate through traffic. We heard the details of the turn pockets and the interconnectedness and proposed timing and the way special events will be handled by CHP with manual control of the signals timing. Andy mentioned that there were concerns that the current signals were not properly addressing traffic exiting the casino in the right lane, which has exited and then the signal goes ahead and stops traffic anyway. Murali Pasumarthi, Manager of the Traffic Engineering responded that timing should be able to detect this and that he would look into it immediately to ensure proper operation so as to allay these frustrating situations. We asked that the current 50 MPH speed through these intersections be considered and prioritized. A community member expressed concerns about pedestrian foot traffic from parking lots across the street, and persons running across the highway at night for special events. She also complained about these special parking lots which allow people to exit across traffic right in front of oncoming traffic with no signalization. Then she also brought up the unsafe foot traffic to and from the bus stop across the street from the 7-11. It appears that the light is not pedestrian friendly or something. Andy then mentioned the inadequacy of the 5 car left turn lane for north bound traffic at the south entrance. The excess stopped cars force through traffic to stop even while the light is green for them. There may be inadequate room for lanes there. Brad emphasized that the primary concern here is the inadequacy of the size capacity of the left hand turn lanes and that it is a design flaw which needs addressing. Murali P. assured

him that he would check into this. Fritz then asked if it would be possible to realign Morales Lane and the excess parking traffic on it, to be in alignment with the traffic light only 50 feet or so south. Again Murali said that he could check on it. Andy then asked if the county had asked the casino traffic management what they were doing to encourage northbound traffic use the north exit and similarly with the southbound traffic, so as to lessen cross traffic? Again Murali said that he would propose signage or something to encourage beneficial traffic flow inside the Casino. Murali P. closed by saying that the Rincon Harrahs Casino has been one of the best at cooperating with the county.

- c. The last item on the agenda was about our response to the Gregory Canyon Landfill comment period. We have sent in our comments several times before and felt that we had nothing new to add. Ron mentioned that there was something that the Mayor of San Diego was going to do with the Sanitation Board or something and was wondering if we knew anything about this?

6. Administrative Operating Expenses

Andy requested that we approve his request to the county for some office supplies. Fritz made a motion that he do so and Brad gave a second. Fritz also had an invoice from the Pauma Valley Community Center for the last quarter of 2012 rent for the hall. Ron moved to forward the invoice to the county for payment for the 3 months at \$35/meeting, \$105 total. Ben gave a second and it was approved 5-0. Ron asked if we could get PA system so as to better hear each other during these meetings. He offered to look into it.

7. ADJOURNMENT:

Fritz moved to adjourn, Ben gave a second, all were in favor and the meeting was adjourned at 9:00 PM.

Fritz Stumpges, Secretary, PPCSG

These minutes contain the following 4 page Addendum. It is a copy of the official summary of our Recommendations on the Shadow Run Ranch Site Development Proposal. It was crafted by Chairman Charles (Andy) Mathews as directed above and sent to the Board Of Supervisors in response to their request for comments.

These minutes were approved at the March 5th regular meeting. Ben moved to accept as presented, Brad gave a second and it was approved 4 – 0 with two abstaining: Andy, Ben, Brad, Fritz for; none against, and Bill abstaining because he wasn't at the meeting and Stephanie was also absent from the meeting and in addition could not vote due to incomplete training records.

Pala Pauma Valley Sponsor Group (PPCSG)

Recommendations concerning Shadow Run Ranch Site development proposals.

The below recommendations were adopted and approved by resolution made, seconded and unanimously carried at a public meeting of PPCSG held February 5, 2013, at which the Tentative Map and Preliminary Grading Plan provided by the Applicant and a Draft Project Description and Letter of December 14, 2012 from DPDS to the Applicant were considered, along with an oral presentation of “Representatives” of the Applicant and their responses to both PPCSG Member and public questions.

I. Uncertainty of access to the Project.

1. *PPCSG recommends that once access route to the project is determined that the Tentative Map be revised, traffic calculations and intersection configurations be reestablished and reviewed prior to the publication of the Environmental Impact Report (EIR) for public review.* The draft Project Description identifies Adams Drive as being both primary and secondary access to the Project yet the December 14 letter and the oral presentation of the Representatives indicates that discussions are underway with Caltrans to have a Project access to SR-76. The Traffic Study is based upon 100% of the Project related traffic using Adams Drive. The impact of such a direct access proximate to Adams Drive could be significant and there was no information available as to the configuration of such an additional intersection, the likely traffic volumes of the two SR-76 access points, the provision of two left turn pockets, the provision of adequate slowing and acceleration lanes, the impact on the nearby bus stop, etc.
2. *PPCSG recommends that the relocation of the Adams Drive and SR-76 intersection be such as not to result in a significant reduction in screening of the Project by established trees and vegetation. Further, PPCSG recommends that there should be a requirement running with the land that precludes subsequent removal, and requires replacement of, such trees and vegetation screening of the Project.* The Tentative Map illustrates a relocation of the Adams Drive and SR-76 interchange by off-site road dedication encroaching upon APN 111-190-10. That APN and APN 111-080-16 (both presently under the ownership of the Applicant) are the locations of well established trees and bushes that screen the Project from nearby westbound traffic on SR-76.
3. *PPCSG recommends that the Noise Study of the Project be conducted again to incorporate the break in the noise barrier that would result from a direct access to SR-76 (should that be agreed) and, in any case, to be based upon weekend busy hour, not mid-afternoon, mid-week traffic volumes.* The Tentative Map illustrates a 100-foot wide noise control feature, which also acts to screen the Project from traffic passing on SR-76. A break in that feature to provide access to SR-76 will significantly reduce the effectiveness of the feature and provide direct noise access to the Project. The break will also result in reduced screening of the Project from passing traffic. In any case, it appears that data collection for the noise analysis resulting in the requirement for a noise protection easement was conducted around 5 p.m. on a Thursday – not representative of the heavier traffic volumes at weekends

II. Completeness and accuracy of the draft Project Description.

1. *PPCSG recommends that an economic or housing study be commissioned to support the Project's second objective and establish with certainty why the most environmentally alternative project is not selected.* The second stated objective of the Project is to “[p]rovide needed housing for the community”. Further, the analysis of Project alternatives states that the No Development Alternative [NDA] would “not meet any of the [A]pplicants objectives such as providing needed housing” and that “the NDA is the environmentally preferred project.” Yet there is no economic or housing demand study to support that objective – a key to why the environmentally desirable alternative is not selected. Additionally, concern of the community is the adverse impact that there would be on the community were the Project to proceed, the demand not to occur in a reasonable timeframe and there being a large number of higher end undeveloped lots resulting in a depression of pricing throughout the area.
2. *PPCSG recommends that how the Applicant intends to manage development of the Project subsequent to grading, establishing roads and pads, etc., be fully addressed in the Project Description.* The Project Description does not adequately define whether it is the intent of the Applicant to create an infrastructure and then sell building pads to others, or to develop a master planned community by building either spec and/or custom homes on the established pads, or a combination. In particular, a concern of the community is the effect upon the to-be formed Homeowners’ Association (HoA), which is planned to have extensive responsibilities, and the ability to appropriately and dependably transfer the financial burden and authority from the Applicant to the eventual homeowners. The Representatives were unresponsive on this point.
3. *Because of their significance to the Project and the community, PPCSG recommends that a summary of the key restrictions of the proposed CC&Rs be included in the Project Description and that the approval of CC&Rs by DPDS after review by PPCSG be a condition of grant of the final map.* The Project Description contains references to the responsibilities of the HoA which are presumably to be documented in recorded CC&Rs. During the oral presentation the response of the Representatives to many key questions was “that will be defined in the CC&Rs.” Such questions included: minimum house square footage, architectural and landscaping standards, use for home-based business, etc. Apparently the CC&Rs are being drafted.
4. *PPCSG strongly recommends that the alternative of including in the Project the land under the Applicants ownership located between the Project and Adams Drive be included among the Project alternatives and there analyzed in detail.* Additionally, PPCSG recommends that a synopsis of the Project Alternatives be included in the Project Description. The Tentative Map clearly delineates the fact that land situated between the Project and Adams Drive is not to be incorporated in the Project even though such land is under ownership of the Applicant, and the Applicant has agreed to construct private roads on off-site easements across such land. Much of this land is agricultural and under fruit farming for the Applicant. If it were to be included in the development it would add to the agricultural income available to the HoA (thereby reducing costs), contribute to Project objectives, and avoid the possibility of further development of such land in the future (thereby favorably impacting the potential growth inducing impacts.).

5. *PPCSG recommends that the narrative of the Project Description and the draft EIR be amended to recognize that SR-76 passing the Project is a County Scenic Highway and to identify what additional environmental precautions will be taken.* Table COS 1 of the Conservation and Open Space element of the General Plan identifies SR-76 west of I-15 to the intersection with SR79 as a County Scenic Highway.

III. Compatibility of Project with character of local community

1. *PPCSG strongly recommends that there be a recorded obligation running with the lots to maintain avocational agriculture, including the obligation to provide professional management, required agricultural care, and replacement of trees of greater than productive age.* Because avocational agriculture could be a feature of the forty-four over two acre lots on 101.9 acres of the 248.2-acre the Project and the provision of one 91.3-acre biological open space lot, one 47.0-acre agricultural lot, and one 7.9-acre recreational open space, the Project is conceptually consistent with the character of the local community. However, it is not certain that much of that consistency will be long term as it appears that lot owners will be free to remove fruit farming from their lots subject to HoA oversight.
2. *PPCSG recommends that the topic of the annexation process of the lots of the Project into PRD 6 and the contribution of the newly annexing APNs to the sunk cost of the existing pavement be clearly addressed.* Adams Drive is a road maintained by the County as PRD6 and funded by assessments against APNs proximate to Adams Drive. The APNs owned by the Applicant adjacent to Adams Drive are included in PRD 6. But the APNs of the Project are not. Consequently, at least in community equity, the APNs of the Project, and their eventual subdivisions, should be included in the PRD 6 assessment area. Subsequent to annexation all APNs in the PRD 6 assessment area would pay a like assessment for the maintenance of Adams Drive.
3. *PPCSG recommends that the Tentative Map, the Project Description and the environmental assessments of the EIR be amended to provide propane tank gas delivery.* The Tentative Map and the Project Description make no mention of gas supply to the Project. Enquiry of the Representatives indicated that they believed that PGE supplies mains gas to Pauma Valley. That is not the case as Pauma Valley is served only by propane tank gas delivered by road by various suppliers.

IV. Specific Concerns

1. *PPCSG recommends that the Project Description and the draft EIR consider in detail the impacts of the timing of the construction of the Project and the construction of a 30-inch pipeline pass underneath the Project, both on the Project and on the adopted environmental study for the pipeline.* The Project is proposed to be built on land for which an Environmental Study has been approved to construct a 30-inch water pipeline. The Tentative Map illustrates that the roads to be developed in the Project are designed to coincide with the routing of the pipeline. However, the construction of the pipeline has been delayed and the timing of its eventual construction remains uncertain. One case would be if the pipeline were to be constructed prior to Project commencement, when provision would be required for pipeline maintenance access. A second case would be if the pipeline were to be constructed subsequent to Project start,

or even completion, when provision would be required for access to construct and subsequently maintain the pipeline.

2. *PPCSG recommends that the Tentative Map be amended to illustrate how non-potable water will be delivered to each of the residential lots for avocational agriculture use.* The Tentative Map illustrates on-Project storage of non-potable water for agricultural use and incorporates a limited distribution system. However the Project contemplates that metered, non-potable water will be delivered to each developed lot for avocational agriculture. The Tentative Map does not illustrate the distribution system within the Project to deliver non-potable water to each residential lot.
3. *PPCSG recommends that the Tentative Map be amended to show how fire hydrants will be located in the Project and how fire flow requirements of the responsible fire authority will be achieved, in particular will on-Project storage be required.*

Attachment H - Ownership Disclosure



**COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE: Zoning
APPLICANT'S DISCLOSURE OF OWNERSHIP INTERESTS
ON APPLICATION FOR ZONING PERMITS/APPROVALS**

Permit Number **TM 5223** Assessor's Parcel Number **111-070-12,13, 111-080-7 to 10,
14 to 16, 18**

Ordinance No. 4544 (N.S.) requires that the following information must be disclosed at the time of filing of this discretionary permit. The application shall be signed by all owners of the property subject to the application or the authorized agent(s) of the owner(s), pursuant to Section 7017 of the Zoning Ordinance.

A. List the names of all persons having any *ownership interest* in the property involved.

Sherrill Ann Schoepe, as trustee of the Sherrill Ann Schoepe Revocable Trust, *August 12, 1982,
As Amended*


B. 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.

NOTE: Section 1127 of The Zoning Ordinance defines *Person* as: "Any individual, firm, copartnership, joint 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 group or combination acting as a unit."

NOTE: Attach additional pages if necessary.

 *Sherrill Ann Schoepe, Trustee*
Signature of Applicant

 *JUNE 12, 2012*
Date



DPLU-305 (3/10)